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# IMPROVING JUSTICE IN LIBERIA

## A 2023 JUPITER ASSESSMENT

★ Governance Global Practice



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Washington DC 20433  
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# ABBREVIATIONS

ABA ROLI	American Bar Association Rule of Law Initiative
ADR	Alternative Dispute Resolution
AFELL	Association of Female Lawyers of Liberia
CENTAL	Center for Transparency and Accountability in Liberia
CEPEJ	European Commission for the Efficiency of Justice
CLDMC	Community Land Development and Management Committee
CMIS	Case Management Information System
CSAE	Centre for the Study of African Economies at Oxford University
DCAF	Geneva Centre for Democratic Control of Armed Forces
FCDO	Foreign, Commonwealth and Development Office, UK
FCV	Fragility, Conflict and Violence
GGP	Governance Global Practice of the World Bank Group
GREAT	Governance Reform and Accountability Transformation Project
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communications Technology
IDLO	International Development Law Organization
ILAC	International Laboratory Accreditation Cooperation
ISSAT	International Security Sector Advisory Team
JIC	Judiciary Inquiry Commission
JUPITER	Justice Pillars Towards Evidence-based Reform
LiberLII	Liberia Legal Information Institute
LISGIS	Liberia Institute of Statistics and Geo-Information Services
LNBA	Liberia National Bar Association
LWG	Legal Working Group
MIA	Ministry of Internal Affairs of Liberia
MFA	Ministry of Foreign Affairs of Liberia
MOJ	Ministry of Justice of Liberia
NGO	Nongovernmental Organization
OHCHR	Office of the High Commissioner for Human Rights, United Nations
PBO	Peacebuilding Support Office of the United Nations



SGBV	Sexual and Gender-Based Violence
SPF 2.0	Peacebuilding 2.0 Umbrella Trust Fund
TTL	Task Team Leader
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIL	United Nations Mission in Liberia
USAID	United States Agency for International Development
USIP	United States Institute of Peace
WB	The World Bank
WBG	World Bank Group
WDR	World Development Report
WJP RLI	World Justice Project Rule of Law Index



# ACKNOWLEDGMENTS

This study was developed under the Justice Pillars Towards Evidence-based Reform (JUPITER) Initiative by a team led by Erica Bosio (Senior Public Sector Specialist, Governance Global Practice), main author of the study. Extensive on-the-ground support was provided by Runyararo Gladys Senderayi (Senior Public Sector Specialist, Liberia Country Team). Excellent research and edits were provided by Samwar Fallah, Ana Palacio Jaramillo, Prince Powo, Kartik Saboo, and Virginia Upegui. Reviewers of the study included Deborah Hannah Isser (Lead Governance Specialist), Zahid Hasnain (Lead Governance Specialist), Adrienne Hathaway-Nuton (Governance Specialist), MacDonald Nyazvigo (Senior Financial Management Specialist), Christine Anyango Owuor (Senior Public Sector Specialist), Furqan Ahmad Saleem (Operations Adviser), Srdjan Svircev (Senior Public Sector Specialist), Georgia Wallen (Country Manager for Liberia), Caroline Nelima Wambugu (Operations Officer), Abdoul Akim Wandaogo (Consultant) and Cari Votava (Senior Financial Sector Specialist). Arturo Herrera Gutierrez (Global Director, Governance Global Practice), Tracey Lane and Roby Senderowitsch (both Practice Managers) provided overall guidance on the study. Additional support was provided by Reinhard R. Haslinger (Senior Operations Officer), and Katherine Elizabeth Wolff Siess (Program Assistant). Richard Crabbe provided editorial services, while design support was provided by Anatol Ursu.

The authors wish to thank representatives of the Office of the Chief Justice of Liberia; the Ministry of Justice (MOJ) – including their sections of Alternative Dispute Resolution (ADR), Child Justice, Civil Litigation, and Human Rights; the Judiciary – including the National Association of Trial Judges, the departments of Documentation, Information and Communications Technologies (ICT), Public Information, Personnel, Projects, Planning, the Judicial Institute, and various officials of the Temple of Justice in Monrovia; the Ministry of Internal Affairs (MIA), the Ministry of Finance and Development Planning, the Ministry of Foreign Affairs (MFA); the Liberia National Bar Association (LNBA); and the Association of Female Lawyers of Liberia (AFELL). The authors also benefited from discussions with members of the Inter-Agency Rule of Law Working Group in Liberia, including the International Development Law Organization (IDLO), United Nations High Commissioner for Refugees (UNHCR), former UNMIL (United Nations Mission in Liberia) members, U.S. Department of State, International Laboratory Accreditation Cooperation (ILAC), U.S. Agency for International Development (USAID), the Swedish Embassy, UN Women, United Nations Children’s Fund (UNICEF), and the Foreign, Commonwealth and Development Office (FCDO) of the Government of UK. Finally, this research would not have been possible without the support of hundreds of lawyers and users who afforded us their time in answering the JUPITER questionnaire. The authors are deeply indebted to UNDP for giving them full access to their most recent data, which was extensively used in this study.

This study was made possible by the State and Peacebuilding Umbrella Trust Fund 2.0 (SPF2.0) and by the Governance and Institutions Umbrella Trust Fund. The SPF2.0 is a global multi-donor fund administered by the World Bank that works with partners to address the drivers and impacts of fragility, conflict, and violence (FCV) and strengthen the resilience of countries and affected populations, communities, and institutions. The SPF2.0 is kindly supported by Denmark, Germany, Netherlands, Norway, Sweden, and Switzerland. The Governance and Institutions Umbrella Trust Fund is a multi-donor fund administered by the World Bank with the objective of supporting countries to improve public sector performance and institutional reform. It is kindly supported by the Chandler Foundation, the MacArthur Foundation, the Hewlett Foundation and the FCDO.

# ES.

## EXECUTIVE SUMMARY

Liberia's lack of effectiveness in handling judicial disputes has been consistently recognized as a weakness and one of the main obstacles to the country's transition out of fragility.<sup>1</sup> Liberia performs poorly in international datasets benchmarking justice and the rule of law. For instance, in the World Justice Project Rule of Law Index (WJP RLI), it ranked 112 out of 140 countries in 2022, meaning that it is among the thirty countries with the weakest adherence to the rule of law. This study originates from the Government's desire to improve the delivery of justice to its citizens through a practical sequence of steps that are underpinned by hard data and analytics.

In a first-of-its-kind JUPITER assessment, a standardized methodology is used to benchmark the state and performance of Liberia's judiciary against specific measures of effectiveness and to compare key features across countries. The study focuses on the effectiveness of the system in service delivery in three areas – access to justice, efficiency, and quality – and presents the main challenges that emerged from the empirical work to provide data-informed context-specific policy implications.

### The challenges

The empirical analysis yields four findings that shed light on the path toward the improvement of justice services in Liberia. First, the customary system is an integral part of the justice system, by law and in practice, and the preferred way to solve disputes for most of the population. Second, the jurisdictional boundaries of each system are unclear. Third, the formal system is perceived to be inaccessible and unfair, significantly more so than the customary system. Fourth, the courts are inefficient and characterized by long resolution times and high costs.

These four findings are documented using a large body of evidence collected in the process of developing this study, as well as empirical evidence from several other studies on the justice system in Liberia. Altogether, data from over 11,892 interviews with users over a period of 15 years support the analysis, giving credibility to the resulting policy implications.

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1. Liberia was removed from the World Bank Group's list of Fragile and Conflict-affected Situations (FCS) in 2022 after 10 years, reflecting the strengthening of the country's institutions.







### Coexistence of the formal and customary systems

- Liberia's legal framework regulates several dimensions of the customary system, but it is not sufficiently comprehensive
- 17% of the courts in Liberia are not functional
- The customary system is dominant in counties in the Hinterland with the least number of courts per inhabitant (Nimba, Lofa and Bong)
- 89% of the inhabitants of Lofa, Nimba, Grand Gedeh, Bong, and Maryland Counties took their disputes to a customary authority



### Accessibility and fairness of the courts

- Only 28% of Liberians felt judges treated them equally, 23% felt that judgments were the same for everyone, and 31% trusted their judges
- Access to justice for women, the poor, and other minorities is low due to high cost, lack of infrastructure, the prominence of prejudice in society, the huge influence played by socio-economic conditions and the lack of legal aid, among others
- Laws, regulations and judgments are not published consistently, creating ambiguities and inconsistencies that are easily exploited



## MAIN CHALLENGES and their implications

### Jurisdiction of the formal and customary systems

- Jurisdictional boundaries of the two systems are unclear
- The customary system is used more often than the formal courts. In property disputes, the ratio of this usage is 2:1 in favor of customary justice. This ratio increases for land disputes 7.5:1; for divorce 12:1; and for other family matters 40:1
- Customary decisions enjoy high levels of enforcement enabled by community acceptance, but can be discriminatory



### Efficiency of the courts

- 65% of users would not bring a claim to court due to the high costs resulting from a combination of official and unofficial fees
- The Supreme Court only heard 6% of cases that were filed in 2022, with an average resolution time of 14 years
- Specialized courts are the most efficient, with clearance rates nearing 80%



## The solutions

Taken together, these findings draw a feasible path of judicial reform in Liberia, one that focuses on improving the efficiency of the formal system while making the procedures in the customary system more standardized. By law, the formal and customary systems have overlapping jurisdiction in the geographical areas where they compete, which makes them potential substitutes for each other and opens the opportunity for forum shopping. In practice, the two systems are complements where few users favor the formal system in certain types of disputes, while many users favor the customary one. This finding has one significant implication: that the improvement in the access, efficiency, and perceived fairness of the courts does not automatically mean that more Liberians will resort to their services. Such improvements must exceed the trust built in the customary system before any significant shift towards formal justice is witnessed.

Six policy implications follow from this finding and the challenges presented above:

- 1. Making laws, regulations, and selected judgments public could help to improve trust, transparency, and accountability of the formal system.** Publication can be done through the National Gazette, online, or through other methods that take into consideration the habits of Liberians with regards to how they consume information—newspapers, radio, etc. Publication can leverage existing platforms, such as LiberLII.<sup>2</sup> The lack of wide public access to a comprehensive set of laws provides opportunities for government officials, citizens, and businesses alike to act outside of the law, and reduces the accountability of government and court officials. Further, when officials in all branches of government lack access to laws and regulations, they cannot effectively fulfill their official duties, lawmakers enact laws that are not properly harmonized with existing laws, judges are not certain they are upholding the most recent version of the law, and there is additional scope for judicial corruption and error. Lawyers and users have little predictability on the possible outcomes of judicial proceedings, increasing uncertainty and deterring investment and economic activity. Possible steps to increase public availability of laws, regulations, and judgments include
  - the establishment of clearer legal rules on the process and timeframe for such publication. All these initiatives should be complemented by awareness raising and legal education campaigns to increase their impact.
- 2. Addressing backlog and delays in the courts may increase their use.** The Supreme Court of Liberia is backlogged, with hundreds of new appeal cases coming every year, thus increasing case disposition time. Evidence from this study suggests that this is, at least in part, due to the amount of appeal cases coming from Circuit Courts and Specialized Courts, which have original jurisdiction over a large number of cases. Two measures can be considered to decrease backlog. First, the amendment of Article 67 of the Constitution to allow the appointment of two additional justices to the Supreme Court bench, for a total of seven judges. Second, the limitation of the original jurisdiction of Circuit Courts by expanding the jurisdiction of Magistrate Courts. This can be done by raising the financial limits of the disputes that fall within the latter's purview. Appeals would then be heard by Circuit Courts and Specialized Courts, which have been increasing their clearance rates.

2. Liberia Legal Information Institute: <http://liberlii.org/>.

**3. Addressing the high cost of dispute resolution may encourage people to file their claims.**

State-based dispute resolution in Liberia is expensive, due to the compounded burden of formal and informal fees that lead to prohibitive costs for many Liberians. Informal payments proliferate and gaps in the official fee schedule contribute to the unpredictability of costs for court procedures. These high costs significantly impact vulnerable populations, such as women, minorities, and the poor. Alongside the approval of the Legal Aid Bill currently pending in Parliament, possible ways forward to address this issue could include (i) reviewing the current official fee schedule to regulate vacuums and assess whether existing fees need updating; (ii) reviewing the budget allocation of the Judiciary to ensure it covers key cost components; (iii) minimizing face-to-face transactions by leveraging mobile payments and other technological solutions; (iv) broadening the market of legal services to include paralegals and enhance legal aid services; and (v) evaluating the effectiveness of the Judicial Inquiry Commission in investigating corruption cases. These solutions could be complemented by overarching strategies to enhance the effectiveness of the judicial system, such as the establishment of protocols for judicial data collection and processing.

**4. Establishing rules of engagement between the courts and the customary system can build mutually beneficial linkages between the two to harness their positive aspects.**

The customary system plays an important role in enabling access to justice and alleviating the backlog of formal courts. This role could be more impactful if the rules of engagement between the formal and customary systems were strengthened and clarified. Liberia's customary justice authorities are recognized under a model

of "limited incorporation," whereby they enjoy a level of independence accompanied with mechanisms for the oversight of the chieftaincy structure under the Ministry of Internal Affairs (MIA). Yet, the rules of jurisdiction and referral of cases remain unclear, causing clashes between state and non-state jurisdictions. Based on an overview of global approaches on the models of recognition of nonstate justice systems, strategies to strengthen the relationship between formal and customary systems of justice in Liberia could include: (i) inventory on the volume and type of disputes that are solved through each system; (ii) establishing a set of criteria to determine when and which cases can be handled by customary authorities and clear guidelines on how the systems interact, including the clarification of issues such as the referral of cases, appeal, and enforcement of customary decisions; (iii) clarifying the validity of laws that regulate the customary system, such as the Hinterland Regulations, and amend them to ensure their compliance with international and domestic human rights standards; and (iv) creating a committee to convene traditional leaders, government officials, members of the judiciary, lawyers, citizens, and other relevant stakeholders to discuss issues related to the interface between the two systems.

**5. Standardizing processes in the customary system and introducing procedural safeguards can facilitate the engagement with the formal justice system and ensure better protection for justice seekers, without undermining the effectiveness and authority of traditional leaders.** Procedural aspects to be regulated may include the establishment of stricter and enforceable rules for the appointment of Chiefs, as well as rules of conduct for traditional leaders. Other procedural safeguards that can be

considered for standardization include minimum standards of rights protection, basic rules of evidence admissibility, sentencing guidelines, protocols for record keeping, and rules on making outcomes publicly available and accessible. On the latter, establishing some form of written records is necessary to ensure effective engagement between the formal and customary systems, and opens the door to the future creation of state review mechanisms. This could be facilitated by supporting the establishment of protocols for case recording, including the use of standardized templates, on which customary authorities should be trained to make this a sustainable option. Furthermore, whether the formal courts should be given the remit to hear appeals from the customary courts could be addressed in future legislation, once regulated coexistence is in place.

- 6. Documenting customary law is essential if more integration between the formal and customary systems is to be achieved.** Currently, each of Liberia's 16 ethnic groups have different customary rules, making it difficult for judges of the formal system to reliably reference them in court. It is important to note that documentation does not entail codification. The latter prescribes rules in the

form of enacted law, while the former describes key customary principles to guide dispute resolution. Documentation is a better solution than codification in the Liberian context, given that it retains the flexibility of customary rules and mitigates risks of stagnation. In the end, these rules should retain their authority within their areas of influence and maintain their focus on keeping the harmony of the community. In any case, documentation efforts should include certain safeguards to prevent the crystallization of discriminatory norms and power imbalances within the customary justice system. Just as it happens with codification, documentation raises the question of whose version of customary law should be considered. This risk may be mitigated by ensuring the participation of community members in the documentation process, and by creating mechanisms for the endorsement and periodic reassessment of documented customary rules. This documentation strategy is also important to remove some of the discretion of traditional leaders that leads to harsher decisions for women and minorities, as well as to potentially address other human rights concerns that hinder the greater integration of the two systems.



# 1. INTRODUCTION

This study is a first-of-its-kind assessment that uses the JUPITER methodology to benchmark the effectiveness of justice delivery in Liberia. It originated from the Government's desire to have data-informed steps to improve service delivery in the justice sector, also in the context of the Government's broader cooperation with the World Bank Group (WBG) on the Governance Reform and Accountability Transformation (GREAT) Project (P177478)<sup>3</sup>, which has several connection points with the present study.

JUPITER is a country-based assessment framework developed by the WBG to benchmark the state and performance of a country's judiciary in service delivery against specific measures of effectiveness in three areas: access to justice, efficiency, and quality. The assessment uses a standardized methodology to compare key features of the justice system across countries and over time, allowing governments to track progress as reforms are implemented. The three components of this methodology, outlined in Annex A of this document, are applied uniformly to have comparable results; while envisioning

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3. Total financing for this project is 20 million USD and is expected to be approved by the Board of Directors of the WBG on February 15, 2024.



## INTRODUCTION

some flexibility of the data collection instrument to adapt to country-specific contexts. The current assessment in Liberia represents the first piloting of the methodology, which is planned on being deployed in two other African countries (Somalia and South Sudan). It aims to become a methodology for assessing justice systems globally, with a focus on fragile states and countries transitioning out of fragility. Opportunities for cross-country comparison will be available once more JUPITER assessments are carried out.

JUPITER offers several advantages over existing methodologies developed by the World Bank and others. First, it only focuses on areas with an empirical link to outcomes as investigated in rigorous academic research published in top peer-reviewed journals.<sup>4</sup> The insights from this literature survey are employed in the policy implications section to lead the reader toward practicable and research-backed options. Second, it captures information about both the law as well as its application in practice. This enables the identification of potential implementation gaps between the law as written and its actual usage, as well as gaps in the legal framework. Third, in pluralistic legal contexts in which the state-based legal system coexists with other forms of dispute resolution that fall outside of the scope of the formal justice system, JUPITER examines both. Fourth, JUPITER looks at the whole country (as opposed to other indicator sets that focus on the largest business city) and collects comparable data for some of the poorest and most challenging countries in the world. Existing indicators focus on high-income and high middle-income countries. In these challenging environments, technical assistance following JUPITER assessments can contribute to the standardization of administrative data and support the production and publication of qualitative information.

The study has also benefited from a wealth of data and analyses in several studies of the justice system in Liberia and the Africa region conducted

over the past 15 years. These studies, mostly commissioned by United Nations Development Programme (UNDP), International Development Law Organization (IDLO), International Laboratory Accreditation Cooperation (ILAC), the Peacebuilding Data Project, and the United States Institute of Peace (USIP), document a justice system that relies primarily on customary law and practices, especially in the areas of family disputes, land disputes, and petty crime. The insights from these studies and their authors have provided a valuable basis for the implementation of the JUPITER methodology.

The team collected data in the field from local experts, users, judges, and government officials between January and May 2023. Unsurprisingly, JUPITER also finds that customary justice is the preferred venue of dispute resolution in large parts of the country. The customary system is perceived as the more efficient, fairer, and more accessible path to justice. The study brings an analytical look at the two systems, while providing a comparative perspective from the users' point of view. The methodology acknowledges the benefits of both the formal and customary systems and proposes ways to improve users' experience in both, building on the strengths of each.

The study is organized as follows. Section 2 presents the main findings following the available empirical and historical evidence. Section 3 suggests some policy choices available to decision makers in a bid to improve justice delivery in Liberia. Section 4 reflects on the implications of these findings for justice work more broadly in the region. An in-depth overview of the JUPITER methodology and its application to Liberia are available [on the website of the WBG's Global Program on Justice and the Rule of Law](#), alongside the questionnaire and the median coded answer of all respondents consulted by the team in Liberia. These are also included in this document as Annexes.

4. Bosio, E. 2023. *A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence*. World Bank Group Policy Research Working Paper 10501. Washington, DC: World Bank.



## 2. MAIN FINDINGS FROM DATA COLLECTION

Field work and empirical analysis yield four findings that shed light on the path toward the improvement of justice services in Liberia. First, the customary system is an integral part of the justice system, by law and in practice. Second, customary authorities preside over issues related to family law, land

disputes and petty crimes. Third, the formal system is perceived to be inaccessible and unfair, significantly more so than the customary system. Fourth, the courts are inefficient. Each of these findings is described below.

## 2.1. The customary system is an integral part of the justice system, by law and in practice

In Liberia, two legal systems work alongside each other: the formal common-law statutory system and the customary system, based on the unwritten practices of the country’s 16 different ethnic groups. Traditional chiefs and elders wield jurisdiction over family law, property disputes and petty crimes in some urban areas and all rural areas. Courts nominally cover these issues in all regions and enjoy exclusive jurisdiction over serious crimes, such as rape and murder.<sup>5</sup>

Most Liberians rely on the customary system when seeking to settle their disputes, especially in rural areas. A large majority (69 percent of Liberians) indicate trust in customary justice, and 71.5 percent consider customary justice to be effective and efficient in mediating cases.<sup>6</sup> A study of 3,181 civil disputes showed that Liberians only chose to litigate in 41 percent of cases. And in the 1,304 civil cases that they did choose to litigate, only 95 were brought to a formal court, while the remaining 1,209 (or 93 percent) were taken to a

customary forum.<sup>7</sup> Justice seekers resort to the customary system not only for its affordability and accessibility, but also for its perceived orientation towards reconciliation, where parties are able to coexist after their disputes have been heard.

### a. Legal coexistence

The division between the customary system and the formal courts has historical roots. After the establishment of Liberia as an independent nation in 1847 and following the adoption of the country’s first Constitution the same year, the Liberian justice system was organized following the Anglo-American common law tradition.<sup>8</sup> Americans and other freed slaves settled there and set up the formal courts to serve their needs. Outside of the coastal areas, however, the “Hinterland” was ruled by customary authorities under the oversight of the Ministry of Internal Affairs (MIA).<sup>9</sup>

5. Articles 40 and 41 of the Hinterland Regulations, 2001, also reflected in the reports by *infra* Bonde and Williams, 2019, and IDLO, 2022.

6. LISGIS, PBO, UNDP and OHCHR. 2019. *Public Perceptions of Liberian Justice and Security Institutions*. Geneva: UNDP and OHCHR. Page 10. The UNDP and OHCHR commissioned this survey to assess levels of awareness of, satisfaction with, and trust and confidence in the different justice and security institutions, and recommend ways to improve them. The questionnaire was administered by the Liberia Institute of Statistics and Geo-Information Services (LISGIS), in close conjunction with the Peacebuilding Office of the United Nations (PBO). It collected responses from 3,504 households across every county and every district, encompassing 1,752 women and 1,752 men.

7. Isser, D., Stephen Lubkemann, and Saah N'Tow. 2009. *Looking for justice: Liberian experiences with and perceptions of local justice options*. Washington, DC: United States Institute of Peace. This survey was developed by the United States Institute of Peace (USIP) and collected data through more than 130 individuals’ interviews and more than 35 focus groups conducted primarily in Grand Gedeh, Lofa, and Nimba counties. The idea was to produce a robust empirical understanding on how justice is understood at the grassroots level throughout Liberia, including multiple perspectives and socio-geographic and demographic diversity. In addition to this data, the study used data collected by the Carter Center and its partner researchers from Oxford University’s Centre for the Study of African Economies (CSAE). Through 2008-9, the CSAE conducted a representative household survey of 2,500 households spread over 176 villages in five Liberian counties: Bong, Grand Gedeh, Lofa, Maryland, and Nimba. The selection of communities was random and based on standard probability-proportional-to-size sampling. Twelve to sixteen households were selected randomly within each community. Each household was administered a 60–90 minute interview that collected detailed information on the household’s experience with a range of crimes and conflicts, including the forums visited, the time taken and costs incurred, and details of the judgment, including reported subjective satisfaction.

8. Lubkemann, S., Deborah Isser, and Peter Chapman. 2011. “Neither State nor Custom Just Naked Power: The Consequences of Ideals-Orientated Rule of Law Policy-Making in Liberia.” *Journal of Legal Pluralism and Unofficial Law* 63: 73–110. Page 76.

9. Bonde, K., and Rhodri Williams. 2019. *ILAC Rule of Law Assessment Report: Still Looking for Justice, Customary Law, the Courts and Access to Justice*. Stockholm: International Legal Assistance Consortium. Page 16.

Created in 1869, the MIA (formerly the “Interior Department”) was established to function as “an arbiter in all purely native matters arising between themselves and referred to the chief of [the] department for settlement, which he [the Minister] must settle with due regard to native customary law and native institutions, where not repugnant to the organic law of the state.”<sup>10</sup> This administrative division was confirmed by the *Executive Law* of 1972 (Title 12 of the Liberian Code of Laws Revised) that established the duties of the MIA, providing that the latter would manage “tribal affairs and all matters arising out of tribal relationships”<sup>11</sup> and “[administer] the system of tribal courts.”<sup>12</sup>

The duality of the system is evident both in the law and in practice. The country’s legal framework, more specifically, the Constitution of Liberia, the Local Government Act of 2018 (Title 20 of the Liberian Code of Laws Revised), and the Revised Rules and Regulations Governing the Hinterland of Liberia issued in 2001 (“Hinterland Regulations”), regulate several dimensions of the customary system. These are each discussed in turn below. In practice, the customary system is especially prominent in the regions farthest from the coast, though it is used in nearly every region. The geographical prominence of the customary system is discussed in Section 2.1b.

The *Constitution of Liberia* provides the highest legal basis for the coexistence of the two systems by recognizing that the Republic shall “preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national

progress are adopted and developed as an integral part of the growing needs of the Liberian society.”<sup>13</sup> In addition, Article 65 of the Constitution provides that the courts of the country “shall apply both statutory and customary laws in accordance with the standards enacted by the Legislature.”

The *Local Government Act* is another key piece of legislation on the duality of the system, as it explicitly establishes that the customary system of justice is integrated into the local government under the jurisdiction of the MIA.<sup>14</sup> The Act also regulates the hierarchy of the customary system by establishing that the highest authority is the County Superintendent (defined in Section 1.5 as the administrative head and chief executive officer of a county), followed by the District Commissioner, the Paramount Chiefs, Clan Chiefs and General Town Chiefs.<sup>15</sup> The President appoints the County Superintendent and the District Commissioner with the consent of the Senate, while the next three ladders of Chieftom leadership must be popularly elected by constitutional mandate.<sup>16</sup> These elections, however, have not been held since the start of the civil war in 1989 and chiefs are being appointed by the MIA on the recommendation of the elders and members of the chiefdoms, clans, and towns.<sup>17</sup>

Finally, the *Hinterland Regulations* separate the legal and administrative frameworks of “civilized” (how the regulation refers to the settler population of freed enslaved persons) and “native” Liberians (how the regulation refers to the indigenous population that was already settled in the country, comprising different ethnic groups).<sup>18</sup> The Hinterland Regulations were administered by the

10. Supreme Court of Liberia. 1907. *Gray v Beverly* [1907] LRSC 2; 1 LLR 500.

11. Legislature of the Republic of Liberia. 1972. *Executive Law, Title 12*. Subsection (b) of Section 25.2.

12. Subsection (l) of Section 25.2 of the Executive Law, 1972.

13. Article 5 of the Constitution of the Republic of Liberia.

14. Section 2.15h of the Local Government Act, 2018.

15. Sections 1.5 and 2.15h of the Local Government Act, 2018.

16. Section 2.13b of the Local Government Act, 2018, and Article 56 of the Constitution of the Republic of Liberia.

17. Section 2.15y of the Local Government Act, 2018, and *supra* Bonde and Williams, 2019, page 21.

18. Section 2 of the Amendments to the Hinterland Regulations differentiated between the legal framework of the population of freed enslaved persons that settled on the coastline, and the indigenous population that was already settled in the territory of the country, comprising different ethnic groups. This distinction is also highlighted in the OHCHR’s Human Rights Assessment Report on harmful traditional practices, evidencing that these regulations perpetuate disparities and use pejorative terms such as “uncivilized natives”. See UNMIL (UN Mission in Liberia) and OHCHR (Office of the High Commissioner for Human Rights). 2015. *An Assessment of Human Rights Issues Emanating from Traditional Practices in Liberia*. Geneva: OHCHR. Page 13.

hierarchy of chiefs falling under the MIA – they were intended to be the legal system governing the indigenous inhabitants of Liberia. In contrast, the statutory system was intended to govern the settler population in the coastal areas.

The validity of the Hinterland Regulations is often called into question, as they were repealed in 1956 by the passing of section 600 of the *Aborigines Law*. The *Aborigines Law* was in turn repealed in the 1973 revision of the Liberian Code of Laws. However, modifications were made to the Hinterland Regulations in 2001, suggesting that they may still be applicable law.<sup>19</sup>

The Hinterland Regulations regulate important aspects of the customary system, and its relationship with the formal one. First, Article 38(II) provides a hierarchy of appeals among the customary authorities which are organized in a five-tiered system, beginning with the lowest, the Clan Chiefs Courts, followed by the Paramount Chiefs Courts, District Commissioner, County Superintendent, and Provincial Court of Assize.<sup>20</sup> Second, they provide some insights into the jurisdiction of the customary leaders. Lastly, they establish MIA oversight over the customary system, which implies that the latter

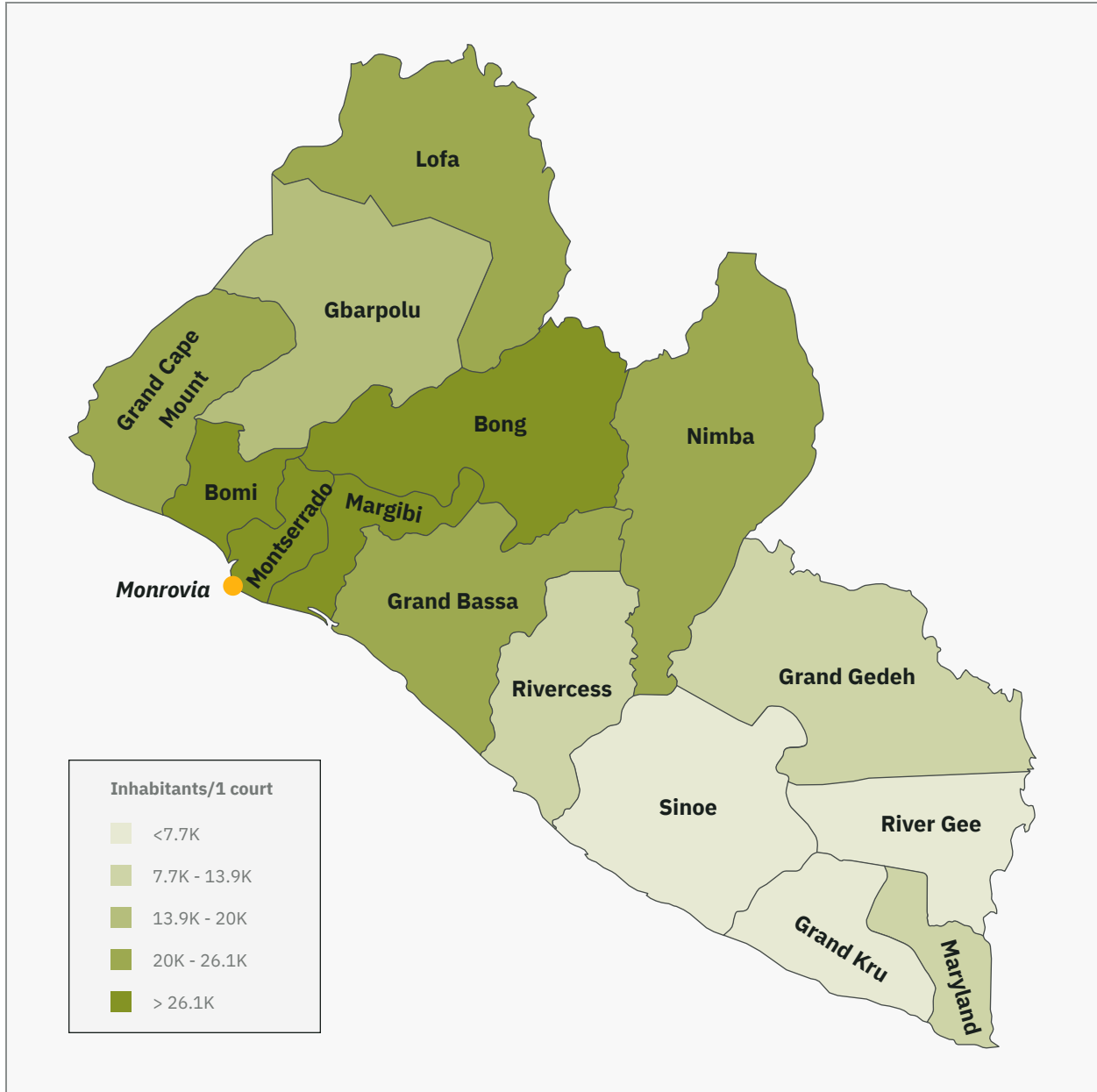
falls within the scope of the executive branch, as opposed to the formal courts that fall within the purview of the judiciary. The Regulations however establish that if justice seekers are not satisfied with decisions adopted by customary authorities, they have the option to pursue their case in the formal courts.<sup>21</sup>

In Liberia, decisions by the Supreme Court are an important element in the recognition of the duality of the system by law. Since the early 20th century, the Supreme Court has periodically affirmed the role of customary justice.<sup>22</sup> However, numerous decisions have attempted to reduce the power of the customary system, often simply creating confusion. Such decisions deem that the executive branch cannot impose an enforceable punishment, such as a fine.<sup>23</sup> They have found that jurisdiction of customary authorities cannot be created by the consent of the parties, and have held that, despite clear local government law to the contrary, proceedings held before a customary avenue and reviewed by the county superintendent cannot be appealed to the formal judiciary.<sup>24</sup> In this last case, however, a later decision offered a potential resolution when it determined that

19. Corriveau-Bourque, A. 2010. Confusions and Palava: *The Logic of Land Encroachment in Lofa County, Liberia*. NRC Reports 2010. Oslo: Norwegian Refugee Council. See also World Bank. 2008. *Liberia - Insecurity of Land Tenure, Land Law and Land Registration in Liberia*. Report No. 46134-LR. Washington, DC: World Bank.
20. For more information on the hierarchy, see also *supra* Lubkemann et al, 2011, page 77.
21. IDLO and Swiss Peace Foundation. 2022. *Report on Rule of Law and Access to Justice in Liberia*. Rome: IDLO. Page 128. This study was commissioned by the Swedish Government through the IDLO. To allow for a holistic assessment, consideration was given to responding to three points of inquiry with respect to the rule of law in Liberia: (i) assessing what progress had been made over the past 15 years (2005-2020); (ii) ascertaining the main gaps, both on the demand and the supply side of justice; and (iii) identifying potential opportunities, which can have a transformative, inclusive and sustainable impact. To fully execute field engagement and elicit accurate information on these assessment areas, the IDLO relied on the use of a mixed methodology, with findings in the report mainly informed by a thorough desk review followed by Focus Group Discussions (FGDs), Key Informant Interviews (KIIs) and In-depth Interviews (IDIs) with critical justice and security sector stakeholders. The team completed over 232 KII and FGDs between May and June of 2022 in Liberia, reaching over 700 individual research respondents.
22. Supreme Court of Liberia. 1916. *Boyah et al v Horace* [1916] LRSC 12; 2 LLR 265. In this decision, the Supreme Court confirmed an Act that had established native courts from which decisions were appealable to a statutory Quarterly Court. The decision also carved out exclusive jurisdiction for the Quarterly Court for crimes such as murder, manslaughter, rape and the like.
23. Supreme Court of Liberia. 1974. *Ayad v Dennis* [1974] 23 LLR 165. The Supreme Court held that “[i]n conclusion, we reiterate that (...) the offense with which the petitioner is charged is a crime and cannot be tried by the officials of the Ministry of Commerce, regardless of whether they were, or were not, acting under the Administrative Procedure Act; that their acts in doing so, and in imposing a fine upon him, constituted a denial of due process and hence were unconstitutional, for only the courts can perform judicial functions; and that prohibition will lie to restrain the respondents from further proceeding by wrong rules”.
24. Supreme Court of Liberia. 1998. *Nah v Topor et al* [1998] LRSC 29; 39 LLR 144. In this case, the Supreme Court highlighted that it used this case at this time to strongly warn all judges of subordinate courts to strictly observe their respective jurisdiction over cases they handle because jurisdiction is conferred by law and not by consent of the parties. Also see Supreme Court of Liberia. 1935. *Posum v Pardee* [1935] LRSC 11; 4 LLR 299. In this decision, the Supreme Court emphasized that all executive officers who attempt to exercise judicial functions are committing usurpations on the constitutional powers of the courts; and any recognition or cognizance given to such officials in the exercise of *judicial* functions by judges of the courts of this Republic, or members of the legal profession, is in violation of their constitutional oath.



>>> **Figure 1:**  
Formal courts serve a high number of people in some counties



**Source:** Judiciary of the Republic of Liberia, 2023, Court’s Case Activities Report, Third Quarter, A.D., 2022, and LISGIS, 2009, 2008 National Population and Housing Census Final Results.

**Note:** Authors’ calculations on the ratio of courts per inhabitants in each county (inhabitants per court): Montserrado (39,937 inhabitants); Margibi (29,989 inhabitants); Bomi (28,040 inhabitants); Bong (27,790 inhabitants); Lofa (25,169 inhabitants); Grand Bassa (24,633 inhabitants); Nimba (22,001 inhabitants); Grand Cape Mount (21,179 inhabitants); Gbarpolu (13,898 inhabitants); Maryland (13,594 inhabitants); Grand Gedeh (12,526 inhabitants); Rivercess (10,216 inhabitants); River Gee (4,453 inhabitants); Sinoe (2,925 inhabitants); and Grand Kru (1,609 inhabitants).

customary authorities were to be understood as administrative tribunals, provided for under Article 65 of the Constitution, and therefore their rulings can be appealed in higher-level formal courts.<sup>25</sup>

### **b. Geographical coexistence**

The duality of the system finds its foundation in the country's legal framework. Turning to the practice, the scarcity of formal courts is manifested sharply in some regions of the country and seems to play a role in users' preferences. The 2022 Third Quarter Administrative Data on functioning courts, alongside the most recent census data, reveal a great imbalance across counties in the number of people that formal courts serve.<sup>26</sup>

Figure 1 shows the number of formal courts per inhabitant. Other than the coastal Bomi, Margibi, and Montserrado counties that jointly house the capital city of Monrovia and its peri-urban area, the counties with the least number of courts per inhabitant are Bong, Lofa, and Nimba, all located in the Hinterland where the customary system is dominant. Despite a high number of courts per capita, the customary system is also prominent in Sinoe County (as evidenced in Figures 2 and 3), showing that factors other than geography influence users' preference for the customary system.

Liberians interact more frequently with informal justice actors, evidencing a pattern of geographical dominance of customary justice over the court system that has been consistent across years as confirmed by numerous previous studies. One such study, for example, finds that 89 percent of disputes that were taken to a third party for resolution by the

inhabitants of Bong, Grand Gedeh, Lofa, Maryland, and Nimba counties were taken to a customary authority, whereas only 11 percent were taken to a formal institution.<sup>27</sup> Another study asked respondents whether they had been in contact with Magisterial Courts, Circuit Courts, and customary justice actors during the previous 12 months. While on average nearly 93 percent of respondents had not been in contact with the formal courts in the previous year, nearly 42 percent had interactions with the customary system during the same period. The interactions were more common in Bong, Lofa, Nimba, and Sinoe counties (Figure 2).<sup>28</sup>

There is a high degree of geographical dispersion in the usage of customary dispute resolution; the system is widely accepted in most communities, confirmed by 98.5 percent of respondents.<sup>29</sup> Customary justice is prevalent in the counties of Lofa, Sinoe and Nimba, followed by Bong, Grand Gedeh, and Grand Bassa (Figure 3).

Survey evidence suggests a strong preference for using customary dispute resolution in these counties, with a high percentage of potential users responding that if they had a dispute, they would not go to court because they prefer to use informal justice actors or processes: Lofa (53 percent); Nimba (45 percent); Bong (39 percent); River Gee (35 percent); Sinoe (34 percent); Grand Kru (31 percent); and Maryland (30 percent).

This section shows that the formal and customary system coexist geographically throughout Liberia, though the customary one is more prominent in the Hinterland. It further documents that the duality of the system is evidenced both in law and in practice.

25. Supreme Court of Liberia. 1982. *Koryan v Korvayan* [1982] LRSC 55; 30 LLR 246. In this decision, the Supreme Court held that all hearings by ministries and their officials are investigations by an administrative tribunal and may be subject to judicial review.

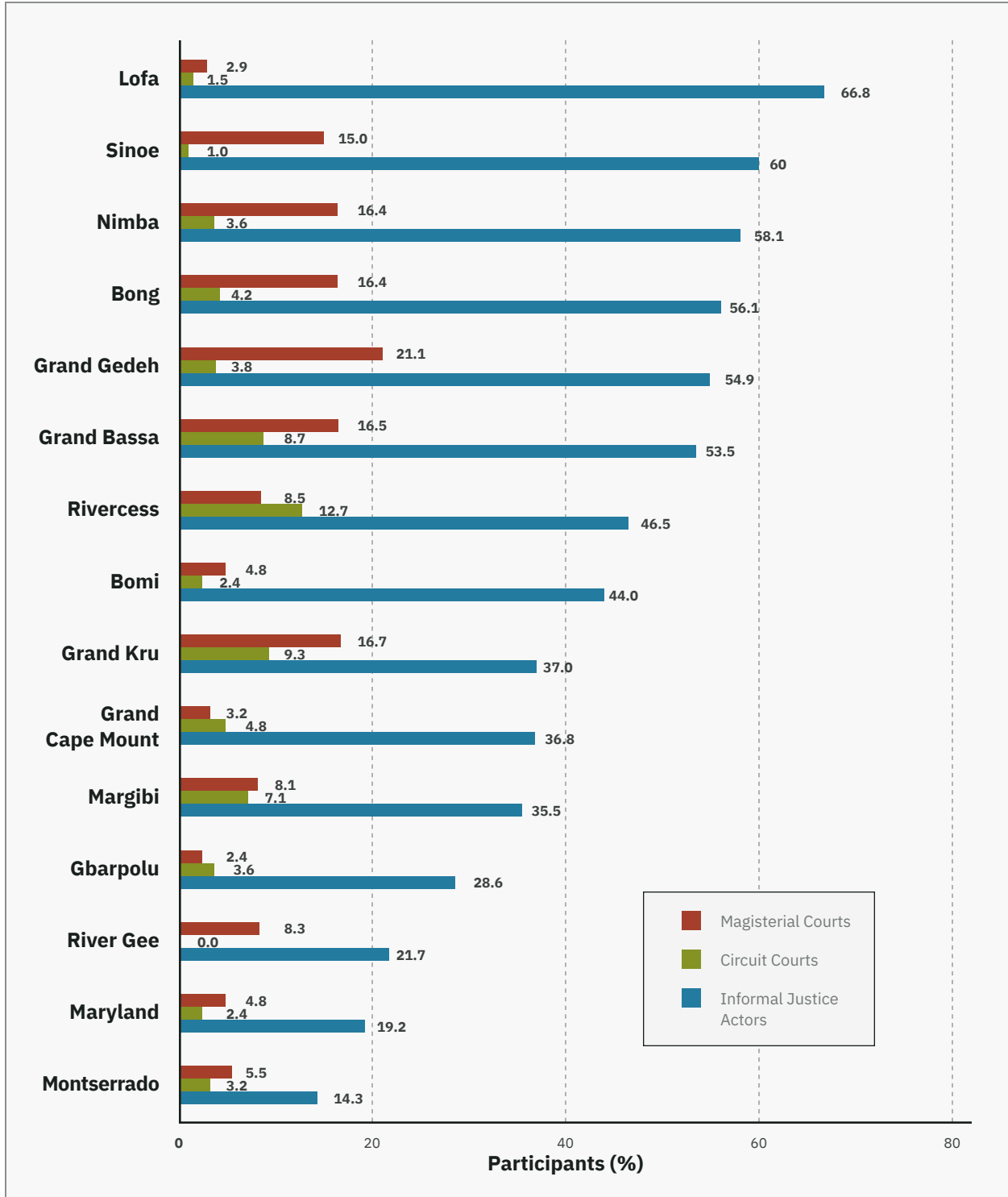
26. Judiciary of the Republic of Liberia. 2023. *Court's Case Activities Report, Third Quarter, A.D. 2022*. Monrovia: Judiciary of the Republic of Liberia; and Liberia Institute of Statistics and Geo-Information Services (LISGIS). 2009. *2008 National Population and Housing Census Final Results*. Monrovia: Government of Liberia.

27. *Supra* Isser et al, 2009, page 25.

28. *Supra* LISGIS et al, 2019, Table 7, page 30.

29. *Supra* LISGIS et al, 2019, Table 158, page 105.

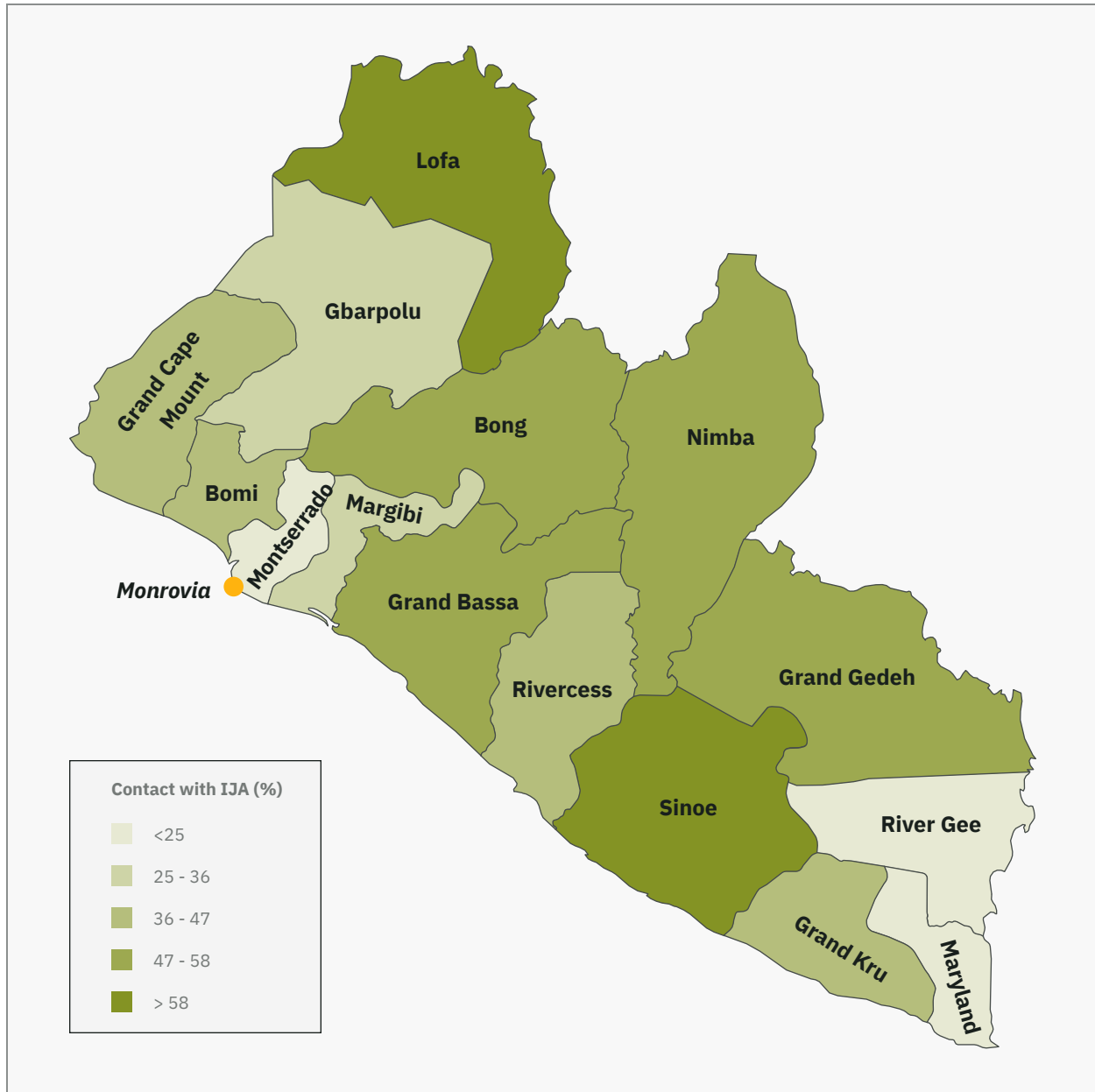
>>> **Figure 2:**  
Liberians interact more frequently with informal justice actors



Source: LISGIS et al, 2019, Tables 6 and 7.

Note: Authors' calculations on the percentage of participants in each county that answered "Yes" to the question "Have you been in contact with any of the following justice and security institutions during the last 12 months?" in the following categories: "Magisterial Courts," "Circuit Courts," and "Informal justice actors."

>>> **Figure 3:**  
 Liberians' interaction with informal justice actors is prevalent in most counties



**Source:** LISGIS et al, 2019, Table 7.

**Note:** Authors' map based on the percentage of participants in every county that answered "Yes" to the question, "Have you been in contact with any of the following justice and security institutions during the last 12 months?" in the category "Informal justice actors": Lofa (66.8 percent); Sinoe (60 percent); Nimba (58.1 percent); Bong (56.1 percent); Grand Gedeh (54.9 percent); Grand Bassa (53.5 percent); Rivercess (46.5 percent); Bomi (44 percent); Grand Kru (37 percent); Grand Cape Mount (36.8 percent); Margibi (35.5 percent); Gbarpolu (28.6 percent); River Gee (21.7 percent), Maryland (19.2 percent); and Montserrado (14.3 percent).

## 2.2. Customary authorities preside over issues related to family law, land disputes, and petty crimes

### a. Jurisdictional coexistence

The jurisdiction of the formal courts of Liberia is clear and regulated by law. The country's highest judicial body is the Supreme Court, composed of a Chief Justice and four Associate Justices. The second tier is represented by the Circuit Courts. There are 16 Circuit Courts (one per each of Liberia's 15 counties, except for Montserrado County, which has two, the First and Sixth Circuit Courts). There are three categories of Circuit judges: (i) resident judges, who are appointed and commissioned by the President with the consent of the Senate to preside over a particular circuit; (ii) assigned judges, who are designated to a circuit to serve for a term of court; and (iii) relieving judges, who are commissioned to replace assigned judges due to unforeseen circumstances for which the assigned is unable to function.<sup>30</sup>

Below the Circuit Courts are the Magistrate Courts. Before the civil war, the formal system also included the Justices of the Peace. These could be found in townships and smaller settlements, and like the magistrate courts, they had no jury and enjoyed only limited jurisdiction. They existed at the lowermost rung of the hierarchy of the institutional judicial system, which presided over minor matters. Minor matters refer to matters where the parties do not need to be represented by lawyers and can represent themselves. However, these courts were abolished after having gained a reputation of litigiousness, corruption, and lack of accountability, as many of the Justices of Peace did not go through any formal judicial training.<sup>31</sup>

The Supreme Court exercises final appellate jurisdiction in all cases, except for cases involving ambassadors, ministers, or cases in which a foreign country is a party, in which the Court has original jurisdiction. It also has the authority to exercise constitutional review.<sup>32</sup> Circuit Courts exercise general jurisdiction, including jurisdiction in admiralty cases, and over all cases for which another court is not expressly given jurisdiction by constitutional or statutory provision, provided that in Montserrado County, the Circuit Courts in the First Judicial Circuit have jurisdiction to try only criminal cases and the Circuit Court in the Sixth Judicial Circuit has jurisdiction to try all cases other than criminal cases.<sup>33</sup> In other counties, the Circuit Court hears both civil and criminal cases. Magistrate Courts have limited jurisdiction over applicable matters and decide cases without a jury. The civil and criminal jurisdiction of the Magistrate Courts is limited to minor cases, as established in Section 7.3 of the *Judiciary Law of 1972* (Title 17 of the Liberian Code of Laws Revised). Specialized courts have concurrent jurisdiction with Circuit Courts and were recently introduced to fast-track certain kinds of cases classified on their subject matter. These include, for example, the Debt Court, Probate Court, Tax Court, Traffic Court, Juvenile Court, and Commercial Court.

Staffing of the courts is an issue, with more than 17 percent of courts around the country not functioning. The Judiciary Branch consists of 217 functional courts, which include the Supreme Court, 16 Circuit Courts, 7 Criminal Courts, 26

30. Sections 3.6 and 3.7 of the *Judiciary Law, 1972*.

31. In the case *Tamba et al. v RL* [2005] LRSC 39, the Government of Liberia terminated the performance of judicial functions by persons in these categories.

32. Article 66 of the Constitution of the Republic of Liberia.

33. Section 3.2. of the *Judiciary Law, 1972*.



>>> **Table 1:**  
 The formal court system in numbers

County	Criminal Courts	Specialized Circuit	Circuit Courts	Magisterial Courts	Functional Courts (%)
Montserrado	5	6	2	15	100%
Grand Bassa	0	0	1	8	75%
Sinoe	0	5	1	29	78%
Maryland	0	1	1	8	67%
Grand Cape Mount	0	0	1	5	67%
Grand Gedeh	0	0	1	9	71%
Nimba	1	1	1	18	91%
Bong	1	1	1	9	86%
Lofa	0	1	1	9	92%
Bomi	0	0	1	2	50%
Grand Kru	0	6	1	29	90%
Margibi	0	0	1	6	78%
Rivercess	0	2	1	4	100%
River Gee	0	3	1	11	88%
Gbarpolu	0	0	1	5	60%
<b>Total</b>	<b>7</b>	<b>26</b>	<b>16</b>	<b>167</b>	<b>83%</b>

Source: Judiciary of the Republic of Liberia, 2023, Court’s Case Activities Report, Third Quarter, A.D. 2022.

Specialized Courts, and 167 Magistrate Courts. There are 45 non-functional courts, of which are 28 Specialized Courts and 17 Magisterial Courts. The total number of courts within the Judicial Function is 262 (Table 1).

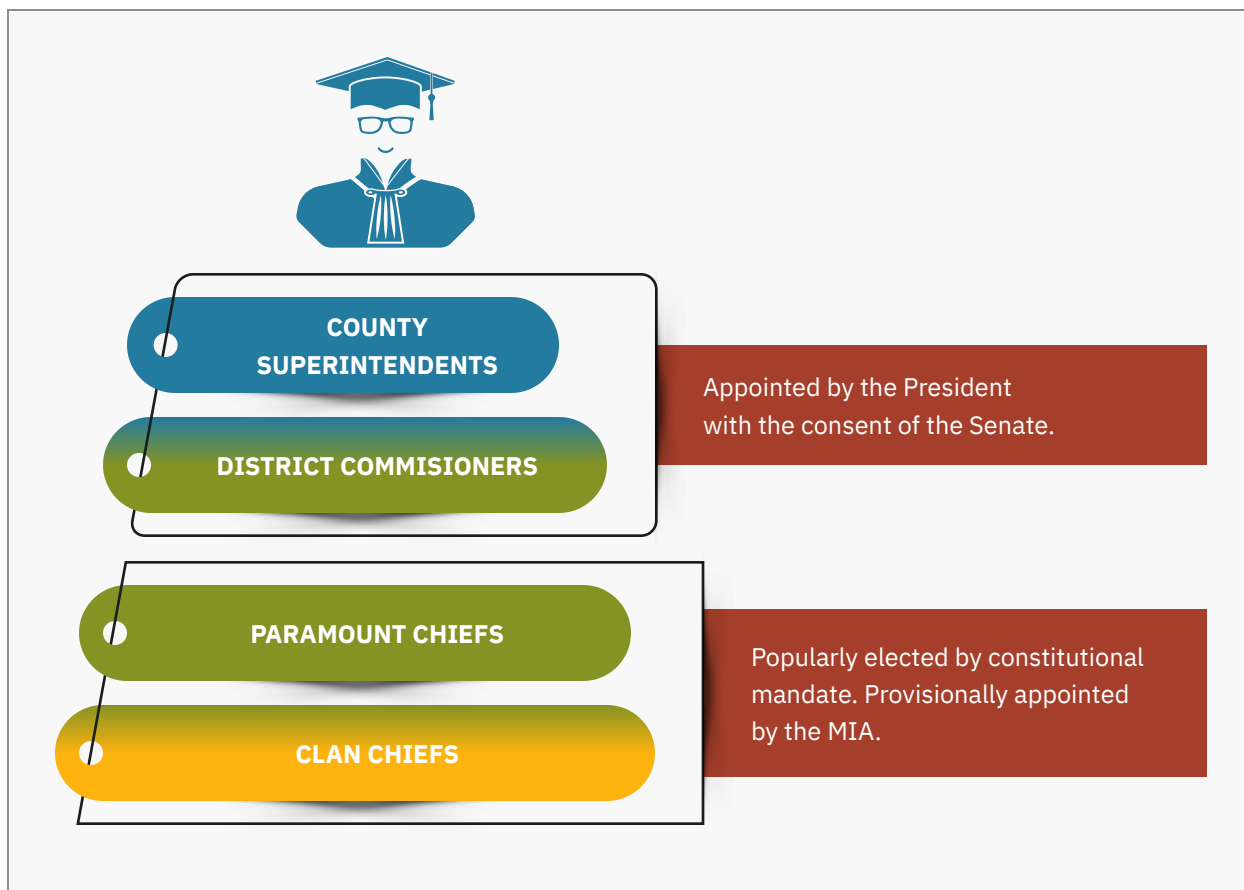
Traditional chiefs and elders in the customary system enjoy jurisdiction over family law, property disputes, and petty crimes in some urban areas and all rural areas. The customary justice system has four tiers: Clan Chiefs, Paramount Chiefs, District Commissioners, and County Superintendents (Figure 4). While only four tiers are regulated by law, three more exist in practice: Zonal Chiefs, Town Chiefs, and District Superintendents. Hierarchically, Zonal Chiefs and Town Chiefs are below the Clan Chiefs, while the District Superintendents are right below the County Superintendents.

The Hinterland Regulations establish the jurisdiction of two of these tiers, the Paramount Chiefs, and the Clan Chiefs. Article 40 establishes that the Paramount Chief shall have jurisdiction to hear and decide:

- Civil cases arising within a tribe or chiefdom in which the amount or subject matter is above \$25 and does not exceed in value \$100.
- Criminal cases subject to punishment by a fine not to exceed \$10 or imprisonment for a period not to exceed three months.
- Appeals from the court of the Clan Chief.
- All cases “arising between strangers and members of the tribe except they are civilized people”<sup>34</sup>, unless the Paramount Chief is a party to the suit when it shall be tried in the

34. The term “civilized people” is used in the Hinterland Regulations to refer to the settler population as opposed to the “native” population of the country.

>>> **Figure 4:**  
Hierarchy of customary justice actors by law



Source: Hinterland Regulations, 2001; and Local Government Act, 2018.

court of the District Commissioner. In other words, cases between members of a specific community and community outsiders are tried by the Paramount Chief, unless (i) a person from the settler population or (ii) the Paramount Chief are parties to the case.

Article 41 establishes that the Clan Chief has jurisdiction to hear and decide: (1) civil cases arising within the clan in which the amount or subject matter does not exceed in value \$25; (2) cases arising within the clan relating to personal status, marriage, and divorce under native law; and (3) misdemeanors subject to punishment for

a period not to exceed one month. The jurisdiction of the other traditional/customary actors is not regulated.

These articles (40 and 41) represent the legal underpinning for the customary system's jurisdiction over family law and petty crimes. Further, Articles 66 and 67 of the Hinterland Regulations regulate the customary system's jurisdiction over land disputes, for example by establishing that the respective tribal authority's approval is required when carrying out certain activities on the land. In addition, Articles 35 and 36 of the *Land Rights Law of 2018* provide that the management of

customary lands will be carried out through Community Land Development and Management Committee(s) (“CLDMC”), which has the power to “allocate, view and render decisions on complaints arising from the allocation and use of Customary Land, including matters relating to the allocation of Residential Areas.”<sup>35</sup> These committees must have equal representation of men, women and youths, who have to be democratically elected. Chiefs of the community are *ex officio* members of the CLDMC.<sup>36</sup> In terms of applicable rules, customary authorities generally benefit from the trust and respect of the community and apply a set of widely observed traditions and customs.

Customary authorities decide based on traditions that vary from tribe to tribe and, as a result, are uncodified. Despite many specific variations, customary justice generally adheres to a broad set of shared principles and processes. These include (1) an emphasis on revealing the truth in an expansive way that includes the root causes and additional social factors that inform a dispute; (2) a primary emphasis on social reconciliation of the aggrieved parties, which may include compensation or repair of the harm, an apology, and a reconciliation ritual; (3) consideration of a

broader set of social interests than those of the immediate parties, in particular those of kinship groups and the broader community; and (4) a strong effort to bring the parties together to a consensus resolution.<sup>37</sup> Customary mechanisms tend to arrive to a decision based on reconciliation, and the enforcement of customary decisions is enabled by community acceptance.<sup>38</sup> On occasion, the uncodified nature of the rules governing customary justice – alongside with the uncertainty on the validity of the Hinterland Regulations – creates clashes with the formal system, where judges are not knowledgeable about customary law.<sup>39</sup>

The ambiguity around the jurisdiction of the formal and customary systems generates the intervention of the latter in matters outside its jurisdiction, further extending its role in delivering justice.<sup>40</sup> For example, even though traditional leaders are aware that they should only deal with minor criminal cases and refer serious crimes to the formal courts, there is often ambiguity on how to interpret the degree of severity of the crimes that are brought before them.<sup>41</sup>

35. Subsection 5 of Article 36 of the Land Rights Law, 2018.

36. Subsection 6 of Article 36 of the Land Rights Law, 2018.

37. LWG (Legal Working Group). 2009. *Analysis of the Dual Legal System - Findings of the Legal Working Group as adopted on 10 December 2009*. Monrovia: Legal Working Group (LWG), Ministry of Justice of Liberia, supported by UNMIL Legal and Judicial System Support Division, United States Institute for Peace (USIP), George Washington University, and the Carter Center.

35. *Supra* Bonde and Williams, 2019, page 17.

36. Rawls, A. C. 2011. “Policy Proposals for Justice Reform in Liberia: Opportunities Under the Current Legal Framework to Expand Access to Justice.” *Traditional Justice: Practitioners’ Perspectives’ Working Papers Series*. Paper No. 2. Rome: IDLO.

37. *Supra* IDLO, 2022, page 65.

38. *Supra* Bonde and Williams, 2019, page 41.

### ***b. Blurred lines between formal and customary justice***

The disputed validity of the Hinterland Regulations, alongside a *de facto* broader jurisdiction of the customary system, has led to considerable ambiguity on the demarcation line between the formal and customary system.<sup>42</sup> Additionally, while the state policy forbidding the customary system from handling matters of serious crimes seems to be well known among the chiefs, many chiefs and rural Liberians alike generally believe that chiefs would better handle many kinds of serious crimes than the formal courts.<sup>43</sup> The lack of an official definition of “serious crime” further contributes to this ambiguity. Major theft is one disputed area, where customary leaders have asserted more jurisdiction. Rape and murder are always named as examples of offenses off limits for traditional authorities.<sup>44</sup> However, there is no regulated process of what should happen with these cases in practice, and customary authorities often deal with them at the request of claimants.

Indeed, chiefs are frequently implored by members of their community to consider cases that they are legally forbidden from taking. Many chiefs admit that in practice, they do so, provided both parties request it. There is also evidence that once cases are in the formal court system, chiefs and elders may request, or even demand, that the case be referred to them for out-of-court settlement. Such requests are often honored. Evidence also points to numerous instances where the police or magistrates—on their own initiative—refer such cases to the customary authorities for resolution. Ordinary Liberians often consider the formal system ill-equipped to deal with this type of cases.<sup>45</sup>

Table 2 details the relative usage of the formal and customary systems in resolving various types of civil disputes. In all cases, the customary system is used more often than the formal courts. In bribery cases, the ratio of this usage is 2:1 in favor of customary justice. This ratio increases for other types of cases: for property disputes it is 4:1; for land disputes 7.5:1; for divorce 12:1; and for other family matters 40:1.

The ratios are more balanced in some criminal dispute cases (Table 3). In murder and rape/sexual abuse cases, the formal and customary justice are used equally. However, for property destruction the ratio is 4.5:1; for theft the ratio is 6:1; for assault it is 15:1; while for domestic violence it is 50:1. This evidence illustrates the strong perception of users that the customary system is better equipped to handle their disputes. Users approach the customary system even in cases where the law is clear that the formal system should take precedent.

In summary, by law the formal and customary systems have overlapping jurisdiction in the geographical areas where they compete, i.e., they are potential substitutes opening the opportunity for forum shopping. In practice, the two systems are complements where few users favor the formal system in certain types of disputes, while many users favor the customary one. This finding has one substantial implication: that the improvement in the access, efficiency and perceived fairness of formal justice does not automatically mean that more Liberians will resort to its services. Such improvements must exceed the trust built in the customary system before any significant switch towards formal justice is witnessed.

42. *Supra* Isser et al, 2009.

43. *Supra* Isser et al, 2009.

44. *Supra* Isser et al, 2009, page 5; Bonde and Williams, 2019, page 7; and IDLO, 2022, page 117.

45. *Supra* IDLO, 2022, page 126.

>>> **Table 2:**  
Forum usage for civil disputes

Dispute	Number of Cases	Percent of all cases taken to		
		No forum	Informal forum	Formal forum
Bribery/Corruption	14	57	29	14
Debt dispute	1,497	67	31	2
Family/Marital dispute	788	58	41	1
Child custody	21	62	38	0
Child/Wife neglect	181	59	41	0
Divorce/Separation	131	34	61	5
Other	455	64	35	1
Labor dispute	157	65	34	1
Land dispute	430	32	60	8
Property dispute	68	53	37	10
Witchcraft	227	56	41	4
<b>Total</b>	<b>3,181</b>	<b>59</b>	<b>38</b>	<b>3</b>

Source: Isser et al, 2009.

>>> **Table 3:**  
Forum usage for criminal disputes

Crime	Number of Cases	Percent of all cases taken to		
		No forum	Informal forum	Formal forum
Assault	600	52	44	3
Domestic violence	974	53	46	1
Murder	97	53	23	25
Property destruction	548	78	18	4
Rape/Sexual abuse	113	50	28	21
Theft	1,420	78	19	3
Other crime	303	55	42	3
<b>Total</b>	<b>1,877</b>	<b>53</b>	<b>45</b>	<b>2</b>

Source: Isser et al, 2009.

## 2.3 The formal system is perceived to be inaccessible and unfair, significantly more so than the customary system

### a. Trust and satisfaction

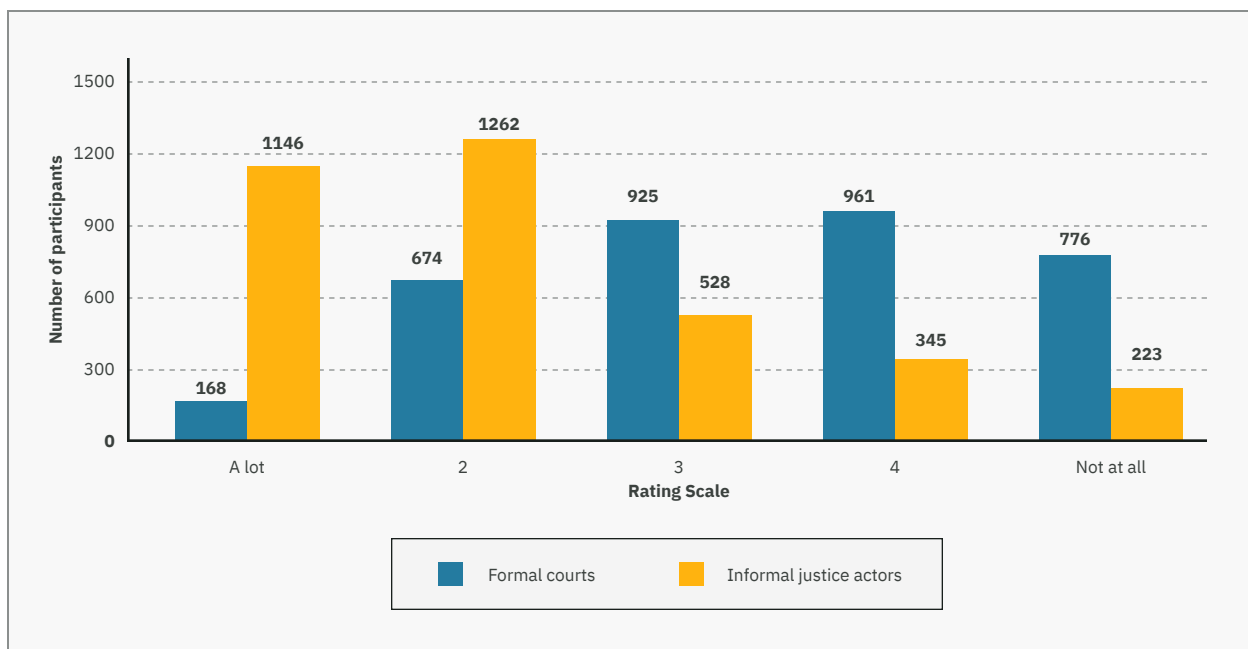
Users' level of satisfaction with the courts, the fairness and impartiality of the judges, and the quality of judicial decisions is lower than their satisfaction with the customary system (Figures 5 and 6). The customary system is closer, more familiar, less expensive and – above all – enjoys the presumption of just process and outcomes.<sup>46</sup>

These levels of dissatisfaction and distrust toward the judiciary are also reflected in how users perceive the way that people are treated by the court system, how cases are handled and the level of fairness

of decisions. Liberians are overwhelmingly more satisfied with customary justice actors within these categories (Figure 7).

These perceptions on the formal justice system also influence how Liberians see judges, as reflected in their perspective on their experience and qualifications, communication skills, and how they protect and uphold human rights. In contrast, informal justice actors perform significantly better in these categories, evidencing people's trust in their abilities and capacities in solving conflicts (Figure 8).

>>> **Figure 5:**  
Liberians trust the customary system more than the courts



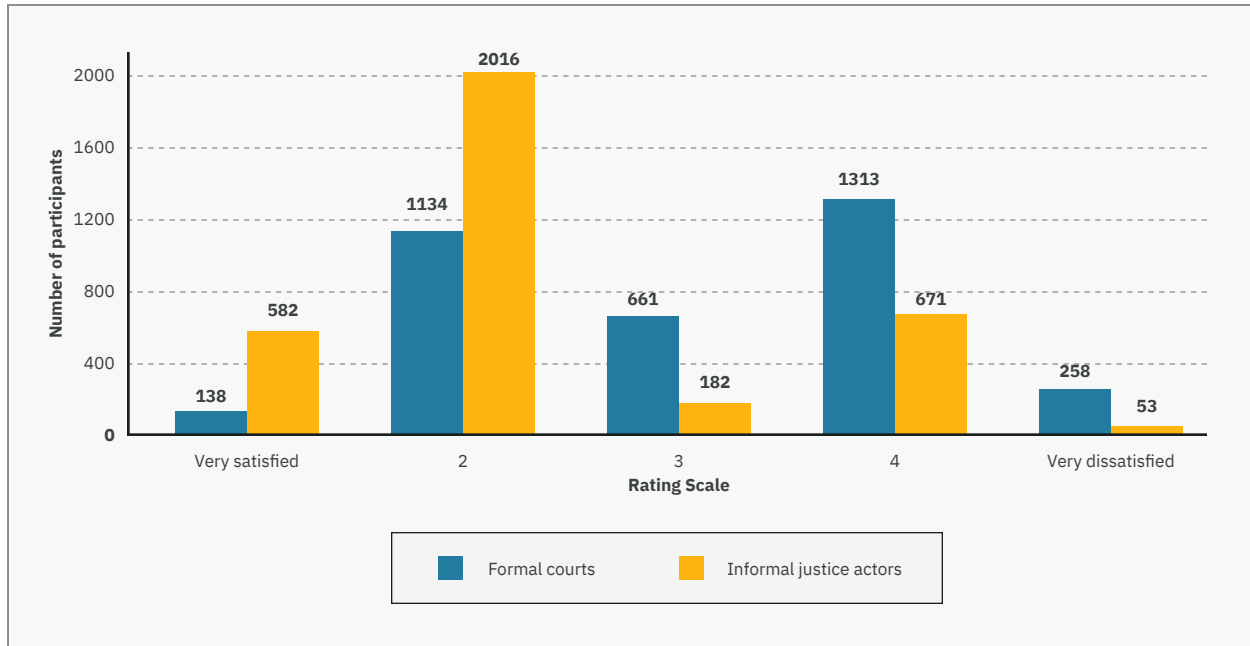
**Source:** LISGIS et al, 2019, Tables 162 and 166.

**Note:** Participants were asked to what extent they trusted the courts and informal justice actors from 1 ("I trust these actors a lot") and 5 ("I do not trust these actors at all").

46. Supra LISGIS et al, 2019, page 8.



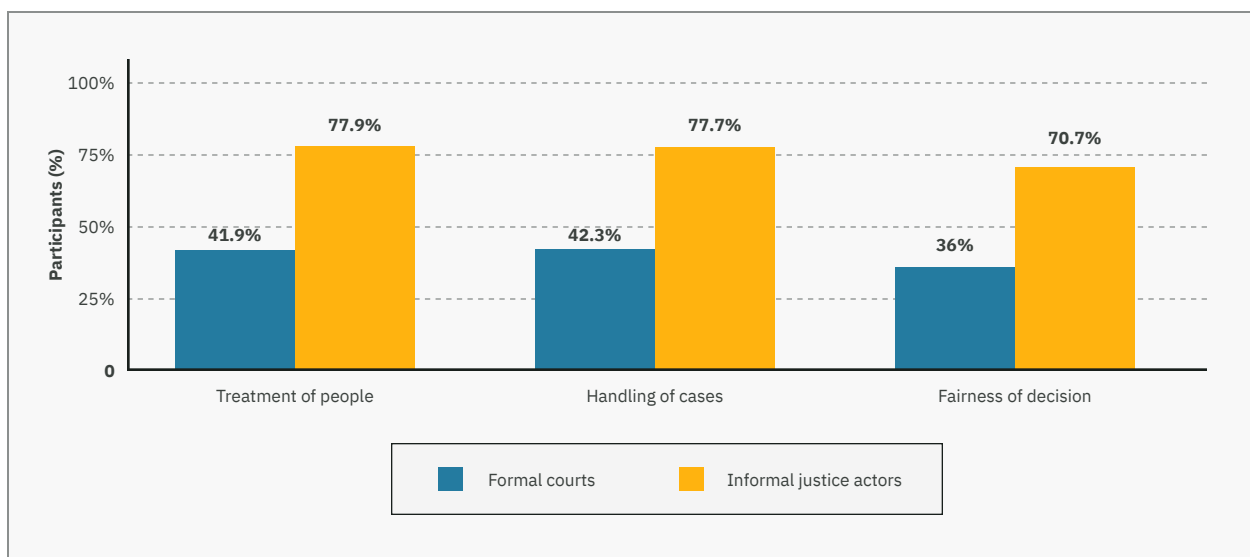
>>> **Figure 6:**  
Customary justice is perceived as fairer and impartial



**Source:** LISGIS et al, 2019, Tables 33 and 120.

**Note:** Participants were asked to what extent they were satisfied with the fairness and impartiality of judges and informal justice actors from “Very Satisfied” to “Very Dissatisfied”.

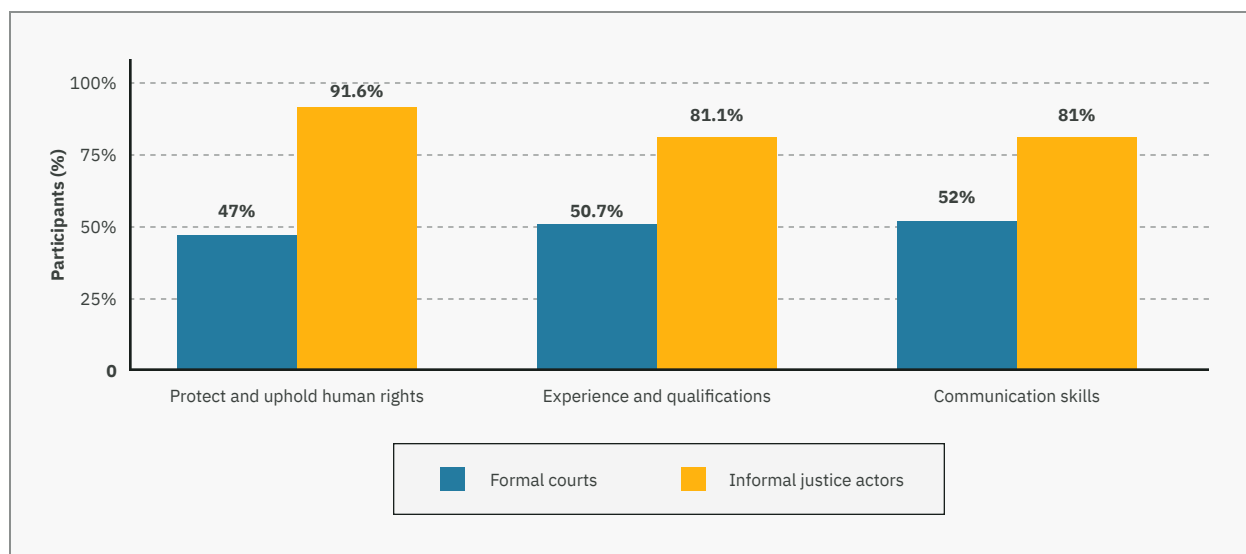
>>> **Figure 7:**  
Liberians are more satisfied with informal justice actors



**Source:** LISGIS et al, 2019, Tables 36 and 113, 28 and 111, 39 and 116, respectively.

**Note:** Authors’ calculations on the percentage of participants that answered, “Very satisfied” and “Satisfied” when inquired about their level of satisfaction with the way that formal courts/informal justice actors treat people, handle cases, and with the fairness of their decisions.

>>> **Figure 8:**  
Liberians are more satisfied with informal justice actors' skills and qualifications



**Source:** LISGIS et al, 2019, Tables 35 and 114, 31 and 118, 32 and 119, respectively.

**Note:** Authors' calculations on the percentage of participants that answered, "Very satisfied" and "Satisfied" when inquired about their level of satisfaction with the way that judges/informal justice actors protect and uphold human rights, their experience and qualifications, and their communication skills.

Trust in the customary system was especially high in counties where the customary system is prominent (88 percent in Nimba, 87 percent in Bong, and 83 percent in Lofa).<sup>47</sup> The highest trust and confidence are in the system's upholding of principles of fairness: 93.2 percent of respondents held that the system does not neglect those principles.<sup>48</sup> Following the same tendency, customary justice actors were rated satisfactorily across various other categories, including their accessibility (80.1 percent); responding to requests for assistance (80.8 percent); the level of integrity that they

displayed (78.3 percent); how they deal with issues involving women and children (80.2 percent); their fairness and impartiality (74.1 percent); and their effectiveness and efficiency (79 percent).<sup>49</sup> Several factors contribute to these perceptions. Access to the courts is an issue that is frequently raised by users, and that leads to the *de facto* exclusion of most Liberians from the court system (Figure 9).<sup>50</sup> This has consistently been the case over at least the last decade, as it is a consistent trend across datasets from different years.

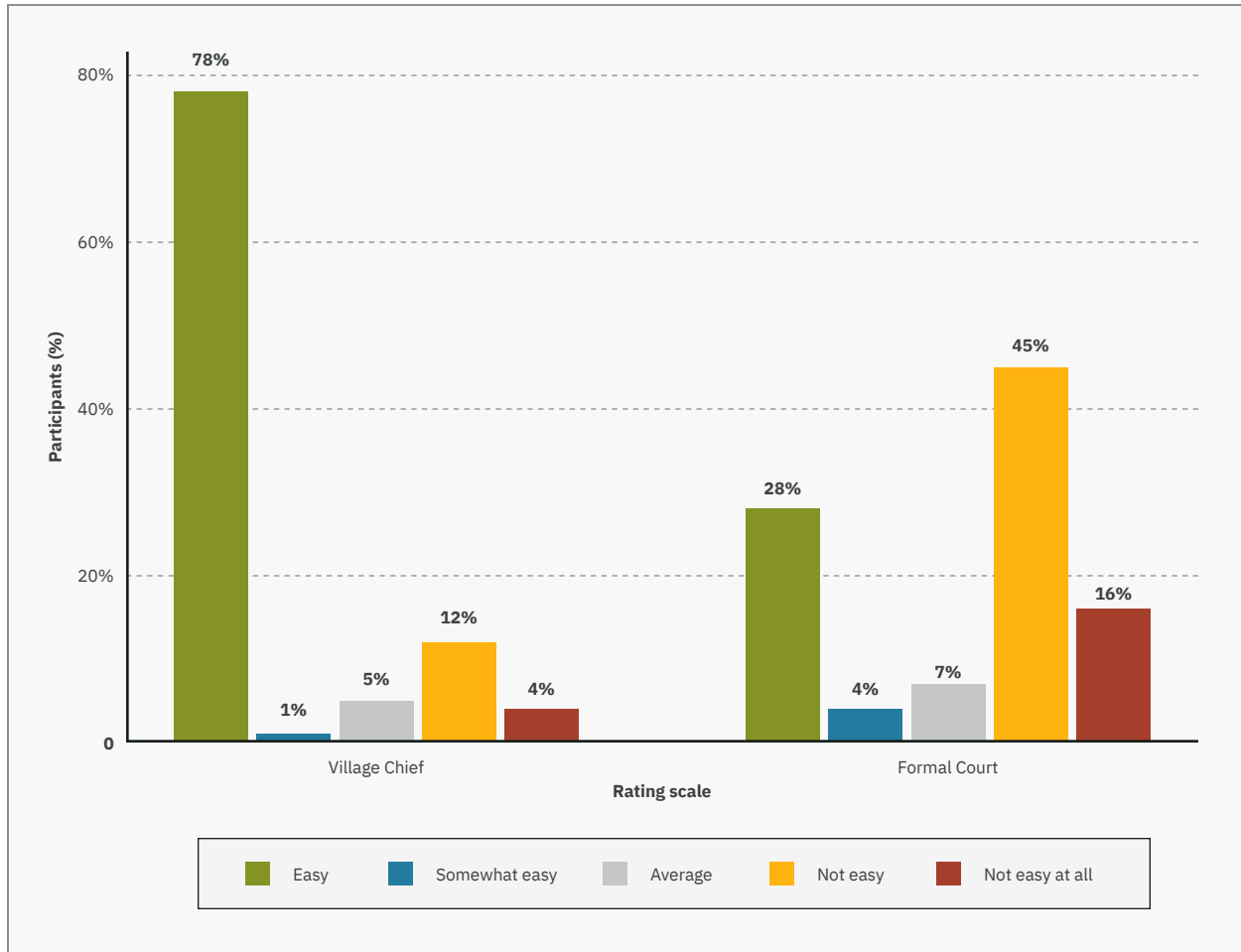
47. *Supra* LISGIS et al, 2019, Table 166, page 109.

48. *Supra* LISGIS et al, 2019, Table 150, page 101.

49. *Supra* LISGIS et al, 2019, Tables 109, 110, 115, 117, 120 and 121.

50. Vinck, P., Phuong N. Pham, and Tino Kreutzer. 2011. *Talking Peace: A Population-Based Survey on Attitudes about Security, Dispute Resolution, and Post-Conflict Reconstruction in Liberia*. California: Human Rights Center, University of California, Berkeley. Page 63. This study was undertaken by the Human Rights Center of the University of California, Berkeley to contribute to a deeper understanding of: (1) the population's priorities for peacebuilding; (2) Liberians' perceptions of their post-war security; and (3) existing disputes and conflict resolution mechanisms. The study was based on extensive consultations with local organizations, interviews with key informants, and a nationwide survey of 4,501 respondents randomly selected in each of the counties to represent the views of the adult population in Liberia. The survey was implemented in November and December of 2010. Results are representative of the population at the county level and for the Greater Monrovia district.

>>> **Figure 9:**  
 Accessing the customary system is easier than accessing the courts



**Source:** Vinck et al, 2011, University of California, Berkeley.

**Note:** Displays the percentage of participants that describe their access to formal courts and village chief courts as “Easy,” “Somewhat easy,” “Average,” “Not easy,” and “Not easy at all.”

In the JUPITER questionnaire, access was tested in terms of geographical access, gender-based access, access for persons with disabilities, access for people with linguistic barriers, and access for people from different socio-economic classes. The survey finds that the law provides equal access but, in practice, difficulties remain across all categories. This finding was confirmed during interviews with the Human Rights Section of the Ministry of Justice (MOJ).

Geographically, courts are more accessible to people in urban regions than those in rural ones.<sup>51</sup> This is compatible with the finding that the customary system is prominent in rural areas (see Section 2.1b). Users interviewed by the team had to travel an average of 60 minutes to reach the nearest court, with peaks of 150 and 180 minutes. The longest travel times (180 minutes) were reported by users interviewed in the counties of Grand Bassa and Grand Cape Mount.

51. JUPITER Data-Collection Tool, question 13.

### **b. Access to justice for women**

By law, women have the same right as men to file a claim in formal courts and their testimony carries the same evidentiary weight. In practice, however, lawyers mentioned that “*women are sometimes afraid to testify in courts compared to men,*” that “*women are shy to explain things the way a man will do,*” and that “*other family commitments may keep them from being able to spend the day in court.*”<sup>52</sup> This indicates that gender inequalities are entrenched in society, leading even government officials to conclude that the system is “*a lot more accessible to men than women.*”<sup>53</sup> Government officials spoke of the stigma that women encounter when filing claims, starting with their own family often pushing them not to file claims, especially against their husbands.

This finding is in line with previous studies showing that women, especially those living in rural areas, are more often confronted with barriers in accessing the justice system, as formal justice institutions are expensive and apply procedures that many Liberian women consider unfamiliar.<sup>54</sup> Higher rates of illiteracy and lower access to the already limited legal aid services further hinder women’s access to the formal courts.<sup>55</sup>

The team consulted the legal framework and its practical application in the hypothetical case of a woman seeking civil remedies for sexual harassment in the workplace. The legal framework establishes civil remedies for sexual harassment

in employment (Sections 2.8, 14.8, and 14.10 of the Decent Work Act of 2015)<sup>56</sup>. When presenting respondents with this hypothetical case,<sup>57</sup> however, it was evidenced that the practice lags due to the stigma that women face in reporting such conduct and the fear they experience that their jobs will be compromised.<sup>58</sup> The Government of Liberia has made progress in guaranteeing equality between men and women through legislation and policies, which has also raised the profile of these offenses in the public eye. As a result, several practicing lawyers have reported that women’s advocacy groups now frequently get involved in sexual harassment cases, empowering women to seek redress in court more frequently and pressuring the judiciary to dispose of these cases fairly and efficiently.<sup>59</sup>

This finding is consistent with studies focusing exclusively on sexual and gender-based violence (SGBV), finding that SGBV prevention and response in Liberia face multiple challenges.<sup>60</sup> At the policy level, the necessary policy instruments have been developed, but adherence to the dictates of the instruments is lacking. Moreover, some institutions created by the policies are yet to be fully equipped to perform their roles. The prominence of prejudice against women in society, and the exclusion of women from decision-making, provide an enabling environment for high levels of violence against women. Women and girls who suffer from SGBV are mostly poor, and lack financial support to seek justice.

52. Interviews with lawyers in Montserrado County, March-April 2023.

53. Interview with the Human Rights Section of the Ministry of Justice, April 11, 2023.

54. Supra Isser et al, 2009, page 97; and Bonde and Williams, 2019, page 27.

55. As reported by the U.S. Department of State and ILAC. See United States Department of State. 2023. *Liberia 2022 Human Rights Report*. Washington, DC: United States Department of State, page 18; and *supra* Bonde and Williams, 2019, page 32.

56. The Decent Work Act of 2015 repeals the Labor Law of 2000 (Title 18 of the Liberian Code of Laws Revised).

57. Respondents were asked how likely women were to bring a civil case for sexual harassment against their employer and how likely they were to win if harassment was proven beyond reasonable doubt (JUPITER Data-Collection Tool, questions 18 and 19).

58. Interviews with lawyers in Montserrado County, March-April 2023; and interview with the Human Rights Section of the Ministry of Justice, April 11, 2023.

59. Interviews with lawyers in Montserrado County, March-April 2023.

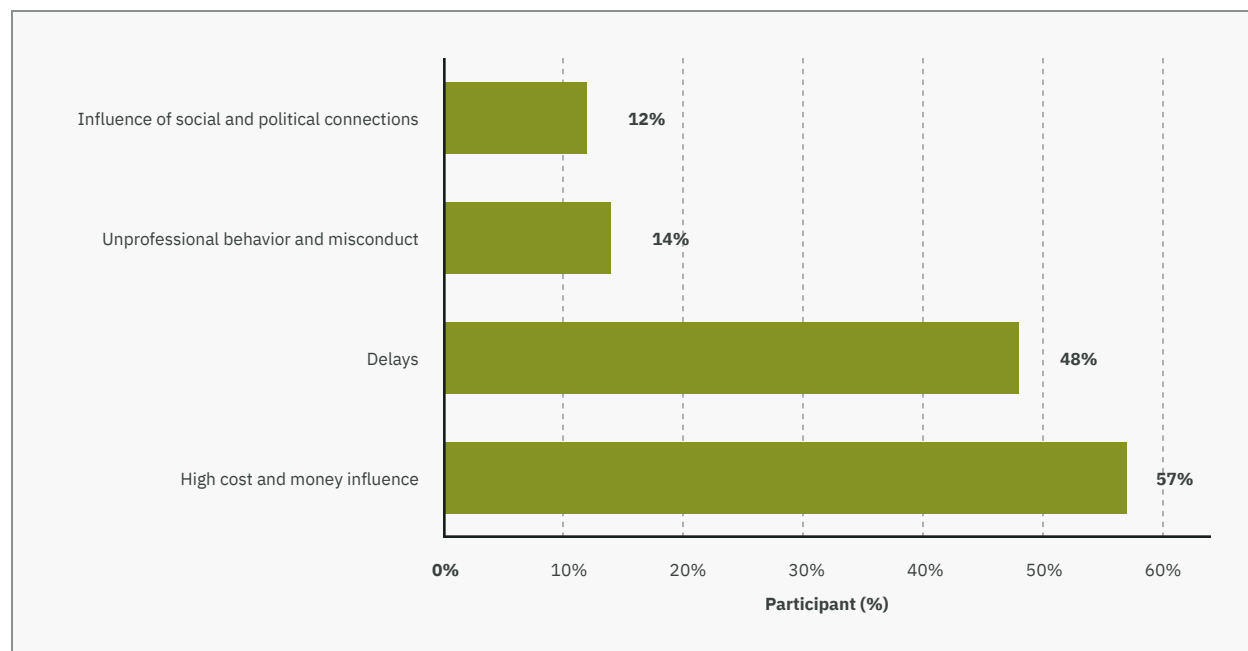
60. Koker, S.B. 2020. *Assessment of the Existing Initial Services Available for Sexual and Gender-Based Violence Cases*. Geneva: UN Women and PBO.

### c. Access to justice for the poor

Access to the courts for the poor people was also benchmarked by JUPITER, and issues extend beyond women. Court users and practicing lawyers overwhelmingly pointed out that “money and class are a factor within the courts in Liberia;” “the status of people in society determines how they are treated within the Court;” “sometimes when people of higher socio-economic class enter the Court, the Judge recognizes them and acts accordingly;” and “ordinary people of low socio-economic status are not given the same level of courtesy as people of higher socio-economic status.”<sup>61</sup>

Overall, a person’s capacity to mobilize forms of social and political power in order to influence court officials seems to play an important role in judicial outcomes.<sup>62</sup> One of the judges gave an example of how this happens in practice: “Sometimes you have a case before you, and the first thing you get is a call from a politician who is directing you how to proceed with the case in the way the politician wants, which is not consistent with the law. You have no choice because there is no job security, you could get fired.”<sup>63</sup> Figure 10 presents a summary of findings on what users perceived as the biggest obstacles in interacting with the judiciary, listing

>>> **Figure 10:**  
Weaknesses in Formal Courts



Source: Interviews with court users, February-April 2023.

Note: Authors’ calculations based on participant’s answers to the question “What has been the most frustrating part of your interaction with the courts?” choosing between four categories: “Influence of social and political connections,” “Unprofessional behavior and misconduct,” “Delays,” and “High cost and money influence.” The category labeled “High cost and money influence” refers to official and unofficial fees that are paid to the court to move the process along. Respondents could choose between one or more of the options presented.

61. Interviews with lawyers at the Temple of Justice in Monrovia, at the Omega Magistrate Court and at the Paynesville Magistrate Court, February-March 2023.  
62. *Supra* Lubkemann et al, 2011, page 90.  
63. Interview with a Judge from the Magistrate Court of Monrovia, March 29, 2023.

the influence of social and political connections as one of the four main troubling areas. High cost and money influence are measured together as they both represent an expense from a user's perspective and must be planned for as such.

The inaccessibility of the courts for poor persons results in a *de facto* exclusion of over two-thirds of Liberians from the formal justice system.<sup>64</sup> The situation is exacerbated by the fact that there is no government-funded legal aid in civil cases. Legal aid is defined here as the free provision of assistance to people who are unable to afford legal representation and can include representation in court, legal advice before the proceedings, payment of court fees, payment of technical experts, enforcement fees and even travel costs.

The only legal basis for the provision of free legal services to indigent people in civil cases is contained in Chapter 65 of the *Civil Procedure Law* of 1972 (Title 1 of the Liberian Code of Laws Revised), which regulates the process of obtaining permission from the court to proceed as an indigent person. According to this process, upon the motion of any person, the court may grant permission to proceed as an indigent person. The moving party files an affidavit setting forth the amount and sources of his income and listing his property with its value; that he is unable to pay the costs, fees, and expenses necessary to prosecute or defend the action or to maintain or respond to the appeal; the nature of the action; sufficient other facts so that the merits of his contentions can be ascertained; and whether any other person is beneficially interested in any recovery sought and, if so, whether every such person is unable to pay such costs, fees, and expenses. If the court grants the motion, in its order it will assign an attorney.

Interviews with local experts revealed that this permission is almost never granted in practice.

In 2019, the Government of Liberia adopted a national legal aid policy to address this legal vacuum, from which a draft Legal Aid Bill has been drafted. The Bill defines key concepts, including legal aid, legal advice, and legal representation, governs all matters related to access to justice and legal aid, and proposes the establishment of a public body – the “Liberia National Legal Aid Service” – governed by the National Legal Aid Board. As of May 2023, the draft Legal Aid Bill was with the National Legislature, though its chances of approval before the October 2023 elections were deemed low by all the stakeholders interviewed by the team.<sup>65</sup>

In practice, legal aid in civil cases does not exist. In criminal cases, these services are occasionally supplied by public defenders, a few civil society actors – for example, the Carter Center, Her Voice Liberia, and Serving Humanity for Education and Development – and the LNBA.<sup>66</sup> The Constitution of LNBA requires the Bar to have a Legal Aid Committee to promote free legal services for indigent litigants who offer convincing evidence that they are unable to obtain legal representation.<sup>67</sup> From 2017–2020, LNBA organized legal aid clinics at five circuit courts in five counties: Bomi, Bong, Grand Bassa, Margibi, and Montserrado. The LNBA continues to provide legal aid services in several counties with support and funding from the Carter Center but continues to face challenges including logistics (also related to travel), lack of resources, and a weak culture for pro bono work among lawyers.<sup>68</sup> The Association of Female Lawyers of Liberia (AFELL) provides legal aid to women, but is overwhelmed with cases and faces budget constraints.

64. *Supra* IDLO, 2022, page 7.

65. In his 6th State of the Nation Address, President George Weah confirmed that lawmakers are yet to pass the Legal Aid Act of 2022.

66. In 2022, Public Defenders took on 3,303 cases and disposed of 2,103, while from October 2020 to September 2021, Public Defenders took on 2,141 cases and disposed of 1,746 of them, all for free, all with Judiciary legal aid support to indigents. See Annual Report, October 1, 2020 – September 30, 2021; Annual Report, October 1, 2021 – September 30, 2022; Annual Report, January–December 2022; and Courts' Case Activities Report, Third Quarter, A.D. 2022.

67. Section VI, Subsection D of the Constitution of the LNBA, 1983.

68. Interview with members of LNBA, January 2023.



**d. Access to justice for people with linguistic barriers**

Lack of budget and human resources are often mentioned as the top reasons why services, including legal aid and SGBV-related services, cannot be offered. That also applies to interpretation services for non-native speakers and people with linguistic barriers. The law regulates the other aspects of access to justice examined above. For example, Sections 13.8 and 21.4 of the Civil Procedure Law regulate the appointment of interpreters and translators whenever an action is between parties, one or more of whom does not understand or speak English, or whenever a witness who does not speak the language needs to be examined.

In practice, however, 81 percent of experts consulted by the team explained that, in their experience, there are no such services in place in the courts. If parties need interpretation, experts agree that they would have to pay for it themselves. When asked about how likely people are to receive such services free of charge, 62 percent of experts said it was “*Unlikely*” (meaning it would happen in less than 25 percent of cases). The answer was unchanged when experts were asked whether indigent people were likely to receive such services. Overall, experts concluded that the system was a lot more accessible for people without linguistic barriers.<sup>69</sup>

**e. Access to justice for people with disabilities**

JUPITER also assessed the accessibility of the courts, by law and in practice, for people with disabilities. By law, Article 11 of the Constitution of Liberia provides for the equal treatment of all persons. The Civil Procedure Law provides that persons declared “incompetent” can sue or be sued through a representative.<sup>70</sup>

To ensure representation for persons with intellectual disabilities in legal proceedings, Section 16.100 (1) of the Civil Procedure Law mandates that the court is responsible for providing adequate counsel to any allegedly “mentally disabled” or “incompetent” party involved in a hearing. The court is also required to inform the party of their right to counsel, inquire about their preferences regarding the appointment or summoning of counsel, and take necessary actions accordingly. If the party is found to be indigent, the court must appoint the County Defense Counsel, if available. In cases where the County Defense Counsel is unavailable, the court is obliged to appoint a licensed counselor at law to ensure fair and just representation for persons with disabilities within the Liberian legal system.

Although these provisions allow for persons declared “incompetent” or with “intellectual disabilities” to be represented by counsel or representative in court proceedings, it is important to note that the right to legal capacity encompasses further guarantees, such as the power to engage in transactions and create, modify, or end legal relationships.<sup>71</sup> Pursuant to Article 12 of the Convention on the Rights of Persons with Disabilities and its interpretation by the treaty’s Monitoring Committee, governments have the obligation to transition from the substitute decision-making paradigm – which encompasses guardianship, conservatorship, and mental health laws that permit forced treatment – to one that is based on supported decision-making. This support in the exercise of legal capacity must respect the rights, will, and preferences of persons with disabilities and should never amount to the imposition of a substitute decision-maker against their will.

However, in practice, most courts in Liberia are not accessibility-friendly and the lack of any court-level guidelines or implementation of the word of

69. Interviews with lawyers in Montserrado County, March-April 2023.

70. Legislature of the Republic of Liberia. 1972. Civil Procedure Law, Title 1. Section 5.13.

71. United Nations, Committee on the Rights of Persons with Disabilities. 2014. “General Comment No. 1.” Committee on the Rights of Persons with Disabilities, Eleventh Session.

the law has led to no standard support for persons with disabilities. Seventy-five percent of experts consulted by the team agreed that the level of implementation of policies to accommodate persons with disabilities in courts was “*Very Low*” (less than 25 percent of courts). These policies should include, for instance, wheelchair accessibility, washroom accessibility, alternative seating arrangements in courtrooms, and sign language interpretation. The lack of accessible public transport, along with the long distances to courts, are other major barriers to accessing courts for people with disabilities.<sup>72</sup> This leads government officials to conclude that “*people with disabilities are very disadvantaged*” and the chances of them getting equal treatment are “*very slim*.”<sup>73</sup>

#### **f. Access to information**

Accessibility and perceived fairness of the courts are impacted by the low level of publicly available information on their functioning, judgments, and the applicable laws. Liberia does not have a centralized and comprehensive website of all national laws and regulations – that is, operated, managed, and administered by a single government unit – making the process less predictable for the parties. Some laws and judgments are available on two platforms: the website of the judiciary and of the Liberia Legal Information Institute (LiberLII).<sup>74</sup>

The judiciary’s website contains basic information on the legal framework, including copies of the Constitution, the Judiciary Law, the Rules of Courts, a few Judicial Orders, and a selection of opinions and judgments from the Supreme Court, last updated with several decisions from 2023. The website

also has general information on the organization of the court system – for example, court hierarchy, court location, court hours and days of operation, and court fees – but no information on how to file claims on common types of cases, legal aid, or on how to self-represent, making it more difficult for people to file a claim without the assistance of a lawyer, even when the claim is small.

LiberLII is a searchable repository of opinions of the Supreme Court, as well as codified and uncodified legislation, agency regulations, concession agreements, court rules, treaties, and an array of Liberian law resources. It started in 2010 at the initiative of the MOJ, with funding from USAID, as a collaboration among the American Bar Association Rule of Law Initiative (ABA ROLI), Cornell University Law Library, the Pacific Legal Information Institute, and the Australasian Legal Information Institute.<sup>75</sup> Due to lack of funding, however, it has not been updated since early 2017. LiberLII and the judiciary’s website have a high level of interdependency as the latter contains hyperlinks to LiberLII’s decisions for years 1861-2017. Since 2017, a selection of decisions has been uploaded directly on the judiciary’s website.<sup>76</sup>

Representatives from the Judiciary’s Department of Public Information explained that publishing opinions from the Supreme Court has been challenging. Judges are resistant to providing copies of the judgments for publication and use dilatory techniques to avoid it. For example, they claim that the judgments need further revision before being published, and when asked again they simply do not answer. Judges from the Circuit Courts are even more reluctant to provide copies of

72. Interviews with lawyers in Montserrado County, March-April 2023.

73. Interview with the Human Rights Section of the Ministry of Justice, April 11, 2023.

74. Judiciary of the Republic of Liberia, official website: <http://judiciary.gov.lr/>; and Liberia Legal Information Institute (LiberLII): <http://liberlii.org/liberlii/brochure.html>.

75. LiberLII was incorporated in May 2011 as a not-for-profit, and its Board of Directors includes representatives of the MOJ, the Law Reform Commission, the Judicial Institute, the LNBA, and the Louis Arthur Grimes School of Law.

76. Selected opinions are available on the official website of the Judiciary: <http://judiciary.gov.lr/opinions/>.

their judgments as they may not consider them final, since there is still a possibility of appeal.<sup>77</sup> Judges and their clerks are generally not cooperative with requests to obtain judgments for publication. While it is possible to request copies from each judge's clerk by paying a photocopying fee, in practice, these requests are often denied. Additionally, even if copies are provided, they may only be available to individuals in Monrovia, as accessing them from rural areas can be difficult. Providing access to all court decisions can enhance transparency, integrity, and accountability. Publishing decisions even while the appeal period is pending can ensure that lower court judges are held accountable for their decisions, regardless of whether the parties choose to exercise their right to appeal.

The Ministry of Foreign Affairs (MFA) should publish laws but, in practice, their publication has been sporadic. The National Gazette has mostly been focused on national holidays or major political events, such as the death of a Minister, and the publication of laws is left to the occasional distribution of handbills. This creates a high level of uncertainty on the applicable law, even among members of the legal profession, as laws create ambiguities that can be exploited by the parties, especially since conflicting laws are often not repealed in a timely manner. When asked how difficult it is to stay abreast of the legal framework, 88 percent of experts answered it was "*Difficult*" (consolidated versions of updated laws and regulations are either not available or very delayed: timely updates occur in less than 25 percent of cases) or "*Somewhat difficult*" (timely updates happen in less than 50 percent of cases).<sup>78</sup> Members of the LNBA explained that the lack of a law on the rulemaking process contributes to these vacuums.<sup>79</sup>

The lack of effective, comprehensive, and timely public access to laws, regulations, and court decisions has impact that extends beyond the right to access information as these documents constitute the foundation for the integrity, transparency, and accountability of the justice system. Without it, justice becomes fundamentally unavailable and inaccessible for citizens. The lack of effective access to legal information can affect critical aspects of the justice system, such as the overall quality of the laws, as officials are unable to harmonize new laws with existing ones before their implementation. Similarly, it prevents stakeholders from identifying regulatory gaps, loopholes, and deficiencies in the legal system, which can enable corrupt behavior by allowing individuals to exploit these gaps and inconsistencies. In other words, difficulties in accessing legal information significantly perpetuate the invisibility of corruption and hinder the judiciary's accountability. The lack of transparency also impacts the efficiency of judges and clerks, who take longer to find basic and necessary information.

The low level of digitization of courts, court personnel and judges, plays a role in the low public availability of information, and consequent low accessibility of the courts. Almost all of them do not have internet or intranet installed, and the few that do are all in Montserrado County, where the capital of the country is located.<sup>80</sup> Also, several courts do not have a reliable connection to electricity. Therefore little can be done online by users, as electronic filing of a claim is not allowed, and neither are electronic service and virtual hearings, except for a trial currently ongoing in the Supreme Court that started in March 2023.<sup>81</sup> This has an impact on access, as it limits what can be done by individuals who do not live in close proximity to the courts.

77. Interview with the Department of Public Information, April 7, 2023.

78. JUPITER Data Collection Tool, question 2.

79. Focus group with the LNBA, April 25, 2023.

80. JUPITER Data-Collection Tool, questions 95 and 96.

81. Interview with the Department of Information Technology, April 7, 2023.

The Government of Liberia has actively been trying to increase the level of digitization of its courts by implementing an initial form of case management system in 14 courts (see Box 1). The system is only at a data-entry level where clerks enter the information in an e-tablet, and it gets recorded into the system. The tool has been built, the clerks have been trained, and e-tablets have been provided to 12 Magisterial Courts and two Circuit Courts, all in Montserrado County. A central management team collects the data.<sup>82</sup> However, none of the users or lawyers consulted by the team were aware the system existed, perhaps because it is only internal to the courts. The system faces several constraints such as delays in enabling and mishandling of the e-tablets, and scarcity of network in rural Montserrado.

### ***g. Quality of judgments***

Perceptions of fairness of the courts relate to the public's perception of judges themselves and the quality of judgments they render. A study on the perception of the courts across all 16 counties revealed that only 28 percent of Liberians felt judges treated them equally; 23 percent felt that judgments were the same for everyone; and 31 percent trusted their judges, suggesting a major lack of trust in the court system, with little variation across counties.<sup>83</sup> As discussed above, the lack of transparency of the legal framework and case law – especially relevant in a country of common-law tradition like Liberia where case law is part of the legal framework – undermines the consistency of the legal framework and users' predictability of

the decisions. Beyond transparency and access, aspects such as how judges are appointed, how cases are assigned within the courts, the type of extra-judicial activities that judges can carry out, and the consistency of decisions with precedent, have an impact on the public's perception of the courts. JUPITER assesses all these dimensions.

The appointment of judges is regulated by Articles 68 and 69 of the Constitution. According to these articles, the Chief Justice and Associate Justices of the Supreme Court are appointed and commissioned by the President with the consent of the Senate. Supreme Court Justices should be citizens of Liberia of good moral character who have practiced for at least five years.<sup>84</sup> Circuit Court Judges are appointed through the same process, but only three years of experience are required.<sup>85</sup> Stipendiary magistrates need to be at least 23 years of age, have been engaged in the active practice of the law for at least two years and reside in the magisterial area for which they are appointed.<sup>86</sup>

In practice, however, 69 percent of experts consulted by the team explained that the process for the appointment of judges is followed very rarely, meaning in less than 25 percent of cases. What happens in practice, instead, is that *"appointments are very political."* For example, experts mentioned that qualifications were often overlooked, as political affiliations were given more weight in the process of appointment. In the past, the appointment was done following LNBA's recommendation to the President transmitted through the Chief Justice, but recently this has not been the case.<sup>87</sup>

82. Judiciary of the Republic of Liberia. 2023. *Annual Report January-December 2022*. Monrovia: Judiciary of the Republic of Liberia.

83. *Supra* Vinck et al, 2011, page 65.

84. Article 68 of the Constitution of the Republic of Liberia.

85. Article 69 of the Constitution of the Republic of Liberia.

86. Sections 2.4, 3.7, 4.7, 5.7, 6.5, 7.6, 9.5 and 10.5 of the Judiciary Law, 1972, specify qualifications of judges at various levels from the Supreme Court to the Magistrate Courts. These requirements, however, are slightly different from those set forth in the Constitution on the minimum number of years required for each type of appointment. In all these cases, the Constitution supersedes (Article 2 of the Constitution of Liberia).

87. Interviews with lawyers in Monrovia, March–April 2023.

>>> **Box 1:**  
CMIS Pilot in Liberia

The Judiciary of Liberia, in partnership with UNDP, has launched a Case Management Information System (CMIS) designed to significantly improve data collection, analysis, and use, thereby increasing the efficiency of justice services. This digital tool enables real-time online tracking of both civil and criminal cases and the measurement of case disposal rates, leading to more informed judicial decision-making. The CMIS also plays a key role in mitigating judicial bottlenecks and reducing pre-trial detention and prison overcrowding, given its capacity to highlight areas requiring additional judicial resources.

The CMIS was developed leveraging open-source software, providing a free and adaptable foundation for secure and efficient service delivery. Special attention was given to addressing the challenges of scalability and sustainability. The system allows for offline case uploading, enabling uninterrupted usage even in areas with limited internet connectivity. Additionally, the system is a homegrown solution, developed by a Liberian ICT specialist familiar with the local legal terrain and culture, allowing for system customization to suit local needs. This strategy has helped foster system ownership, paving the way for future maintenance and upgrades by the end-users themselves. The roll-out of CMIS has been an iterative process, with lessons drawn from each stage for continuous improvements.

2020-2021

- Case Management Unit of the Judiciary was created with assistance of UNDP.

2021-2022

- Case management software designed.
- 25 clerks of court were trained and certified in its use.

Dec 2022

- The Judiciary Case Management Office was fully established, equipped and staffed.
- The case tracking software was developed, tested, and implemented.
- UNDP donated 14 e-tablets to various courts for its use.



Case Management Office supported by UNDP and the Government of Liberia, First Judicial Circuit, Montserrado County.



Once appointed, judges are forbidden from engaging in extra-judicial activities, as established by Canons 31 and 37 of the Judicial Canons of the Republic of Liberia. In practice, judges seem to respect these rules and seldom engage in political activities or other remunerated activities, other than teaching at the law faculty. Judges, however, do have interests in various businesses – the most frequent example provided by local experts was businesses in real estate – which can provide motivation for favoring a party over another one.

By law, the assignment of cases within the Circuit Courts is regulated by Section 15.2 of the Civil Procedure Law. According to this provision, cases should be docketed chronologically based on the date that the clerk receives proof of service of the action on the defendant from the plaintiff’s lawyer. A few cases regulated by law, such as actions brought by or against the Republic of Liberia, receive preference on the trial calendar. This provision is supplemented by Section 3.11 of the Judiciary Law, which establishes that jury cases shall also have preference over all other cases and matters, and criminal cases shall be heard first. The recording clerk forwards the assignments to the Office of the Chief Sheriff, who assigns a bailiff to serve the order. Assignment of cases in Magistrate Courts is done orally.

In practice, the process is frequently abused. Seventy-three percent of experts consulted by the team said that the assignment process is abused “Often” (between 50 percent and 75 percent of cases) or “Very Often” (in more than 75 percent of cases), and 55 percent of them mentioned that it is “Easy” or “Very Easy” to influence.<sup>88</sup> The main reason is that, in practice, the process varies from judge to judge, with some judges requesting to approve the assignment before issuing the assignment order—something that is not required by law. Sometimes, judges simply do not assign cases because they do not wish to add workload to their schedules.

Departure from previous case law needs to be stated and motivated in any decision. When issuing a decision, the Supreme Court can either recall a previous opinion, modify it, or restate it. The reasons for these decisions should be clearly stated in the opinion. However, as reported by local experts, this rarely happens in practice. The Supreme Court frequently provides conflicting decisions, confusing both lawyers and the public. This is an important cue into the quality of judgments. This issue is exacerbated by the lack of effective public access to laws, regulations, and court decisions, which increases the risk of judicial errors and corruption.

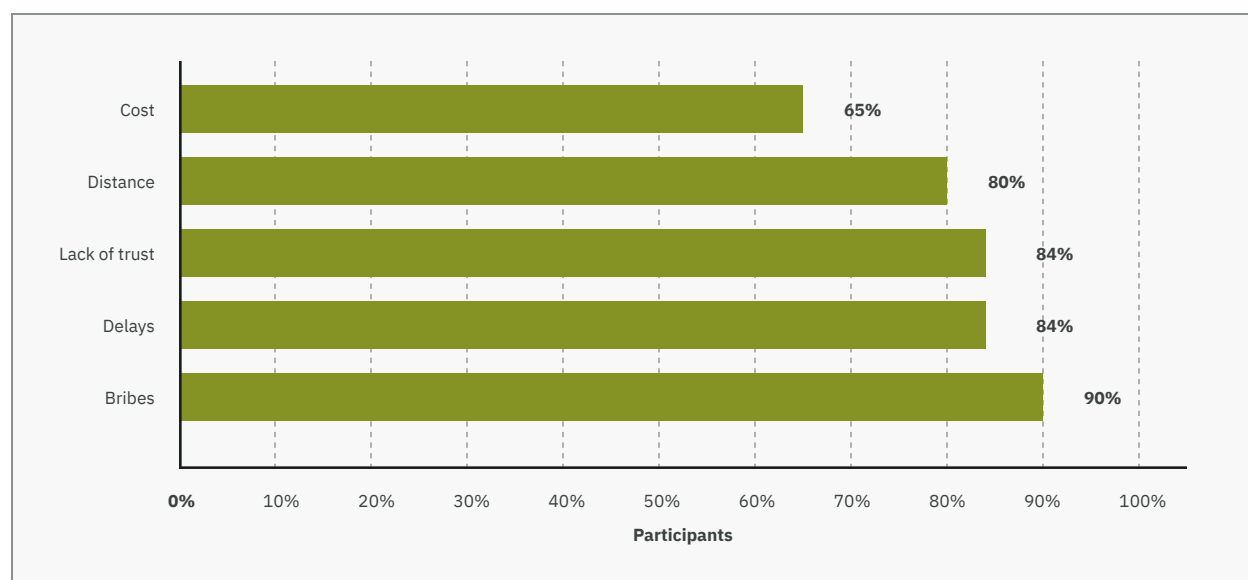
88. JUPITER Data-Collection Tool, question 88.

## 2.4 Formal courts are costly and slow

Courts in Liberia tend to be inefficient. Examples of specific issues mentioned by court users include “frustration over unnecessary delays in the court process”; “inaccessibility of the court to people who do not have money”; “cases being consistently postponed for no apparent reason”; “uncertainty about which court has jurisdiction over a case”; and “lack of professional services in court.”<sup>89</sup> This finding is consistent with previous studies that have documented the experience of court users (Figure 11).<sup>90</sup>

Budget shortages are often cited as a leading cause for inefficiency. A review of the National Budget for Fiscal Year 2023 (January 1 – December 31, 2023) shows that the Judiciary has a yearly budget of USD18,126,994, corresponding to 19 percent of the total budget of USD96,870,000 that is allocated to the Security and the Rule of Law sector (Table 4). This excludes the budget of the MOJ, as there are no line items in the MOJ’s budget that directly relate to the courts, perhaps except for prosecution services which, however, account for only USD

>>> **Figure 11:**  
 Main constraints in accessing the courts



**Source:** LISGIS et al, 2019.

**Note:** Presents the number of participants who answered “No” to the following questions (in order, according to the vertical axis): “If I had a dispute, I would *not* go to court because it is too expensive” (Table 153); “If I had a dispute, I would *not* go to court because it is too far” (Table 154); “If I had a dispute, I would *not* go to court because I don’t trust the system” (Table 151); “If I had a dispute, I would *not* go to court because the adjudication of cases takes too long” (Table 152); and “If I had a dispute, I would *not* go to court because I don’t want to pay bribes” (Table 155).

89. Interviews with court users, February-March 2023. Specifically, Bill (33 year-old male interviewed on February 6); Gibson (42 year-old male interviewed on February 6, 2023); Julie (35 year-old female interviewed on March 7); Jerbo (31 year-old male interviewed on March 7, 2023), and Zaqi (45 year-old male interviewed on March 7). These interviews were carried out at the Montserrado Magistrate Court.

90. *Supra* IDLO, 2022.

>>> **Table 4:**  
Spending on Security and the Rule of Law sector by key administration entity

Spending entity	Percent of total Security and Rule of Law Expenditure			
	FY2022	FY2023	FY2024*	FY2025*
Security and the Rule of Law Sector	100	100	100	100
Law Reform Commission	1	1	1	1
Judiciary	19	19	17	15
<b>Ministry of Justice, of which:</b>	40	41	42	40
Liberia National Police	5	21	23	20
Liberia Immigration Services	2	7	8	7
Correction and Rehabilitation	0.5	1	1	1
Prosecution	1	1	1	1
<b>Ministry of National Defense, of which:</b>	18	17	18	17
Armed Forces of Liberia	16	14	16	14
<b>Other Security Agencies:</b>				
National Security Agency	11	10	9	13
Executive Protection Services	10	10	11	11
Human Rights Commission	1	1	1	1
National Commission on Small Arms	1	0	0	0
Liberia National Commission on Arms	0	1	1	2

\* Projections for FY 2024 and 2025

**Source:** Ministry of Finance and Development Planning of Liberia, 2023, Draft National Budget 2023.

**Note:** The figures included in the columns correspond to the percentage of the budget allocated to the specific spending entity compared to the total budget dedicated to the Security and Rule of Law Sector.

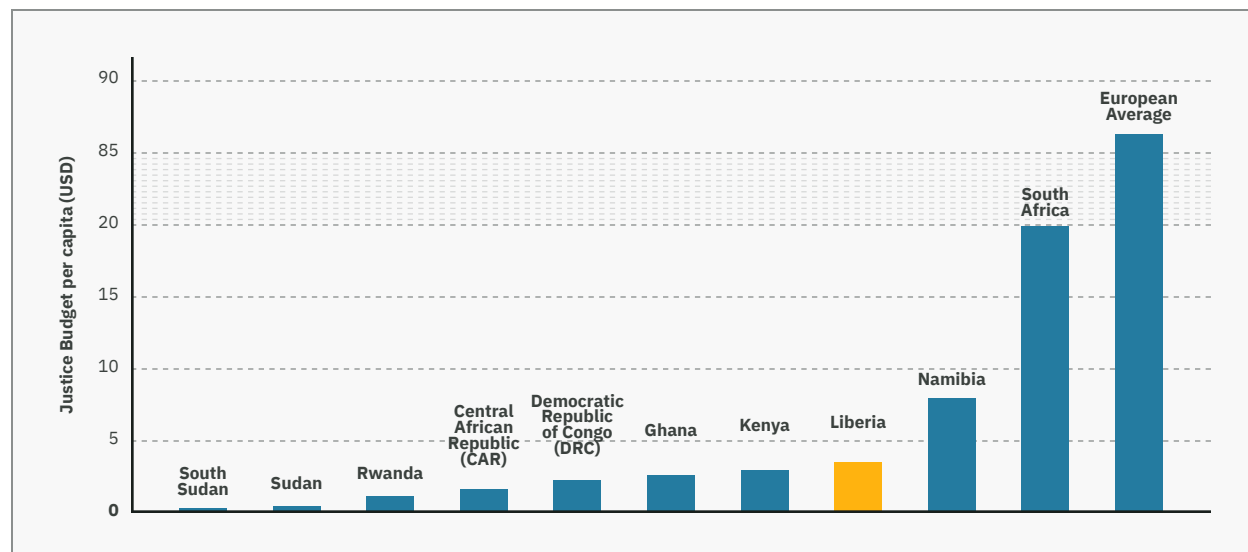
661,808 of the total MOJ budget, only one percent of the total budget dedicated to Security and the Rule of Law. Other budget line items in the MOJ's budget include, for example, the Liberian National Police, the Liberian Immigration Services, and Correction and Rehabilitation Services.<sup>91</sup>

Within the budget allocated to the Security and the Rule of Law sector, the budget dedicated to the Judiciary will decrease from 19 percent in fiscal

years 2022 and 2023 to a projected 17 percent in 2024 and 15 percent in 2025. The Government will be dedicating less resources to the courts, which will affect a sector that already has significant resource management challenges. Interestingly, the budget per capita of the Judiciary of Liberia is in line with that of other economies in the region, evidencing a regional trend with respect to the financing of the justice system (Figure 12).

91. Government of the Republic of Liberia, Ministry of Finance and Development Planning. 2023. *Draft National Budget Fiscal Year 2023*. Monrovia: Government of Liberia.

>>> **Figure 12:**  
 Liberia’s budget per capita is in line with that of other economies in the region



**Source:** National Budget documents of South Sudan, Fiscal Years 2022-2023; Sudan, Fiscal Year 2021; Democratic Republic of Congo, Fiscal Year 2023; Ghana, Fiscal Years 2022-2025; Kenya, Fiscal Year 2023; Liberia, Fiscal Year 2023; Rwanda, Fiscal Years 2022-2023; Central African Republic, Fiscal Year 2023; Namibia, Fiscal Year 2022, South Africa, Fiscal Year 2023; and the average budget for the Council of Europe countries.<sup>92</sup>

**Note:** The “Justice Budget per capita (USD)” was calculated based on the official budgetary allocation to “Justice” in local currency converted to USD and divided by the population as per 2021 WB population projections.

With respect to resource management, the budgets of both the Judiciary and the MOJ have high allocations for compensation of employees against that of goods and services (88 percent for the Judiciary and 73 percent for the MOJ), leaving the courts often short of necessary resources, specifically for transport, telecommunications, and stationery.<sup>93</sup> This imbalance leads to either staff subsidizing work costs or disputing parties having

to provide some resources for these mandatory services, increasing the risk of corruption and the costs of access to justice.<sup>94</sup> In addition, investment in internet and computer supplies is significantly low, which might hinder progress related to the implementation of digital case management systems in courts and other ICT-related services (Table 5).

92. Government of the Republic of South Sudan, Ministry of Finance and Planning, 2022, *Draft National Budget Fiscal Year 2022-23*; Government of the Sudan, Ministry of Finance and Economic Planning, 2020, *Budget Statement 2021/22*; Government of the Democratic Republic of Congo, Ministry of Finance, 2022, *Projet de Loi de Finances pour l'exercice 2023*; Government of the Republic of Ghana, Ministry of Finance and Economic Planning, 2022, *Medium Term Expenditure Framework (MTEF) FOR 2022–2025*; Government of the Republic of Kenya, The National Treasury and Planning, 2023, *National Budget State 2022/23*; Government of the Republic of Liberia, Ministry of Finance and Development Planning, 2023, *Draft National Budget Fiscal Year 2023*; Government of the Republic of Rwanda, Ministry of Finance and Economic Planning, 2023, *2022/23 National Budget*; Government of the Central African Republic, Ministry of Finance and Budget, 2023, *Loi No. 22016 Arretant le Budget de l'État pour l'Année 2023*; Government of the Republic of Namibia, Ministry of Finance, 2021, *2021/22 Budget Statement*; Government of the Republic of South Africa, National Treasury, 2023, *Budget Review 2023*; and European Commission for the Efficiency of Justice, 2022, *European judicial systems CEPEJ Evaluation Report*.

93. *Supra* Ministry of Finance and Development Planning of Liberia, 2023, *Draft National Budget Fiscal Year 2023*.

94. *Supra* IDLO, 2022, page 34.

>>> **Table 5:**  
Judiciary budget allocation per object of expenditure

Object of expenditure	Percent of total Judiciary budget			
	FY2022	FY2023	FY2024*	FY2025*
Judiciary	100	100	100	100
<b>Compensation of Employees and Social Benefits, of which:</b>	81	88	88	80
Basic salary - Civil service	38	42	50	50
Retirement Benefits	3	4	4	3
Benefits for Judges	40	42	35	28
<b>Use of goods and services, of which:</b>	14	11	12	19
Internet Provider Services	0.02	0.07	0.07	0.12
Computer Supplies, Parts and Cabling	0.01	0.09	0.09	0.14
Stationery	1	1	1	2
Printing, Binding and Publication Services	0.01	0.04	0	0
<b>Non-Financial Assets, of which:</b>	5	0.33	0.27	0.25
Transport Equipment-Vehicles	5	0.33	0.27	0.25

\* Projections for FY 2024 and 2025

**Source:** Ministry of Finance and Development Planning of Liberia, 2023, Draft National Budget 2023.

**Note:** The figures included in the columns correspond to the percentage of the budget of the Judiciary allocated to the specific objects of expenditure.

### a. Cost

When looking at cost, three components are relevant: court fees, attorney fees, and additional fees to obtain or speed up services. Court fees in Liberia are set by law and the fee schedule is publicly available, both online and in several courts, but some of the more rural ones did not have a billboard affixed with the fees.<sup>95</sup> The latest fee schedule was promulgated by the Supreme Court in 2015 pursuant to the *Financial Autonomy Act of 2006*. For example, the minimum fee for filing a claim with the Supreme Court in Liberia is USD10 (1.5 percent of GDP per capita), vs. USD25 (1.1 percent of GDP per capita) in Ghana and USD74 (3.6 percent of GDP per capita) in Kenya. Similarly,

the minimum fee for filing a claim with the Circuit Court/High Court is USD10 (1.5 percent of GDP per capita) in Liberia, USD 15 (0.7 percent of GDP per capita) in Kenya, USD 25 (1.1 percent of GDP per capita) in Ghana and USD 36 (4.4 percent of GDP per capita) in Rwanda.<sup>96</sup>

Liberia's fee schedule is detailed, with flat fees ranging between USD5-25 for every step of the process. Users reported that it was burdensome to keep up with multiple small payments. Each payment created an opportunity for interactions with clerks and sheriffs, who routinely asked for additional money to perform their functions, significantly increasing the final cost to users.

95. Judiciary of the Republic of Liberia. 2015. *Revised Schedule of Court Costs, Fees and Fines*. Monrovia: Judiciary of the Republic of Liberia.

96. Judiciary of the Republic of Liberia. 2015. *Revised Schedule of Court Costs, Fees and Fines*; Judiciary of the Republic of Kenya, 2020, *Court Fees Assessment Schedule*; Kwibuka, E., 2018, *Government slashes court fees to ease access to justice*; and Judiciary of the Republic of Ghana, 2014, *Civil Proceedings (Fees and Allowances) (Amendment) Rules 2014*.



When asked to quantify this additional fee, users provided numbers ranging from USD 5 to USD 100, but the median of all answers was USD28.5, or 285 percent of the official fee.<sup>97</sup>

Gaps in the fee schedule further enable the collection of additional fees by clerks and bailiffs, as some services are entirely unregulated. An example of these omissions are the transport costs sustained by bailiffs when serving court documents, sometimes far into the country, in areas with limited infrastructure. Bailiffs routinely ask for additional fees to perform the service. Practicing lawyers noted that court fees are not set at a level that deters individuals and businesses from filing a claim, but the additional fees paid in practice are a significant barrier.<sup>98</sup>

Additional fees are often also paid to judges to speed up or influence a case. Users reported that *“the judge refused to sign a bond filed by the party without the payment of an additional fee”*; *“magistrates can fall for money easily, depending on the case, those who have money can pay any amount just to make the Magistrate make them win the case”*; *“when you have a big case you have to give the Magistrate money before he can pay attention to your case”*; *“the more money you give the Magistrate, the more the case will be in your favor.”*<sup>99</sup> When asked to quantify this additional fee, users provided numbers ranging from USD25 to USD500, with the median of all answers at USD250.

A 2023 Report from the U.S. State Department similarly found that judges reportedly solicited bribes to try cases, grant bail to detainees, award

damages in civil cases, or acquit defendants in criminal cases. Defense attorneys and prosecutors reportedly directed defendants to pay bribes to secure favorable decisions from judges, prosecutors, and jurors or to have court staff place cases on the docket for trial. Some judicial officials and prosecutors appeared subject to pressure, and the outcome of some trials appeared to have been predetermined, especially when the accused persons were politically connected or socially prominent.<sup>100</sup>

Liberians, women and men alike, seem to take as a matter of fact that bribery is indispensable if one wants to win a case in the formal courts, and consequently that there is little point in pursuing a case in court if one cannot or is unwilling to assume such costs.<sup>101</sup> This expectation that users of the courts should pay fees at every stage of the process has put justice beyond the reach of many ordinary people and strengthened the impression that the courts only serve to protect the interests of the rich.<sup>102</sup> In fact, 90 percent of people interviewed for the purposes of a previous study said that they would not bring a dispute to court if they had one because they do not want to pay bribes.<sup>103</sup>

This finding is consistent with recent reports of corruption in the public sector. According to Transparency International’s Global Corruption Barometer Survey, Liberians were the second most likely in Africa to be forced to pay a bribe to access public services in 2019, and nearly half perceived rising corruption.<sup>104</sup> Similarly, the Center for Transparency and Accountability in Liberia

97. Interviews with court users, March–April 2023.

98. Interviews with lawyers in Montserrado County, March–April 2023.

99. Interviews with court users, March–April 2023. Specifically, Favor (36 year-old female interviewed on March 10, 2023); Annie (29 year-old female interviewed on March 11, 2023); Garmonyou (33 year-old male interviewed on March 11, 2023); and Octavious (58 year-old male interviewed on March 11, 2023). All these interviews were conducted at the Temple of Justice in Monrovia, at Paynesville Magisterial Court and at Omega Magisterial Court.

100. *Supra* United States Department of State, 2023, page 7.

101. *Supra* Lubkemann et al, 2011, page 88.

102. See *supra* Bonde and Williams, 2019, page 35; and Moran, G., Ian Christoplos, Caroline Bowah, and Yan Vallah Parwon. 2021. *Evaluation of SIDA’s Rule of Law Portfolio in Liberia, 2016-2020. Final Report*. Sweden: Swedish International Development Cooperation Agency – SIDA. Page 6.

103. *Supra* LISGIS et al, 2019, Table 155, page 104.

104. Pring, C. and Jon Vrush. 2019. *Global Corruption Barometer Africa 2019. Citizen’s views and experiences of corruption*. Berlin: Transparency International and Afrobarometer. Page 15.

(CENTAL) 2022 State of Corruption Report revealed that 90 percent of Liberians think the corruption level is high in the country, with confidence in the executive branch of government to fight against corruption declining from 30 percent in 2021 to 26 percent in 2022.<sup>105</sup> Liberia also ranked 112 out of 140 countries on the World Justice Project Rule of Law Index in 2022, where it ranks 128 out of the 140 countries on corruption, representing extremely high corruption found in both the judiciary and the police.<sup>106</sup>

The Government of Liberia is aware of the perception of corruption in the courts, and it has taken some steps to address it. The Judiciary Inquiry Commission (JIC), for example, was established to investigate complaints of unethical conduct of judges and has conducted several successful investigations. Members of the public are encouraged to file complaints of unethical conduct to the JIC, where an independent and impartial hearing is carried out by a panel composed of judges, the President of the LNBA, and the Chairman of the Grievance and Ethics Committee of the Supreme Court. Also, in 2015, the former Chief Justice – His Honor Francis S. Kporkor, Sr. – established the Department of Public Information to address reports of corruption in the judiciary as well as a general perception that “*justice in Liberia is for sale.*”<sup>107</sup> The Department’s objective was to contribute to rebranding the Judiciary and building public confidence and trust by helping people understand how to pursue cases and seek recourse against judges who commit ethical transgressions. Since its inception, the Department has undertaken several initiatives, for example, the launch of a website and the publication of a quarterly newsletter for the public. However, many of the initiatives could not be sustained due to lack

of funding—this Department is not captured in the budget of the judiciary, as its utility is frequently questioned.

Attorney fees are also part of the cost sustained by individuals and businesses to pursue claims in the courts. JUPITER assesses how likely the winning party is to get full reimbursement of these fees.<sup>108</sup> On the quantification of attorney fees, previous studies suggest that they are in line with – or lower than – those charged by neighboring countries (Figure 13). However, attorneys are the main channel through which additional fees are paid to clerks, sheriffs, bailiffs, and judges, and often retain a portion of these fees. As a result, attorney fees in practice can be significantly higher than previous studies reported, especially since the winning party can recover additional fees through formal court processes. It is in part for these reasons that when court users were asked how satisfied they were with the costs associated with hiring a lawyer, 53 percent said they were dissatisfied or very dissatisfied.<sup>109</sup>

Some attorney fees are regulated by law. Specifically, Rule 38 of the Code of Moral and Professional Ethics establishes that no lawyer shall accept to represent clients in the courts of Liberia for less than the minimum charges fixed by the LNBA and approved by the Supreme Court. The same rule sets some minimum charges for legal representation. Additionally, Section 45.1 of the Civil Procedure Law establishes that the party in whose favor a judgment is entered is entitled to costs in the action, unless otherwise provided by statute or rule or unless the court determines that to allow costs would not be equitable under the circumstances.

105. Yeakula, G.D., Anderson D. Miamen, and Oscar V. Bloh. 2022. *State of Corruption Report 2022. Trends and Citizens’ Views and Perception of Corruption*. Monrovia: CENTAL and Transparency International.

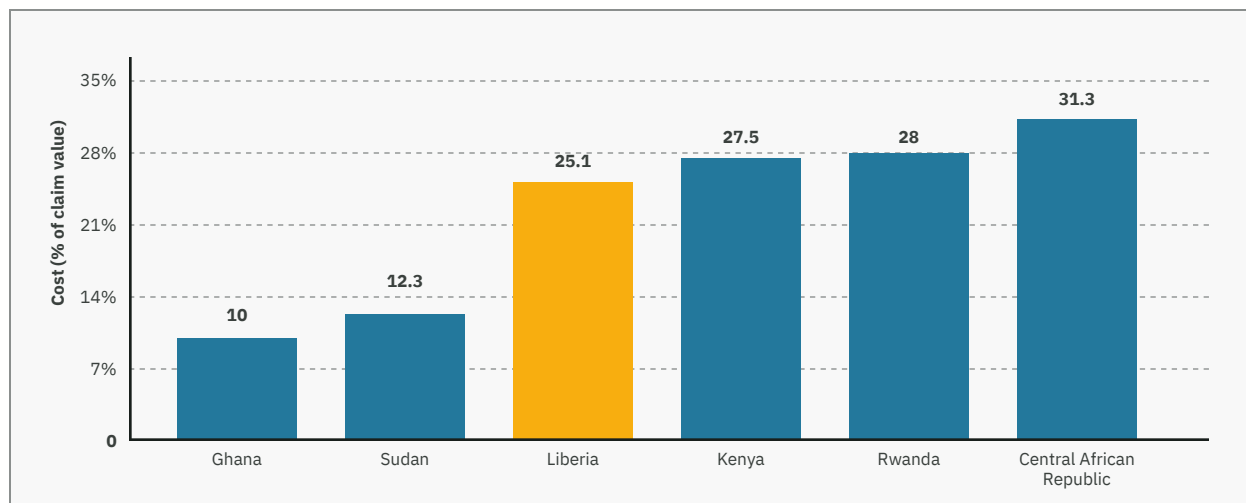
106. *Supra* World Justice Project, 2022.

107. Interview with the Department of Public Information, April 7, 2023.

108. JUPITER Data-Collection Tool, question 50.

109. *Supra* LISGIS et al, 2019, Table 89, page 71.

>>> **Figure 13:**  
 Attorney fees in Liberia are comparable with those charged by neighboring countries



**Source:** Doing Business 2020, World Bank.

**Note:** Costs are recorded as a percentage of the claim value, assumed to be equivalent to 200 percent of income per capita or \$5,000, whichever is greater. In terms of attorney fees, the percentage includes the average fees that plaintiff must advance to a local attorney to be represented in a case, regardless of final reimbursement.<sup>110</sup>

In practice, however, these rules are seldom followed and the chance that the winning party recovers the fees is almost zero, especially at the Magistrate Court level. Lawyers interviewed by the team explained that at the end of the proceedings, the lawyer for the winning party and the court clerk prepare a bill of cost, which is signed by the judge who presided over the case. The opposing lawyer is then afforded the opportunity to challenge the bill of cost before it is executed against the losing party. This bill of cost is prepared further to the fees set out in Rule 38, which are extremely high compared to the median claim value, especially in the Magistrate Courts. For that reason, these fees are almost never charged by lawyers when representing clients in the Magistrate Courts. It is more likely to recover some cost at the level of the Circuit Courts and Specialized Courts but never the entire amount.

Self-representation is rendered almost impossible by the lack of reliable access to updated official versions of laws, regulations, and court decisions. When these resources are difficult to find, citizens are unable to represent themselves in court procedures as they do not have the relevant information to construct their claim. Even representation by lawyers can be of poor quality if they do not have access to updated legal resources.

Overall, the combination of official and unofficial costs makes the court process in Liberia expensive. In fact, for 65 percent of users, courts are so expensive that they would not bring a claim if they had one.<sup>111</sup> Ninety-two percent of court users reported that the cost of the litigation was significantly higher than they had anticipated, including attorney fees.<sup>112</sup>

110. World Bank. 2020. Doing Business. Enforcing Contracts Methodology. Washington, DC: World Bank.  
 111. Supra LISGIS et al, 2019, Table 153, page 103.  
 112. Interviews with court users, February-March 2023.

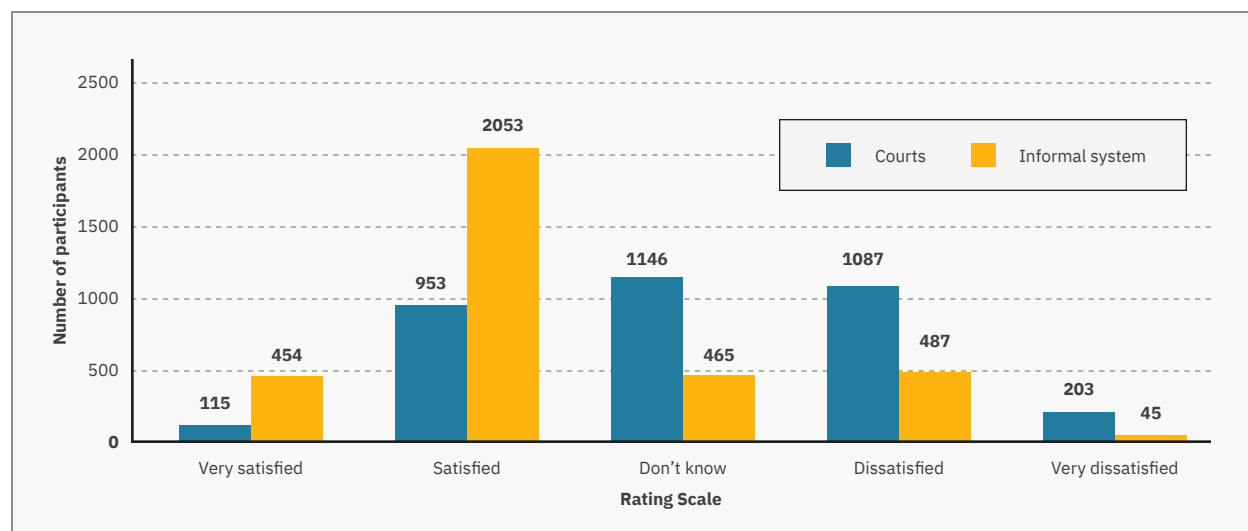
### b. Delays

The high costs and long delays in the court system are intertwined. First, the longer the process is, the costlier it becomes. Second, several users reported that the process gets stuck until additional fees were paid to move it along, making the process yet again more expensive.

The inefficiency of the courts is one of the reasons the customary system thrives (Figures 14 and 15). Respondents were more dissatisfied than not with the speed with which judgments are reached (39.1 percent satisfied vs. 46.3 percent dissatisfied) and the effectiveness and efficiency of the courts (30.5 percent satisfied vs. 36.8 percent dissatisfied). In contrast, respondents were satisfied with the speed at which decisions are reached in the customary system (76.6 percent) and their effectiveness and efficiency (79 percent).

A similar narrative of delays in the formal courts is obtained in the Courts' Case Activities Report from 2018–2022.<sup>113</sup> Court reports are produced by the Division of Records and Documentations of the Temple of Justice on a quarterly basis, with inputs from all Magistrate and Circuit courts around the country. Each quarterly report provides an overview of the courts (functional vs. non-functional) as well as a section per circuit court detailing the caseload of all courts (circuit and magistrate) in each county. Data available for each court includes the number of cases on the docket, the number of cases disposed, the number of cases transferred and the number of cases pending for each month. The annual reports compile information on caseload but offer less breakdown than the quarterly reports. Based on this data, the clearance rate, the case turnover ratio, and the disposition time are calculated.

>>> **Figure 14:**  
The customary system is perceived as being more efficient and effective than the courts

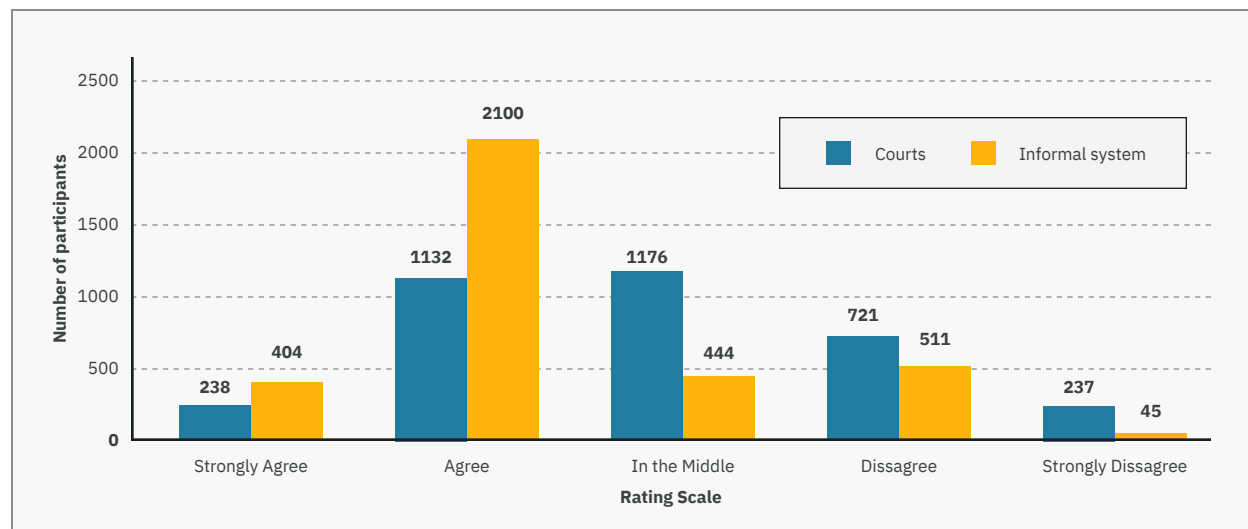


**Source:** LISGIS et al, 2019, Tables 131 and 141.

**Note:** Participants were asked to what extent they agreed that the Judiciary and Informal Justice Actors adjudicated cases in an effective and efficient manner (from “Strongly Agree” to “Strongly Disagree”).

113. The team was able to access seven reports of the Judiciary Branch of Government of Liberia. See Annual Report, October 1, 2017 – September 30, 2018; Annual Report, October 1, 2018 – September 30, 2019; Annual Report, October 1, 2019 – September 30, 2020; Annual Report, October 1, 2020 – September 30, 2021; Annual Report, October 1, 2021 – September 30, 2022; Annual Report, January–December 2022; and Courts' Case Activities Report, Third Quarter, A.D. 2022.

>>> **Figure 15:**  
 Liberians have a higher trust in the customary system’s timeliness



**Source:** LISGIS et al, 2019, Tables 132 and 142.

**Note:** Participants were asked to what extent they agreed that the Judiciary and Informal Justice Actors resolved cases in a timely manner (from “Strongly Agree” to “Strongly Disagree”).

This analysis reveals a massive backlog of cases at the Supreme Court. Lawyers interviewed by the team mentioned that one significant contributing factor is the original jurisdiction of the circuit courts in certain disputes, which leads to the Supreme Court being flooded by first-instance appeals (for cases that will also not benefit from the traditional possibility of having three levels of review). Moreover, the Supreme Court lacks financial autonomy, which does not allow the institution to hire enough staff and to make the investments required to dispose of cases more efficiently.<sup>114</sup>

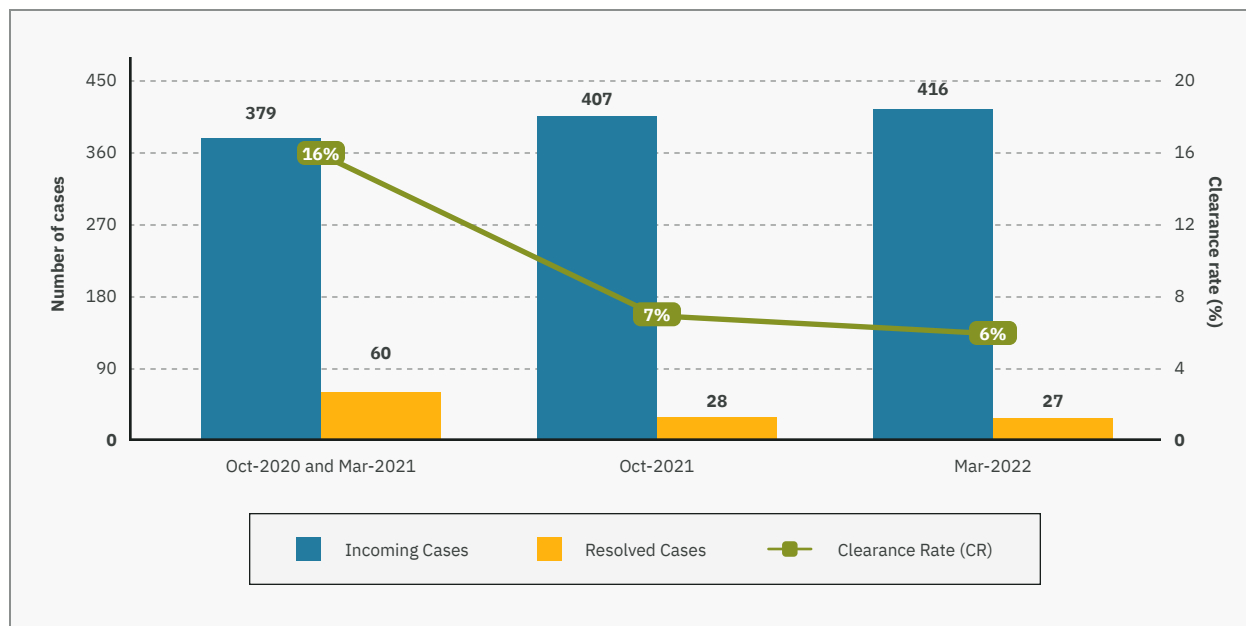
The Supreme Court has two terms annually, respectively commencing on the second Monday of October and on the second Monday of March and continuing for as long as the business before the Court requires it. The Annual Reports reflect this

division in two terms and report data accordingly. Figure 16 displays key statistics on caseload data from the Supreme Court, showing that the clearance rate is low and that the backlog – the ratio of new cases to cases resolved – is increasing. The disposition time, as a result, is increasing from 1,941 days in 2020, to 4,941 days in 2021, and 5,259 days in 2022. That corresponds to more than 14 years. Comparatively, the highest courts of other countries in the region have much higher clearance rates: 73 percent in Rwanda and Tanzania, 94 percent in South Africa, 98 percent in Ghana, and a record 154 percent in Kenya.<sup>115</sup> Clearance rates higher than 100 percent indicate that the court is clearing previous backlog by solving more cases than it receives.

114. Focus group with the LNBA, April 25, 2023.

115. Supreme Court of the Republic of Rwanda. 2022. *Summary of the Performance of the Judiciary during the Year 2020-2021*, Kigali: Supreme Court of Rwanda; Judiciary of the United Republic of Tanzania. 2022. *Comprehensive Performance Report of the Judicial Functions 2021*, Dar es-Salaam: Judiciary of the United Republic of Tanzania; Judiciary of the Republic of South Africa. 2023. *Annual Judiciary Report 2021/22*, Midrand: Judiciary of the Republic of South Africa; Judiciary of the Republic of Ghana. 2019. *Judicial Service 2017-2018 Annual Report*, Accra: Judiciary of the Republic of Ghana; Judiciary of the Republic of Kenya. 2023. *State of the Judiciary and the Administration of Justice. Annual Report FY 2021/22*, Nairobi: Judiciary of the Republic of Kenya.

>>> **Figure 16:**  
The Supreme Court is massively backlogged



**Source:** Judiciary Branch of Government of Liberia, 2021–2023, Office of the Chief Clerk of the Supreme Court, as cited in the Annual and Quarterly Reports of the Judiciary.

Among Liberian lawyers, the Supreme Court has the reputation of rarely hearing cases, and of handing opinions even more rarely. When civil cases are heard, they are usually prioritized based on higher monetary value and high-profile political cases. Making direct contact with Justices of the Supreme Court can help getting a case heard.

Delays are less apparent in lower courts, though some of the trends discussed in connection with the Supreme Court also apply to Circuit Courts and Magistrate Courts (Table 6). Specifically, clearance rates are also decreasing in Circuit Courts – indicating increasing backlog – with a corresponding increase in average disposition time. The average clearance rates lowered from 39 percent in 2018 to 38 percent in 2022, while the average disposition times worsened from 539 days in 2018 to 597 days in 2022, corresponding to an 11 percent increase

over the past 5 years. Similarly, clearance rates in the Magistrate Courts decreased from 59 percent in 2018 to 53 percent in 2022, while the average disposition time increased from 234 days in 2018 to 296 days in 2022, corresponding to a 26 percent increase over the same period. In both cases, the impact of the COVID-19 crisis on efficiency is visible in the charts. Comparatively, the lowest courts of other countries in the region performed more efficiently, with clearance rates of 58 percent (South Africa), 86 percent (Rwanda), 92 percent (Kenya and Ghana), and 97 percent (Tanzania).<sup>116</sup>

In contrast, Specialized Courts have seen an improvement in performance with increasing clearance rates, and decreasing backlog and disposition times. However, they are right now going above and beyond pre-COVID-19 levels. Specialized Courts went from processing

116. *Supra* Judiciary of the Republic of South Africa, 2023; Supreme Court of the Republic of Rwanda, 2022; Judiciary of the Republic of Kenya, 2023; Judiciary of the Republic of Ghana, 2019; and Judiciary of the United Republic of Tanzania, 2022.



>>> **Table 6:** Detail of the workload in Circuit Courts, Specialized Courts, Magistrate Courts, and the Supreme Court

Court	Year	Incoming Cases (#)	Resolved Cases (#)	Clearance Rate (%)	Disposition Time
Circuit Courts	2018	3921	1539	39%	539
	2019	2221	989	45%	447
	2020	1951	746	38%	580
	2021	1691	802	47%	384
	2022	3061	1150	38%	597
Specialized Courts	2018	989	704	71%	145
	2019	915	635	69%	159
	2020	542	233	43%	473
	2021	785	446	57%	273
	2022	1017	768	76%	111
Magistrate Courts	2018	6515	3863	59%	234
	2019	6232	3902	63%	198
	2020	4492	2958	66%	166
	2021	8973	5277	59%	234
	2022	10428	5575	53%	296
Supreme Court <sup>117</sup>	March 2021	379	60	16%	1941
	October 2021	407	28	7%	4941
	March 2022	416	27	6%	5259

**Source:** Judiciary of the Republic of Liberia, 2018-2023, Annual and Quarterly Reports of the Judiciary.

**Note:** The clearance rate is calculated by dividing the number of cases resolved by the number of incoming cases. Disposition time refers to the average number of days that it takes the courts to resolve a specific case.

approximately 71 percent of incoming cases in 2018 to 76 percent in 2022, with a corresponding reduction in disposition time from 145 days in 2018 to 111 days in 2022 (Figure 17). This is more efficient than other countries in the region – for example, South Africa, with a clearance rate of 61 percent, but less efficient than others – for example, Ghana with a clearance rate of 92 percent).<sup>118</sup> The efficiency of the Specialized Courts seems to be in part attributable to having monthly sessions, as opposed to two sessions yearly in the Supreme Court and four sessions yearly in the Circuit Courts,

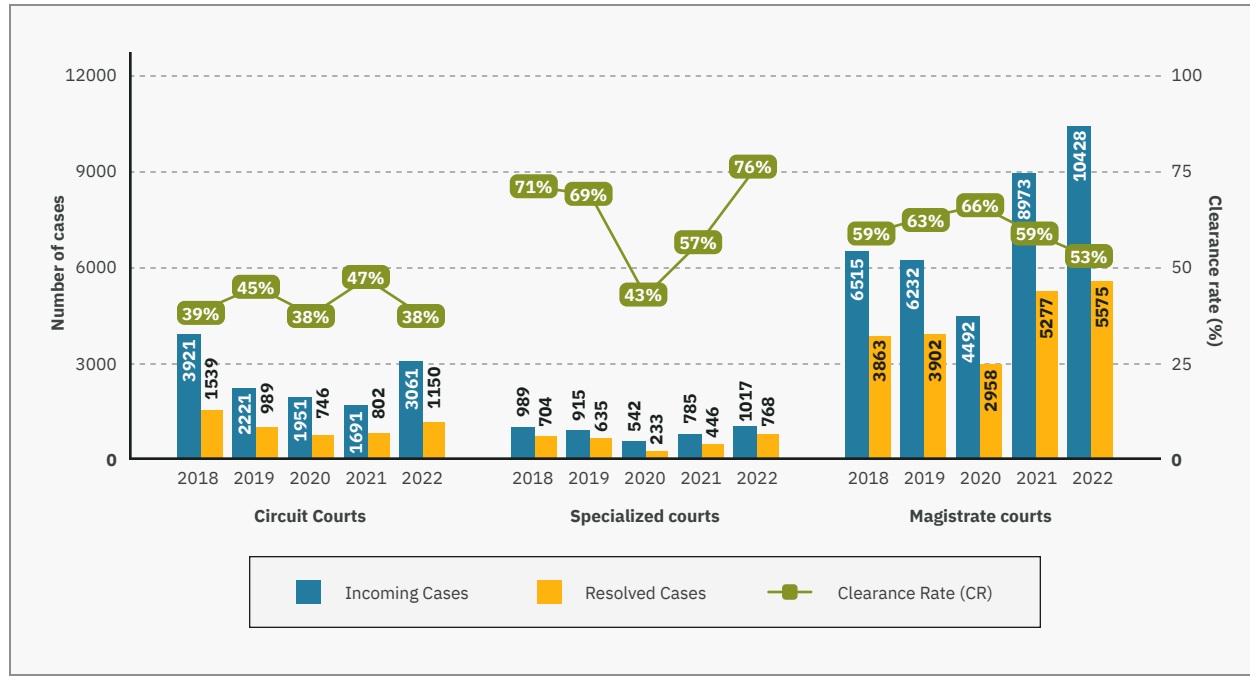
while the relative inefficiency of the Circuit Courts is in part attributable to judges rotating across circuits every term, impacting continuity. Each Circuit Court term (for jury session) is 42 days. Additional days (up to a total of three months) are allotted to write the rulings. A proposal to reduce the terms of Circuit Courts from four to two was recently discussed by the plenary of the Liberian Senate as a measure to address the backlogs.

In the past, the caseload of the courts was partly relieved by the fact that the judicial hierarchy also

117. The Supreme Court has two terms annually, in March and October. The Annual Reports of the Judiciary from the years 2018, 2019 and 2020 did not include information on the caseload of the Supreme Court.

118. *Supra* Judiciary of the Republic of South Africa, 2023; and Judiciary of the Republic of Ghana, 2019.

>>> **Figure 17:**  
Clearance rates are higher in lower instance courts



**Source:** Judiciary of the Republic of Liberia, 2018-2023, Annual and Quarterly Reports of the Judiciary.

**Note:** The trend line is representing a dip in Clearance Rates for Circuit Courts and Magistrate Courts in 2022 and a worse performance in 2022 than five years back in 2018, while Specialized Courts have improved their Clearance Rates in 2022 for the same time frame.

included the Justices of the Peace. Since their abolition, however, the Government has been looking for ways to address the issue of delays and backlogs and has decided to do so by focusing on strengthening the Alternative Dispute Resolution (ADR) framework. The MOJ leads the program, which is still in its piloting phase.<sup>119</sup> Based on the pilot's results, the Ministry will evaluate the impact and work towards the enactment of an ADR policy.<sup>120</sup> The policy focuses on identifying trained ADR mediators and conducting a capacity needs assessment to provide training to formal and customary justice actors on ADR mechanisms where needed.<sup>121</sup>

The Ministry is also assessing the possibility of putting in place an early dispute evaluation process that could be implemented through the office of the City Solicitor. The proposal is to filter cases at an early stage, shortly after a dispute has occurred or a complaint has been made to determine whether an early, rapid, and non-judicial resolution of the dispute is feasible. If the parties are willing to attempt to resolve their dispute outside of formal court proceedings, the City Solicitor will initiate the procedure to accomplish a negotiated solution.<sup>122</sup> This would divert cases that can be solved through ADR mechanisms away from the courts to reduce their burden.

119. The pilot is being implemented in the counties of Bong, Nimba, Montserrado and Lofa. See: Government of the Republic of Liberia, Ministry of Justice. 2015. *Alternative Dispute Resolution (ADR) Program. 2015 Annual Report*. Monrovia: Government of Liberia. Page 5.

120. *Supra* Ministry of Justice, 2015, *ADR Program 2015 Annual Report*, page 24.

121. *Supra* Ministry of Justice, 2015, *ADR Program 2015 Annual Report*, page 17.

122. *Supra* Ministry of Justice, 2015, *ADR Program 2015 Annual Report*, page 29.





### 3.

## POLICY IMPLICATIONS

The concurrent usage of the formal and customary justice systems in large parts of Liberia, and the preference of most users for the customary system, suggest that policies improving justice should focus on both systems and the interplay between them. Mutually beneficial and partly regulated coexistence between the two systems is the objective and can widen access to justice for all citizens. Neglecting

the customary system – or, worse, trying to alienate it – can carry huge consequences, including creating vacuums, exacerbating the negative impact of pluralism, threatening the values of large segments of the population, and placing undue pressure on justice seekers. In contrast, engaging with the customary system can both legitimize its role in alleviating court backlogs, as well as start

a process of socioeconomic transformation that leads to the elimination of harmful practices from the customary system. A few policy implications follow from the main findings of the data collection exercise, with a number of guiding principles.<sup>123</sup>

First, policies need to correspond to current realities and realistic expectations of development and reform, including from a budgetary perspective, rather than to an ideal image of the justice system traditionally tailored to high-income countries. For this reason, reforms such as electronic case management, digitization, e-filing, e-service, and virtual hearings are put on a future list, given that, at present, they can only be implemented in Monrovia and thus impact small portions of the population. Some pilots of these technologies are already ongoing in the Temple of Justice and should continue, but they do not appear to be scalable beyond Montserrado at this stage, given the poor infrastructure of the courts in more remote areas.

Second, priority is given to efforts focusing on the practice, not on the legal framework. As highlighted in Section 2, most areas benchmarked by JUPITER are already regulated, and the two notable exceptions (legal aid and ADR) already have draft laws pending approval. This section, instead, focuses on practical ways to improve the delivery of justice given the existing legal framework. The aim is to address some of the *de facto* limitations faced by users (delays, high costs) without having to go through a lengthy legislative process.

Third, the policy implications of the main research findings include the need to balance the powers of the Executive, the Judiciary, other agencies, and individuals with a role in the justice system. This constitutes an implicit constraint on any policy option that could shift power from one part of the government to another.

Fourth, suggested policies need to consider structures and mechanisms that already exist. Given the diversity of leadership structures in every community, solutions should harness the strengths and address the weaknesses of the system that is already in place. Meaningful justice reform should be based on a social consultation process that is engineered to solicit local ideas for change and that fosters a sense of community engagement in the reform process.

The suggested way forward builds on earlier interventions and attempts to address or circumvent some of the main reasons for their failures. One of the most notable earlier efforts to increase judicial effectiveness was the Gbarnga Conference on Enhancing Access to Justice held in 2010 by the MOJ, the MIA and the Judiciary. While the conference was successful in many respects, such as bringing attention to the experiences and voices of traditional leaders who had been previously excluded from policy discussions, most of its recommendations have not been successfully implemented.<sup>124</sup> These recommendations focused on reducing backlog; increasing infrastructural, financial, and human capacity; improving access to courts in rural regions; combating corruption through the improvement of judicial salaries; and increasing the availability and accessibility of legal aid, assistance, and information. However, implementation lagged due to social and political issues, lack of funding, and institutional capacity, the Ebola and COVID-19 crises, and the conclusion of the UNMIL's presence (and funding) in Liberia. The policy implications discussed below prioritize feasibility.

123. Recommendations listed in this section were informed by the findings of the JUPITER assessment, discussions with the Ministry of Justice; the Ministry of Finance and Development Planning; the Departments of Documentation, Public Information, Alternative Dispute Resolution, Human Rights, Personnel, and Information and Communications Technology of the Judiciary of the Republic of Liberia; the Association of Trial Judges and Magistrates; the Association for Female Lawyers of Liberia; the Liberia National Bar Association; the U.S. Department of State; the Swedish Embassy; OHCHR; UNDP; and IDLO; as well as by the preparatory documents and findings of the 2010 Gbarnga Access to Justice Conference.

124. *Supra* Bonde and Williams, 2019, page 45.

### 3.1. Making laws, regulations, and selected judgments public

The first possible step toward improving the efficiency of the formal system is making a comprehensive collection of updated laws and regulations and establishing a mechanism for their regular publication both in the national gazette and in an online repository. The method of publication should also take into consideration the habits of Liberians with regards to how they currently consume information, for instance, by including radio, television broadcast and social media. Making legal information accessible in an audience-appropriate way may also include strategies for bypassing low literacy levels, including role-playing, scenario reconstruction and other low-literacy methods. Once a mechanism for publication is established, it can be extended to judgments, starting with those issued by the Supreme Court.

The absence of a comprehensive collection of updated laws and the lack of transparency in judicial proceedings is a challenge in Liberia. Currently, no centralized, official, or comprehensive and searchable website of laws and regulations exist in Liberia. Many laws and regulations are posted on the internet but not in the same place, and they are mostly unofficial versions that are not updated when they are repealed or amended. The lack of wide public access to a comprehensive set of laws provides opportunities for government officials, citizens, and businesses alike to act outside of the law. The result is unaccountable government and court officials. Further, when officials in all branches of government lack access to laws and regulations, they cannot effectively fulfill their official duties. Lawmakers enact laws that are not properly harmonized with existing laws, and judges are not certain that they are upholding the most recent version of the law, creating additional scope

for judicial corruption and error. Lawyers and users have little predictability on the possible outcomes of judicial proceedings, increasing uncertainty and deterring investment and economic activity.

As mentioned in Section 2.3f, some laws, regulations, and judgments are available on the website of the Judiciary and on LiberLII. The latter is current until 2017, so investment in updating it would be required to upload the laws, regulations, and judgments of the last six years. Some of these are already available on the judiciary's website, so updating would not require large investments in new platforms. This effort should also include the codification and publication of the opinions of the Supreme Court, as these constitute a source of law in Liberia.

The lack of updated resources has generated a proliferation of smaller initiatives. The LNBA, for example, has partnered with the Codification Center and other institutions such as the MOJ, the Law Reform Commission, and the Law School to support the codification of Supreme Court Opinions. While this fragmentation is not desirable, it might help in the update of LiberLII by crowdsourcing information from these smaller initiatives.

The responsibility to publish laws and regulations rests with the MFA, as established in Section 20.3(i) of the Executive Law.<sup>125</sup> There are no rules in the Executive Law as to the timeline and the form the publication should take. But Section 60 of the *Legislative Law* of 2000 (Title 19 of the Liberian Code of Laws Revised) establishes a 90-day time limit for publication and clarifies that it should take the form of a pamphlet or handbill.<sup>126</sup> It does not specify that laws should be published in the National Gazette, nor does it require online

125. Section 23(i) provides that the MFA shall "oversee the publication of all papers and documents required by law to be published."

126. Legislature of the Republic of Liberia. 2000. *Legislative Law*, Title 19. Monrovia: Legislature of the Republic of Liberia.



publication. This function is far from MFA’s central mandate of formulating and implementing Liberia’s foreign policy and promoting beneficial relationships with other countries, which could explain why MFA has not prioritized the publication of the National Gazette.<sup>127</sup>

Possible steps to increase the public availability of laws, regulations and judgments include to:

- Reconsider whether the responsibility for publication should rest with the MFA instead of the MOJ, for example, which oversees the editing and printing of the Supreme Court Opinions, or a government printing office staffed with non-political professional appointees to ensure continuity and independence.
- Expand the venues for publication beyond pamphlets and handbills to include a dedicated, centralized website.
- Clarify whether publication in the National Gazette is essential for laws and regulations to become enforceable and effective.
- Regulate the modalities of publication of laws and regulations beyond the competent authority and the timeframe, including a requirement to publish the full text of the laws with amendments integrated therein.

- Consider the use of LiberLII as a comprehensive online repository of all national laws, regulations, and Supreme Court decisions, transforming it into a centralized website operated, administered, and managed by a single government unit.
- Consider the inclusion of a time frame for the publication of opinions of the Supreme Court.
- Complement all initiatives with awareness raising and legal education campaigns, using low-literacy strategies to ensure inclusion.

Justice becomes fundamentally unavailable and inaccessible for citizens without the publication of laws, regulations, and judgments. Publication is also essential to ensure that laws are of high quality, as the lack of publication prevents officials from undertaking harmonization of new laws with existing ones. More broadly, some attention can be devoted to the law-making process to ensure that consistency checks are mandated and conducted before laws and regulations are published, and that the published document is an accurate and consolidated version that reflects all amendments. This will help to avoid confusion and ensure that citizens have access to accurate and up-to-date information.

127. Section 20.3 of the Executive Law, 1972.

### 3.2. Addressing backlog and delays in the courts

The Supreme Court of Liberia is massively backlogged, with hundreds of cases coming on appeal every year (see Section 2.4b). It is staffed with five justices and hears cases on appeal from the Circuit Courts and the Specialized Courts. Part of the backlog is due to the original jurisdiction of the Circuit Courts and Specialized Courts over a large number of cases. Since there are many such courts, many cases go straight to the Supreme Court on appeal. As a result, cases take too long, and dispute resolution is costly and inefficient.

One solution to this problem could be the establishment of new Appellate Courts, which would hierarchically fit between the Circuit Courts and the Supreme Court. This solution would be expensive, and may not be adequate in a context of constrained resources like Liberia's. Additionally, it would require large (and time consuming) legislative amendments and raise questions on who to staff these courts with. Magistrates and Circuit Court judges with the requirements prescribed by law are already missing in large numbers in Liberia.<sup>128</sup> Creating numerous new courts would further exacerbate this issue. It would also require amending Article 66 of the Constitution, which establishes that the Supreme Court “shall exercise final appellate jurisdiction in all cases whether emanating from courts of record, courts not of record, administrative agencies, autonomous agencies or any other authority,” and does not allow the Legislature to create any exception or deprive the court of such powers.

Instead, two simpler measures can be considered to decrease backlog. First, part of this backlog can be relieved through the amendment of Article 67 of the Constitution to allow the appointment of two additional justices to the Supreme Court bench,

for a total of seven judges. This would improve the current representation from one judge for every 1.03 million people to one judge for every 741,000 people. This number would better align the Supreme Court of Liberia with the highest court of comparable countries in the region such as Namibia (one judge for every 632,000 people) and Rwanda (one judge for every 961,000 people). In addition, it would not affect the current voting majorities, making it easier to implement from a political perspective.

Secondly, the original jurisdiction of the Circuit Courts could be limited by expanding the jurisdiction of the Magistrate Courts. At present, the Magistrate Courts operate like small claims courts and have limited jurisdiction. In civil cases, their jurisdiction is limited to:

- Recovery of money or chattels valued less than USD2,000.
- Payment of debt valued less than USD2,000.
- Summary proceedings to recover possession of real property by removing tenants and obtaining due rent of less than USD500.
- Some matters arising in family law as established by the Domestic Relations Law.

The easiest way to increase the jurisdiction of the Magistrates Courts is to raise the financial limits of the disputes that fall within their purview. The limit could, for example, be updated to meet the minimum thresholds of the Specialized Commercial Court and Debt Courts (USD 15,000), though other limits are also possible. As presented in Section 2.4b, the caseload of Specialized Courts in Liberia is low in comparison to both the Magistrate Courts and the Supreme Court, while its clearance rate increased from 43 percent in 2020 to 76 percent in

128. Lubkemann, S., Isser, D., and Banks, P. 2010. “Justice in a Vacuum: The Unintended Consequences of the Constraint of Customary Justice in Post-Conflict Liberia.” In Deborah Isser (ed.), *Customary Justice and the Rule of Law in War-Torn Societies*. Washington, DC: United States Institute for Peace Press.

2022. Within this context, Circuit Courts, especially Specialized Courts, have the capacity to take on the cases that would currently be appealed at the Supreme Court level, alleviating its burden.

If the jurisdiction of the Magistrate Courts is expanded, even more attention should be placed on the selection of the magistrates. Historically,

there have been issues with individuals being selected who do not satisfy the legal requirements for appointment (see Section 2.3g).<sup>129</sup> Minor amendments to the rules of evidence in the Magistrate Courts could be considered at the same time as the threshold is raised.

### 3.3. Addressing cost in the courts

As discussed in Section 2.4a., dispute resolution in Liberia is expensive. Formal and informal fees abound, leading to prohibitive costs for many Liberians who often decide not to pursue their claims in court. Informal payments to court officers and judges proliferate for several reasons, including widespread impunity. Gaps in the official fee schedule contribute to the unpredictability of cost.

A possible way forward to address the issue of cost includes to:

- Review the appropriateness of fees levied per the fee schedule (last updated in 2015), in comparison to those of other countries in the region, and assess whether an update is needed.
- Regulate vacuums in the existing fee schedule, for example, transport costs for bailiffs.
- Review the budget allocation of the judiciary to ensure that key cost components are addressed.
- Minimize cash transactions and reduce face-to-face interactions with court personnel whenever possible, for example, taking advantage of the recent rapid rise in the use of mobile payments<sup>130</sup> to eliminate the opportunity for facilitation payments.

- Broaden the market for legal services beyond lawyers to include paralegals, who can contribute to keeping the costs low, and also straddle overlapping legal systems because they are often closer to communities.
- Evaluate and strengthen the effectiveness of the Judicial Inquiry Commission in receiving and investigating complaints of corruption against judges.

Access to justice of women, minorities, and the poor is especially impacted by high costs. The proposed steps, alongside the approval of the Legal Aid Bill currently pending in Parliament, can significantly extend the legal protection of these categories. Establishing protocols for how to systematically collect and process judicial data could also help reduce costs. While some data is collected on a quarterly and yearly basis, it was reported to often contain mistakes or be missing entirely from certain counties. Obtaining consistent and comparable data from all counties could lead to a more efficient allocation and prioritization of resources.

129. Ministry of Internal Affairs, Ministry of Justice, and Judicial Branch of Government of the Republic of Liberia. 2010. *Government Consultations in Preparation for a National Conference on Enhancing Access to Justice. Report of the Proceedings*. Monrovia: Government of the Republic of Liberia.

130. Annual Report of the Central Bank of Liberia, 2022.

### 3.4. Establishing rules of engagement between the courts and the customary system

The customary system already plays a role in alleviating the backlog of the formal courts, but this role could be more impactful if the rules of engagement between the formal and customary system were clarified and strengthened. Globally, multiple approaches have been used to strengthen this interface, depending on the type of relationship between the state and the informal system – whether it is combative, competitive, cooperative or complementary – and on whether the model of state recognition is one of abolition/prohibition, where the state explicitly abolishes or prohibits the informal justice system, or it is a context of full incorporation or limited/partial incorporation.<sup>131</sup> It is essential, then, to be responsive of the local conceptions of justice and understand the power structure under which this recommendation would be implemented. In the case of Liberia, the relationship between state and non-state justice actors is one of “limited incorporation,” as it entails a level of independence of the customary justice system while establishing mechanisms for the oversight of the chieftaincy structure under the MIA. The jurisdiction of the customary system and the rules for the referral of cases between the formal and informal systems, however, remain unclear.

Under these circumstances, one step to mitigate potential clashes between the two systems and enhance access to justice would be to clearly establish the circumstances in which cases can be handled by or deferred to the customary system. In this way, the Government could establish a set of criteria determining when civil and criminal cases may be appropriately handled by the customary system, clarifying the blurred lines between the jurisdiction of formal courts and customary justice actors. These may include if:

- Both parties voluntarily submit to the customary system.
- The customary system is limited to a restorative resolution and no punitive sanctions are imposed.
- Neither the state nor another third party has an overarching interest in the case.
- Resort to the formal system remains an option in the event the customary system fails to resolve the dispute.<sup>132</sup>

The first criterion above is already part of the practice of customary justice actors and would only have to be formalized through the rules. The last point is especially important as it highlights the

131. See Swenson, G. 2018. “Legal Pluralism in Theory and Practice.” *International Studies Review* 20(3): 438–462. In this article, the author describes four archetypes of the relationship between the state and the informal justice systems: (1) in a combative relationship, state and non-state justice actors seek to undermine and delegitimize one another; (2) in a competitive relationship, non-state justice actors retain substantial autonomy and do not challenge the state’s overarching authority. In other words, they both respect each other’s existence but tensions between them still remain, especially where legal and procedural norms diverge significantly; (3) in a cooperative relationship, non-state justice actors still retain significant autonomy and authority. However, they accept the state’s normative legitimacy and, in general, agree to work together towards shared goals; and (4) in a complementary relationship, non-state justice actors are subordinated and structured by the state, given that the latter enjoys the legitimacy and capacity to have its rules accepted and enforced. *Supra* Wojkowska, E. 2006. *Doing Justice: How Informal Justice Systems Can Contribute*. Oslo: United Nations Development Program and Oslo Governance Center. Page 28. This model allows the informal justice structures to function relatively independently from the formal state system, while establishing mechanisms for accountability and low-level surveillance, as well as allowing for cross-referrals.

132. *Supra* LWG, 2009.

need for rules of engagement between the formal and the customary system. Traditional leaders already have concurrent jurisdiction with the courts – by law and in practice – over minor criminal matters, civil complaints, and some family matters (see Sections 2.1 and 2.2). Especially in rural areas, traditional leaders are the main source of dispute resolution, as people prefer them to the courts that are perceived as far, expensive, and not always fair.

The objective is to build mutually beneficial linkages between the formal and customary systems to harness the positive aspects of each.<sup>133</sup> Clear, formalized rules of engagement would support the peaceful and regulated coexistence of dispute resolution mechanisms, based on an acceptance of the structures that already exist and an appreciation of the essential work they do for dispute resolution, with several efficiency gains for the formal courts. The customary system of conflict resolution remains highly legitimate in the eyes of most Liberians who regularly approach the chiefs and elders to have their disputes resolved.<sup>134</sup>

Clear guidelines should be introduced on how the two systems interact. Can the courts, for example, defer some cases to the customary system, if both parties agree? Can a decision from a traditional leader be appealed in the courts? In which cases should a traditional leader refer parties to the courts, and through which process? Should courts' oversight extend to the review of customary decisions or be limited to some specialist body that receives and investigates complaints or monitors enforcement of these decisions?

Answering these questions requires more clarity on the applicable customs of each tribe, more consistency on punishments across tribes, and a plan to address some of the human rights concerns of the customary system. Although not all the traditional practices used in the context of customary trials and dispute resolution processes are incompatible with the country's national and international human rights obligations, the Office of the High Commissioner for Human Rights (OHCHR) has declared that certain practices such as the use of "trial by ordeal" are in violation of these commitments.<sup>135</sup> According to the OHCHR, these practices breach the prohibition against torture and the right to a fair trial and due process under the International Covenant on Civil and Political Rights (ICCPR), on top of being especially harmful to women.<sup>136</sup>

The perpetuation of certain harmful practices has been enabled by specific provisions within the legal framework. In particular, the OHCHR identified the Hinterland Regulations as being among the root causes of the inequalities experienced by many in accessing justice.<sup>137</sup> Because of this, and because of their uncertain legal status, it recommended that they be reviewed and harmonized with Liberia's international and national human rights commitments as needed.<sup>138</sup>

Establishing rules of engagement between the customary and formal systems does not entail restricting justice seekers' choices of the best forum to resolve their disputes. Instead, having a clearer understanding of the conditions under

133. McAuliffe, P. 2013. "Romanticization Versus Integration? Indigenous Justice in Rule of Law Reconstruction and Transitional Justice Discourse." *Goettingen Journal of International Law* 5. Page 52.

134. Galvanek, J.B. 2016. *Pragmatism and Mistrust: The Interaction of Dispute Resolution Mechanisms in Liberia - Liberia Case Study Report*. Berlin: Berghof Foundation.

135. *Supra* UNMIL and OHCHR, 2015, page 1. Trial by ordeal is a traditional form of trial whereby an accused person is subjected to a dangerous or painful physical test to determine his or her alleged guilt or innocence. There are many forms of trial by ordeal, the most well-known and lethal of which is called sassywood.

136. *Supra* Rawls, 2011.

137. *Supra* UNMIL and OHCHR, 2015, page 13.

138. *Supra* UNMIL and OHCHR, 2015, page 1.

which citizens can resort to each mechanism will empower them to make more informed decisions, particularly in the case of women and other marginalized populations. An obscure interface may lead to predatory forum shopping, mostly to the benefit of people with political and socio-economic influence.

Building on the efforts that started with the 2010 Gbarnga Conference, possible steps to establish rules of engagement between the two systems include:

- Create a committee, following the example of Kenya, to bring together the voices of traditional leaders, government officials, members of the judiciary, lawyers, citizens, and other relevant stakeholders.<sup>139</sup>
- Clarify the validity of the Hinterland Regulations and amend them as needed to ensure their compliance with international and domestic human rights standards.
- Inventory on the volume and type of disputes that are solved through each system.
- Clarifying the blurred lines between the jurisdiction of formal courts and that of customary justice actors.
- Clarify the instances in which cases can move from one system to the other.
- Establish a process by which cases move from one system to the other.

Two steps are preconditions for the possibility of establishing rules of engagement between the two systems. First, the standardization of processes in the customary system and, second, the documentation of customary rules. These are addressed in the next two sections.

### 3.5. Standardizing processes in the customary system and introducing procedural safeguards

Standardization refers to introducing uniform processes across tribes. It does not extend to creating uniform rules. This would likely undermine the effectiveness of traditional leaders, as their success is largely based on applying socially shared norms and practices, and the enforcement of their decisions is enabled by community acceptance of these practices and of the leaders themselves. Standardization of processes, however, is essential to achieve fruitful engagement between the customary system and the statutory one.

Procedural aspects to be regulated should include stricter and enforceable rules on the appointment of the chiefs. As discussed in Section 2.1a, chiefs should be elected, but such elections have not been held since the start of the conflict, and chiefs are instead appointed by the MIA. In time, this may compromise the legitimacy of the chiefs in the eyes of their tribes, eventually decreasing the effectiveness of the customary system. Other procedural safeguards that can be considered for standardization include rules of conduct for the

139. Kenya's National Steering Committee on the Implementation of the Alternative Justice Policy (NaSCI-AJS) is a multistakeholder committee that was launched by the former Chief Justice David Maraga in December 2020 for a five-year term. The mission of the NaSCI-AJS is to spearhead the implementation of the AJS Policy. The Committee is comprised of 26 members representing different stakeholders, including state and non-state actors, academia, and professional bodies, among others. See Government of Kenya, National Steering Committee on the Implementation of the Alternative Justice Policy, official website: <https://ajskenya.or.ke/about-us/>.



chiefs, minimum standards of rights protection, basic rules of evidence admissibility, sentencing guidelines, protocols for record keeping, and rules on making outcomes publicly available.<sup>140</sup>

Establishing some form of written records is necessary for effective engagement between the formal and customary systems. These records should have basic details that are sufficient for an outsider to review the facts and the decision in a dispute. This initiative may include training in case recording and reporting, and can be supported by paralegals in communities where illiteracy rates are high. In any case, measures related to the recording and publication of customary decisions should take into consideration the social and security factors in play, always ensuring that the privacy of disputants is protected, particularly in the case of vulnerable groups.<sup>141</sup>

Having standardized processes and basic procedural safeguards in place opens the door to the future creation of state review mechanisms. Whether the formal courts should be given the remit to hear appeals from the customary courts can be

addressed in future legislation, once regulated coexistence is in place. It may be advisable for formal courts to be allowed to hear such appeals when they raise questions of law, but not when they only raise questions of facts.<sup>142</sup> This would limit opportunistic forum shopping and lessen the burden of the formal courts.

Possible steps in the standardization of processes in the customary system include:

- Develop an engagement strategy with traditional leaders and members of the communities, possibly through the Committee mentioned in Section 3.4.
- Conduct trainings in case recording and reporting with customary authorities.
- Support the establishment of protocols for case recording, including the use of standardized templates to speed up the process.
- Consider developing rules of conduct for the chiefs, minimum standards of rights protection, basic rules of evidence admissibility, and sentencing guidelines

140. IDLO. 2019. Practitioner Brief. Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice Systems. Rome: International Development Law Organization.

141. Supra Harper, 2011, pages 44 and 53.

142. Wourji, T.W. 2012. "Coexistence between the Formal and Informal Justice Systems in Ethiopia: Challenges and Prospects." African Journal of Legal Studies 5, 269-293.

### 3.6. Documenting customary law

At present, each of Liberia's 16 ethnic groups have different customary laws. Judges, especially at the Supreme Court level, are not knowledgeable about these laws, which have never been documented. As a result, they cannot reliably reference them in court. Documenting the traditions of each tribe should be considered if more integration is to be achieved between the systems. The previous suggestion addressed the standardization of procedural aspects that is necessary for more integration between the two systems. This one addresses the documentation of substantive aspects.

Note that a distinction should be drawn between documentation and codification, the latter implying a process of reducing the *corpus juris* to the form of enacted law which requires, by definition, a legislative process.<sup>143</sup> Documentation, instead, describes (does not prescribe) key customary principles to guide dispute resolution. There are strong arguments against codification. Customary law is living and flexible, changing as circumstances change. To codify it would carry the risk of stagnating it over time, in addition to losing the central role played by reconciliation – more than by impartial application of the law – in customary dispute resolution. The latter is more concerned with finding a solution between the parties that both respect, so that a new equilibrium can be created and the harmful effects of the dispute on the community may be mitigated or erased.

Codification is generally considered more suitable when customary principles have remained constant over long times, there already is a formal linkage

between the customary and statutory courts, large population shifts have brought unfamiliar groups into proximity, or communities are no longer homogenous.<sup>144</sup> This is not the case in Liberia, suggesting that documentation may be more appropriate.

Documentation efforts must include certain safeguards in order to prevent the crystallization of discriminatory norms and power imbalances within the customary justice system. Just as it happens with codification, documentation raises the question of whose version of customary law should be considered.<sup>145</sup> This risk may be mitigated by ensuring the participation of community members in the documentation process, and by creating mechanisms for the endorsement and periodic reassessment of documented customary rules.

Namibia provides a good example of a successful documentation process through the use of “self-statements” or ascertainties, which consist of written documents that are produced and used by communities regarding substantive and procedural customary rules.<sup>146</sup> In 1993, traditional leaders from six communities in Namibia met under the auspices of a Customary Law Workshop in order to harmonize their customary laws. Among other issues, the leaders were concerned with a practice whereby the relatives of a deceased member of the community chased the widow off her land and back to her matrilineal family. During this workshop, the leaders agreed that the widows (i) should not be excluded from their lands or homes and (ii) should not be made to pay for such land. These agreements were documented in “self-statements.” The

143. Bennett, T.W. and T. Vermeulen. 1980. “Codification of Customary Law.” *Journal of African Law* 24: 206-219.

144. *Supra* IDLO, 2019.

145. *Supra* Harper, 2011, page 43.

146. *Supra* Harper, 2011, page 44.

practice of documenting customary rules through self-statements was later endorsed by the Council of Traditional Leaders as a good practice, prompting other communities to initiate similar processes.<sup>147</sup>

Documenting customary law is also important to remove some of the discretion that chiefs have and exercise that leads to harsher decisions for women and minorities, and to potentially address other human rights concerns that hinder the

integration of the two systems, such as harsh corporal punishments. This documentation effort can also clarify jurisdiction in ambiguous areas, something that can then be codified. This would be an important step towards the formal recognition of customary laws and the achievement of a model that respects the autonomy of customary justice actors through its incorporation and coexistence with the state justice system.

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147. *Supra* Harper, 2011, page 44.



## 4. IMPLICATIONS FOR JUSTICE WORK IN THE REGION

The evidence collected and analyzed for the purposes of this study points to a dominant feature of the justice system in Liberia – its duality – that is common to many African jurisdictions. This duality is especially pertinent in the post-conflict environments of fragile and conflict states with

weak institutions and contested authority.<sup>148</sup> Previous studies on justice reform in dual-system countries have shown that customary law handles a significant share of disputes, with numbers averaging between 80 and 90 percent of cases.<sup>149</sup>

148. Fearon, J. D., and David D. Laitin. 2004. "Neotrusteeship and the Problem of Weak States." *International Security* 28 (4): 5–43.

149. Albrecht, P., and Helene M. Kyed. 2010. *Justice and Security: When the State Isn't the Main Provider*. Copenhagen: Danish Institute for International Studies Policy Brief.

Further, these studies have grappled with this duality and generally leaned toward finding ways to improve the formal system so that more cases are resolved there rather than in the customary system. The analysis suggests that approaches that involve the traditional or non-state justice networks of authority and legitimacy have the greatest potential to collaboratively progress the judicial state-building process.<sup>150</sup> Thus, strengthening both systems might be a more fruitful direction to deliver justice for all, while recognizing the different challenges and opportunities that legal pluralism can pose and proposing strategies to improve justice outcomes for users within this context.

It has been claimed that codification of customary laws, a common approach followed across countries, might not be as effective in leveraging the power of traditional systems of justice unless more contextual approaches to its enforcement are assessed.<sup>151</sup> Moreover, it is equally important to guard against the enabling effects of customary systems that could promote discriminatory traditional gender roles, exclusion of minorities, and post-conflict traumas generated by the violent history of Liberia and other countries with history of violence. Collaboration with the formal justice system, instead of isolation, can enhance the capacity of customary justice actors and ensure their conformity with domestic and international human rights standards.

The situation is made untenable by the fact that women and minorities are skeptical of formal courts and prefer to seek justice in customary courts despite knowing that they are likely to lose their case. Women have little trust in the formal justice system, owing to a variety of factors including high costs and complex procedures. Most women come from poor rural households and cannot afford to pay high legal fees or hire a lawyer. Therefore, most of them trust customary courts for dispute resolution. The ones who do not trust customary courts cite gender-blind legal practices arising out of outdated cultural norms as their reason. The exclusion of women from the customary councils hampers the gender-sensitivity of their rulings. Thus, the prevalence of customary law leaves women in Liberia with few options to exercise their legal rights. Studies in other African countries find that women face similar limitations.<sup>152</sup>

In working with the customary and formal systems, the scope of actors is multiplied and the needs for public discussion and communication multiplies too. The JUPITER methodology is tuned towards understanding the interplay between these two systems in the Africa region, and its implementation in other African countries may yield further insights on how the overall justice system can deliver better results for everyone.

150. Supra Swenson, 2018, page 438.

151. Supra Bennett and Vermeleun, 1980.

152. Sinha, R., and Simeon Djankov. 2023. "The Halting Legal Gender Rights in Burundi." *Financial Markets Group Discussion Paper 883*. London: London School of Economics.



## Annex A

# JUPITER Methodology and its Application to Liberia

JUPITER is an initiative of the Governance Global Practice (GGP) of the World Bank Group (WBG). It is designed to be a universally applicable country-based framework for measuring the effectiveness of a country's judiciary. Its goal is to use data to identify strengths and weaknesses around key pillars of judicial effectiveness, and to serve as an entry point for operational teams to develop a practical sequence of reform and capacity development actions in WBG operations. The output of the assessment is a study that provides the analytical underpinning for dialogue on justice reform and helps prioritizing efforts according to the country's needs.

JUPITER benchmarks effectiveness in service delivery in three areas: access to justice, efficiency, and quality. Effectiveness refers to the ability of a judicial system to qualitatively match the demands of justice in a timely and cost-effective manner. These areas were selected based on an extensive literature review covering more than 200 peer-reviewed academic papers in leading legal and economics journals (Annex C).

One of the innovations of JUPITER is its attempt to distinguish between the legal framework and its application in practice. This distinction is particularly important in jurisdictions like Liberia where customary law prevails in several types of disputes and in large regions of the country. Throughout this data collection tool, questions about the law are matched with questions about its application.

The data used for a JUPITER assessment is collected through a combination of desk research (readings of the law), administrative data, and data collected by staff of the WBG through interviews with government officials, judges, lawyers, and court users. Data is further collected through desk research, mission travel, in-person interviews, and phone interviews.

The methodology can be replicated in successive assessments, giving a summary of changes over time as well as providing a pool of information that contributes more broadly to research and analysis on judicial effectiveness. Beyond WBG operational teams, the primary audience for the JUPITER Report comprises policy makers, government officials, heads of key agencies, civil society organizations, researchers, and development partners.

This Annex provides an in-depth overview of the JUPITER methodology (Section A.1) and details how this methodology was deployed in Liberia (Section A.2).



## A.1 JUPITER Methodology

This section provides details on five aspects of the JUPITER methodology: questionnaire design (Section a), data sources and data collection process (Section b), variable categories (Section c), variables description (Section d), and data management and review (Section e).

### a. *Questionnaire Design*

To collect the data, the team used a questionnaire with 152 questions and 81 sub questions, for a total of 233 questions. The questionnaire is divided into three parts, following the main determinants of judicial effectiveness: access, efficiency, and quality – see Annex C for a literature review on the selection of these categories. The total universe of questions is referred to as the “Master Survey.” Between November 2022 and February 2023, the Master Survey was thoroughly peer-reviewed by 15 experts from the WBG and academia.

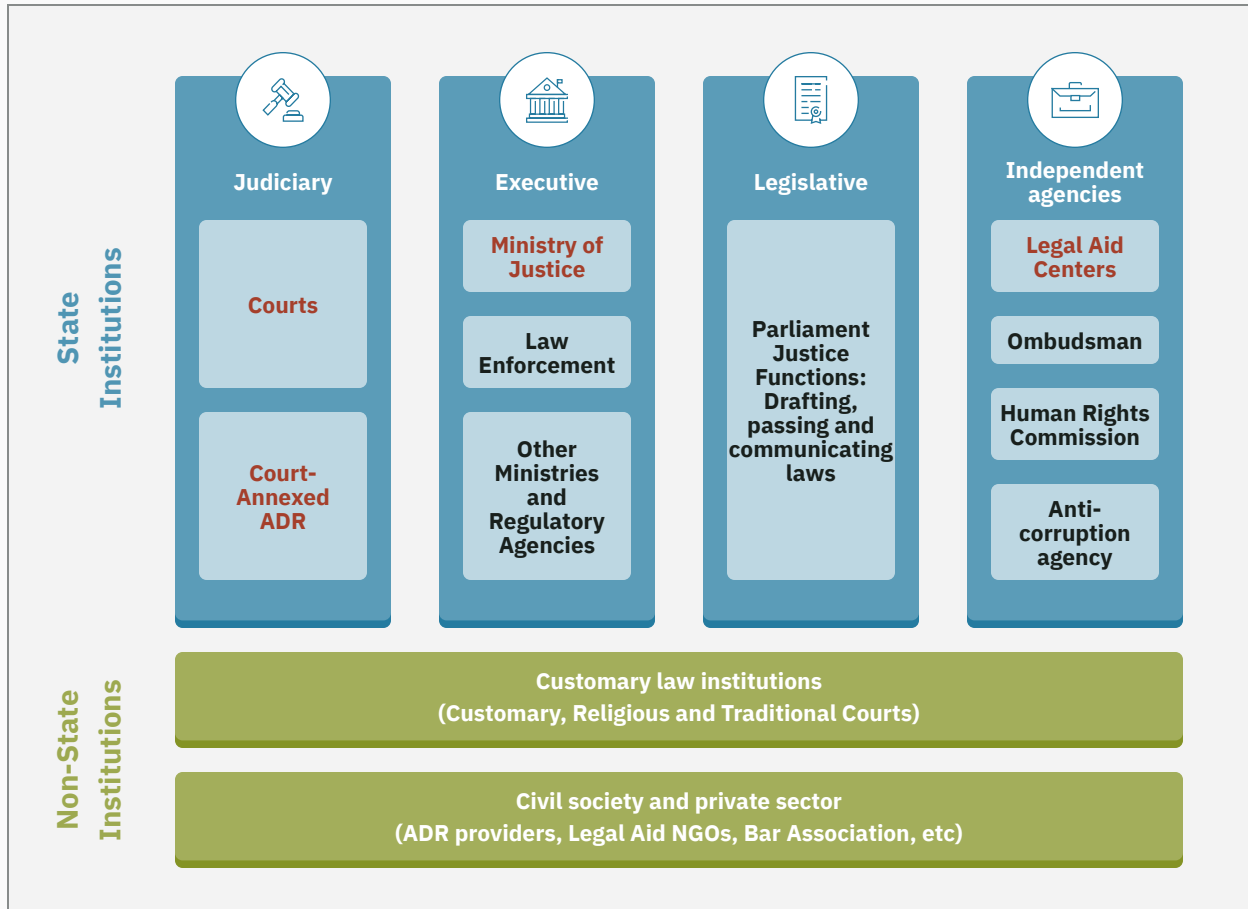
Throughout the questionnaire, questions on the legal framework are matched with questions on its practical application. For example, Q.4 tests whether there is a legal requirement to make all judgments public, while Q. 6 tests what share of the court(s)’ judgments are in fact made public. For the purposes of this data collection exercise, the term “legal framework” refers to the body of instruments (laws, acts, regulations, etc.) that are of mandatory application. Guidelines, court circulars and internal court documents are not included if they are self-imposed by the courts or are for “recommended” use only. Questions by law are yes/no questions, with an additional field to provide a reference to the exact legal basis.

Questions in practice are of three types: yes/no, multiple choice, and quantitative. Multiple choice questions elicit the respondent’s opinion on how frequently an event takes place and provide respondent with 4 answer options: (1) less than 25 percent of cases; (2) between 25 percent-50 percent of cases; (3) between 50 percent-75 percent of cases; and (4) more than 75 percent of cases. Q.25, for example, tests the level of implementation of policies facilitating equal access to justice for persons with disabilities and provides four answer options: less than 25 percent of courts; between 25 percent-50 percent of courts; between 50 percent-75 percent of courts; and more than 75 percent of courts have such policies in place. Quantitative questions are filled with administrative data provided by the court administrators. Administrative data was the preferred source of practice data, whenever feasible. Q.68 and Q.69, for example, test the number of incoming cases in first and second instance civil courts.

JUPITER focuses on civil, commercial, and administrative justice, not on criminal justice and prosecution offices. In terms of institutional coverage, there are numerous state and non-state actors involved in the provision of justice, and their functions vary widely across countries. To simplify matters, this version of JUPITER focuses on three institutions – the Judiciary, the MOJ, and Legal Aid Services (highlighted in red in Figure A1). Other institutions and services such as ADR or legal aid offered by nongovernmental organizations (NGOs) or other organizations) are captured only for their effects on the key institutions’ performance.

During the pilot of JUPITER in Liberia, it became apparent that it is important to reflect customary law and institutions in the assessment whenever these are prominent providers of dispute resolution services. In Liberia, for example, focusing only on improvements to the formal system would lead to excluding nearly 70 percent of the justice users, as customary actors remain the preferred venue for solving disputes in the country. For Liberia, the team relied on an extensive body of data from various sources on the effectiveness of the customary system. In the future, the JUPITER questionnaire may include a module on customary justice.

>>> **Figure A1:**  
Institutional focus of JUPITER



Source: JUPITER Concept Note, World Bank.

WBG work in the justice field shows large variations in the structures, internal processes, resource endowments, and country contexts shaping each system's effectiveness and the needs of the population it serves. Some differences are reflected in the traditional civil law vs. common law dichotomy, but other national characteristics of relevance include the relationship between the judiciary and other branches of government, or whether judicial processes are based on an adversarial or inquisitorial system. The purpose of the JUPITER metrics is to establish whether there are ways for the government to improve effectiveness within the existing system, regardless of its tradition. In that sense, the focus on actual service delivery and implementation is an important mitigant when comparing different legal systems.

From a technical standpoint, the questionnaire was generated through Microsoft Word. This was preferable to online survey instruments as many countries, including the pilot country, Liberia, may lack internet connectivity and technological literacy. A Microsoft Word questionnaire allows for printing and collecting data on paper. The Developer Option of Microsoft Word allows the extraction of data directly into Excel, minimizing the opportunity for human error.

### **b. Data Sources and Data Collection Process**

Data collection is done through a combination of readings of the law, administrative data, and interviews with government officials, judges, lawyers, and court users. The questions in the JUPITER questionnaire cannot be answered in their entirety by one category of legal professionals. Most questions are designed for lawyers with expertise in civil law, commercial law, administrative law, civil procedure, administrative procedure, and civil litigation. The remaining questions require the input of government officials, judges, and users. Questions requiring the input of the government include questions related to the Judiciary's budget, for example. Questions requiring the input of judges relate to internal court processes, such as the availability of a case management system. Questions requiring the input of users include those related to the individual's perception of the access, efficiency, and quality of the system.

For this reason, questions from the Master Survey were divided into four shorter questionnaires, one per group of respondents—lawyers, government officials, judges, and users. Whenever possible, special care was placed on having at least two types of respondents for each question. Table A1 shows the total number of questions per respondent.

Information provided by the respondents is complemented with administrative data and an in-depth study of laws, regulations, and publicly available information. If answers by local experts differ, inquiries continue until the data are reconciled, including through locally based WBG staff conducting interviews on the ground. The median is used to aggregate numeric answers. Datasets produced by other organizations may also be used to corroborate respondents' answers and for analysis.

The user questionnaire is complemented by five questions that are asked to randomly selected users during field visits to the courts. These questions include:

1. How long did it take you to come to court today, i.e., how far did you have to travel?
2. How many hours did you spend at the court today (or last time there if they had just arrived)?
3. What has been the most frustrating part of your interactions with the court?
4. How much money do you think other people offer clerks, bailiffs, and court officers to move the case along (nominal value)?
5. How much money do you think other people give judges to win a case (nominal value)?

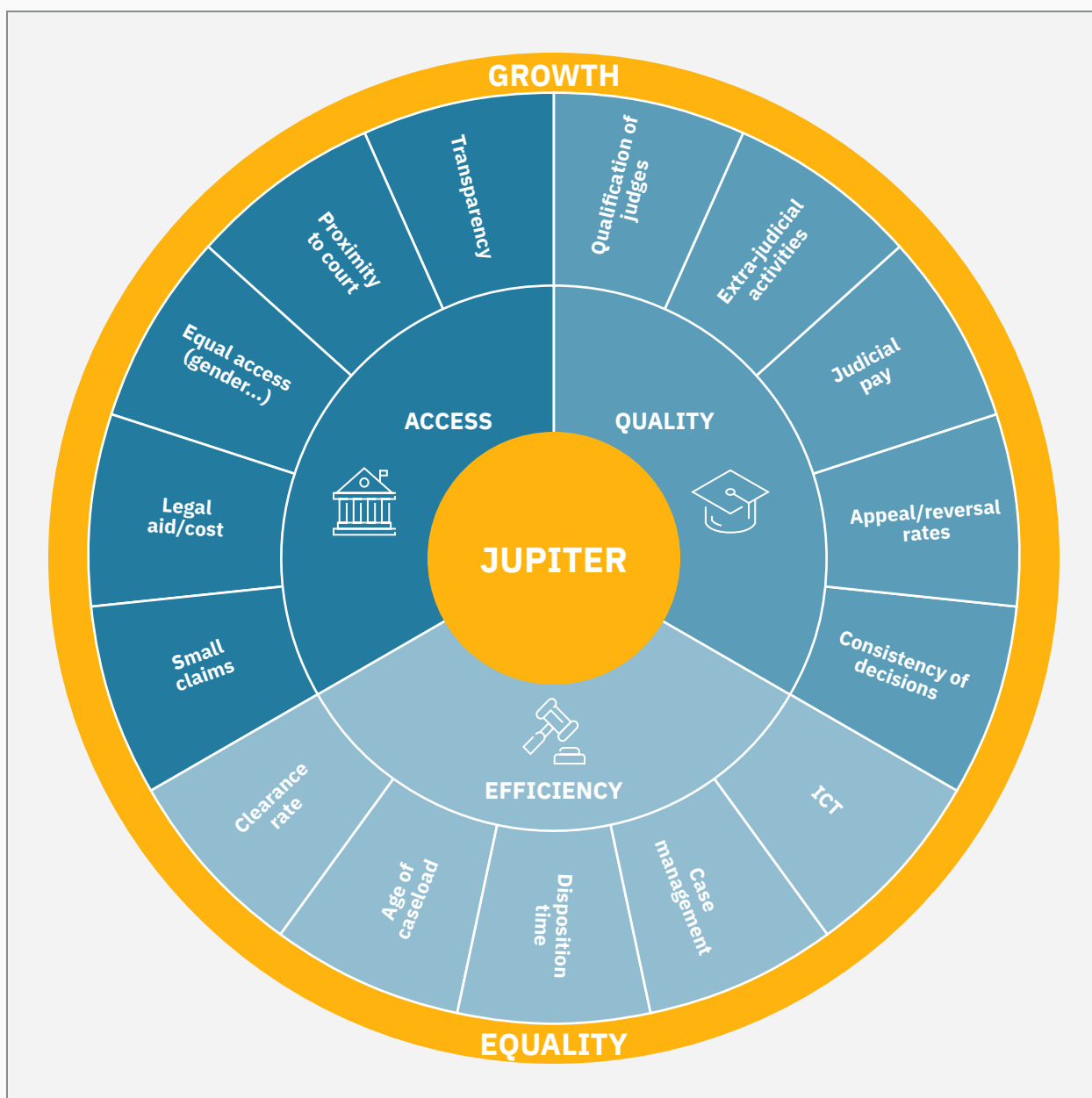
**>>> Table A1:**  
Number of questions per respondent type

Respondent type	Number of Questions
Lawyers	137
Government (i.e., MOJ and MOF)	85
Judges and the Judiciary (e.g., Office of the Chief Justice)	127
Users	53

**c. Variables Categories**

JUPITER has 373 datapoints, grouped in three pillars: access, efficiency, and quality (Figure A2). The *Access to Justice Pillar* measures whether individuals have equal access to the legal system. The *Efficiency Pillar* benchmarks the ability of courts to deliver justice in a timely and cost-effective manner. The *Quality Pillar* examines the quality of decisions in terms of inputs, such as the selection process of judges, and outputs, such as appeal rates and the consistency of decisions. Each pillar has five sub-pillars. The pillars and sub-pillars were determined based on the literature review in Annex C.

>>> **Figure A2:**  
JUPITER's substantive focus



Source: JUPITER Concept Note, World Bank.

#### d. Variables Description

The *Access to Justice Pillar* contains 103 questions, equivalent to 185 datapoints, and comprises five sub-pillars: (1) transparency; (2) proximity to court; (3) equal access; (4) legal aid and cost; and (5) small claims court and procedure (Table A2). Verbatim questions can be found in Annex B, Table B1.

>>> **Table A2:**  
Access to Justice sub-pillars

Sub-pillar	Questions (#)	Datapoints (#)
Transparency	42	81
Proximity to court	3	4
Equal access	20	40
Legal aid and cost	28	42
Small claims court and procedure	10	18
<b>Total</b>	<b>103</b>	<b>145</b>

The transparency sub-pillar measures the level of public knowledge about the judicial system and, specifically, the legal framework, previous judgments, and general information about the courts. For the purposes of this pillar, “public” means that documents can be accessed without a fee and not upon request, while “publicly available” means that documents are made public with an additional step such as a request to an office, payment of a fee, etc.

Transparency of the legal framework is benchmarked through practice questions on the availability of a centralized – operated, managed, and administered by a single government unit – and comprehensive website of all national laws and regulations in the country’s official language. If such a website exists, information is solicited on the percentage of laws and regulations available, the presence of draft bills, the integration of amendments and repeals, the timeliness of changes, the openness of the website, and its searchability. If such a website does not exist, information is solicited on whether laws and regulations are published in a manner that makes it possible to consult the latest consolidated version for free – for example, in a gazette, newspaper, ministries’ webpages, or private providers. Respondents are also asked how difficult it is to stay abreast of the legal framework—it is considered difficult whenever consolidated versions of updated laws and regulations are either not available or very delayed, and easy when they are immediately available in most cases. They are also asked how consistent and precise the legal framework is—it is considered consistent and precise if laws are well drafted, do not create ambiguity that can be exploited by the parties, and conflicting laws are repealed in a timely manner.

Transparency of court judgments has two questions by law, benchmarking whether there is a legal requirement to make all judgments public and who is responsible for the publication. The first mirroring practice question tests what share of all judgments is in fact public – online, or in a manner where anyone can access them without submitting a request or paying a fee – for first instance courts, appellate courts, the highest court, first instance administrative courts, and second instance administrative courts. The second mirroring practice question tests, for the same courts, what share of judgments is publicly available – online, or otherwise, but access must be requested and/or paid, for example through the purchase of the official gazette or by requesting a copy at the court – if judgments are not public. The last practice question tests whether judgments are made public or publicly available in a timely manner.

Transparency of court information tests how easy it is to find information about the courts and their functioning – answer options are “mostly available” and “mostly unavailable” – and how accurate that information is, with answer options as “mostly accurate” and “mostly inaccurate.” Answers are sought for the following categories of court information: court location, court hours and days of operation, basic information on how to file a claim, basic information on common types of cases, lay documents and guides to enable self-representation, information on court fees, and information on legal aid.

The proximity of courts sub-pillar benchmarks the availability and geographical distribution of first instance civil courts, including courts of general jurisdiction, specialized courts, and small claims courts, if different. Respondents are asked to confirm a list of courts prepared by the team through publicly available information and Google Maps. Further, the questionnaire investigates the perceived accessibility of these courts in terms of urban and rural divides. The respondents are asked to characterize the accessibility of the courts in their country to people in urban regions as compared to those in rural regions. This aspect is measured on a four-point scale, ranging from “equally accessible to people in all regions” to “much more accessible to people in urban regions than those in rural regions.” If the courts are found to be more accessible in urban regions than in rural regions, this could indicate a potential barrier to justice for rural populations, which may lack the same level of access to legal services. Respondents are encouraged to provide additional comments to elaborate on their selection, allowing for a more nuanced understanding of accessibility issues.

The equal access sub-pillar measures the ability of all to have access to court services, including women, persons with disabilities, non-native speakers facing linguistic barriers, and individuals from varying socio-economic classes. For women, the questionnaire focuses on both the legal rights granted to them and their real-world implementation. Respondents are asked to confirm whether women have the same rights as men to file a claim with the court and whether their testimony carries the same evidentiary weight. The questionnaire also explores the practical realities of these legal provisions, such as potential societal stigma and the likelihood of women bringing forward and winning civil cases for sexual harassment. Respondents are also asked to rate the overall accessibility of courts for women.

For persons with disabilities, the questionnaire examines their legal recognition and treatment within the court system. Respondents are asked about the legal provisions in terms of their right to legal capacity, equal standing in courts and tribunals, and equal opportunities to testify. The questionnaire also investigates whether courts are legally required to facilitate equal access for persons with disabilities and the level of implementation of such policies in practice. Respondents rate the overall accessibility of courts for persons with disabilities.

For non-native speakers, the questionnaire investigates legal requirements for translation and interpretation services in civil cases. Respondents are asked about the availability of these services for hearings and documents, the likelihood of people receiving these services, and whether they are provided free of charge for indigent people. Respondents rate the overall accessibility of courts for persons with linguistic barriers.

In each of the above areas, the questions in the sub-pillar probe both the legal framework and its practical application, recognizing that equal access to justice is determined not only by law but also by other factors, such as the availability of resources. Finally, for people of different socio-economic classes, the questionnaire asks respondents to characterize the accessibility of courts. This question aims to identify whether there are barriers in place that might disproportionately affect the poor, potentially compromising their ability to access justice.

The legal aid and cost sub-pillar measures the availability of legal aid – defined as the free provision of assistance by the government in non-criminal cases to people who are unable to afford legal representation – and rules related to court fees.

For the legal aid segment, the questionnaire looks at whether a dedicated law on legal aid exists and if government-funded legal aid is available. Other providers of legal aid, such as NGOs, bar associations, or



universities, are also taken into consideration. The questionnaire seeks information about the regulation of legal aid, including criteria for eligibility, processes for securing it, and the duties of providers. Respondents are also asked about the authorities in charge of administering and monitoring legal aid services.

The segment further explores the applications of government-funded legal aid, such as representation in court, legal advice before proceedings, and payment of court fees. It investigates the approval process for legal aid requests and the number of requests received and approved. It also investigates the evidentiary burden on those seeking legal aid, the availability of providers, and the likelihood of obtaining legal aid when eligible. Additionally, it probes the time standards and actual decision times for legal aid requests and the budget allocation for government-funded legal aid.

The court fees segment of the questionnaire investigates whether court fees are set by law and if detailed information about these fees is readily available to the public. It asks whether court fees are retained by the Judiciary and if litigants are generally required to pay a court fee to initiate a proceeding. The questionnaire explores the likelihood of the winning party receiving full reimbursement of court fees and attorney fees, and whether court fees are set at a level that deters individuals and businesses from filing a claim. It also investigates the existence of a court fee waiver program with clear eligibility criteria and the likelihood of an eligible candidate obtaining such a waiver. Finally, it asks for the total number of fee waiver requests received and approved.

The small claims court and procedure sub-pillar measures the process by which the judicial system handles claims below a legally established monetary value. The sub-pillar starts by inquiring whether there are small claims courts or divisions and/or a fast-track procedure for small claims. If such a system exists, it asks for the types of cases that fall under this court or procedure's jurisdiction. To understand the accessibility of the small claims system, further investigation is done on whether it is legally possible to file small claims orally or without legal representation. It also seeks to gauge the practical difficulty of using the small claims court or procedure without legal representation, asking respondents to rate the ease of use based on the average citizen's background and education level.

The availability of standardized templates to file small claims is also sought. To evaluate the efficiency of the small claims system, the sub-pillar inquires whether there is a legally established time standard for resolving small claims and what the average resolution time is in practice. The sub-pillar also addresses the cost-effectiveness of the small claims system. It asks if there is a dedicated fee schedule for small claims and whether the court fees are set at a level that might deter individuals and businesses from filing a claim.

The *Efficiency Pillar* benchmarks 74 questions, equivalent to 99 datapoints, and comprises five sub-pillars: (1) clearance rates; (2) age of caseload; (3) disposition times; (4) case processing and case management; and (5) information and communications technology (ICT) (Table A3). Verbatim questions can be found in Annex B, Tables B2.1 and B2.2.

The clearance rate sub-pillar seeks administrative data on the number of incoming and resolved cases for the past three years, allowing for trend analysis and the identification of any significant changes or anomalies. The number of judges is also sought to understand the resources available to the judiciary and provides context for the rest of the information collected. It also asks for the number of female judges to capture insights into gender representation within the judiciary.

The age of caseload sub-pillar seeks administrative data on the number of cases that have been pending before the court for more than three years. Data is sought for the first instance civil courts, which are often the first point of contact for individuals seeking redress in civil matters; second instance civil courts, which are appellate courts for civil matters; highest court of general jurisdiction, typically the supreme court or the highest appellate court; first instance administrative courts, which deal with disputes involving public authorities or administrative acts; second instance administrative courts; and the highest court of administrative jurisdiction.

>>> **Table A3:**  
Efficiency Sub-pillars

Sub-pillar	Questions (#)	Datapoints (#)
Clearance rate	30	30
Age of caseload	6	6
Disposition time	12	12
Case processing and case management	8	15
ICT	18	36
<b>Total</b>	<b>74</b>	<b>99</b>

The disposition time sub-pillar seeks administrative data on the number of pending cases at end of each of the past three years for both civil and administrative courts at the first and second instances.

Based on the data collected under the previous three pillars, the team calculates the following metrics, using the methodology set forth by the European Commission for the Efficiency of Justice – CEPEJ (Table A4).

>>> **Table A4:**  
Metrics on court efficiency

Term	Definition	Formula
Clearance Rate (CR)	Relationship between the new cases and completed cases within a period.	$CR(\%) = \frac{\text{Resolved Cases}}{\text{Incoming Cases}} \times 100$
Case Turnover Ratio (CTR)	Relationship between the number of resolved cases and the number of unresolved cases at the end of a period.	$CTR = \frac{\text{Resolved Cases}}{\text{Unresolved Cases at the end}}$
Disposition Time (DT)	Measure of how quickly the judicial system (of the court) turns over received cases.	$DT \text{ (days)} = \frac{365}{CTR}$

**Source:** European Commission for the Efficiency of Justice, 2018.

The case processing and case management sub-pillar measures case processing by referring to the handling of individual cases, while case management refers to the overall effort to control how cases in the aggregate move through the court system. Both can be accomplished manually, automatically, or with a combination of the two.

The assignment of cases within the courts is a key aspect of case management, and its transparency is benchmarked through questions on legal provisions for the random assignment of cases, and on rules in place to prevent potential abuses of the system. The practice is also tested by trying to understand how the process is carried out, with a focus on how often the assignment process is abused, as reported by users and NGOs, among others. The questionnaire also inquires on how easy it is for parties to influence the assignment of their cases.

The Case Management Information System (CMIS) sub-pillar examines whether there is a single electronic CMIS used in all courts, or if multiple systems exist, and to what extent they are interoperable. In cases where no electronic system exists, the questionnaire seeks to understand if manual data collection at the court level tracks incoming and disposed cases. Also probed is the extent of functionalities available to judges and lawyers through the CMIS. For judges, the questionnaire assesses the system's capacity to automatically generate hearing schedules, send and receive notifications, track case status, manage case documents, view court orders and decisions, and assist in writing judgments. For lawyers, it assesses whether they can access forms, send and receive notifications, track case status, manage case documents, view court orders and decisions, and file documents with the court through the CMIS.

The ICT sub-pillar refers to the use of information and communications technology during court proceedings. The questions in the sub-pillar explore the level of access to and use of technology among judges and court staff, the digital infrastructure available in courts, and the scope of electronic procedures permitted by law and practice. One of the key areas this sub-pillar examines is the percentage of judges and court staff who have and use computers for drafting documents and entering case data. It also evaluates the extent to which courts are equipped with internet and intranet facilities, highlighting the level of connectivity within and between courts' systems.

The sub-pillar delves into the legal provisions and practical utilization of electronic procedures. These include the electronic filing and service of initial complaints and the filing of requests for legal aid. For each of these procedures, the questionnaire identifies whether there is a legal requirement to follow-up with a paper copy, and it assesses the percentage of cases or requests that are filed electronically in practice.

The questionnaire also examines the treatment of small claim procedures and the admissibility of evidence filed electronically. It assesses whether small claims can be filed electronically by law and what percentage of small claims are filed electronically in practice. It further investigates whether evidence filed electronically is legally admissible and the percentage of evidence filed electronically in practice.

The potential usage of remote or virtual hearings is another important element of the ICT sub-pillar. The questionnaire identifies whether hearings can be conducted remotely by law and what percentage of hearings are conducted remotely in practice.

The *Quality Pillar* contains 56 questions, equivalent to 89 datapoints, and comprises five sub-pillars: (1) qualification of judges; (2) extra-judicial activities; (3) judicial pay; (4) appeal rates and reversal rates; and (5) consistency of decisions (Table A5). Verbatim questions can be found in Annex B, Table B3.

>>> **Table A5:**  
Quality Sub-pillars

Sub-pillar	Questions (#)	Datapoints (#)
Qualification of judges	17	21
Extra-judicial activities	11	25
Judicial pay	16	23
Appeal rates and reversal rates	4	4
Consistency of decisions	8	16
<b>Total</b>	<b>56</b>	<b>89</b>

The sub-pillar on the qualification of judges examines the requirements to become a judge, as well as how these reflect on the quality of decisions. First, the sub-pillar considers the legal requirements for the appointment of judges. This can encompass a range of qualifications, such as the necessity of a law degree, a minimum number of years of experience in the legal field, and passing a bar exam or a judge-specific examination. The questionnaire also identifies whether these legally established criteria are consistently followed in practice. To gauge the competence and integrity of judges, the sub-pillar asks respondents to evaluate the knowledgeability and honesty of judges across various courts. This includes first instance courts, appellate courts, the highest court, and first and second instance administrative courts. The responses provide insights into the perceived ability of judges to correctly apply the law and resist taking bribes or other incentives. This sub-pillar's questions also focus on the quality of judge-rendered decisions. Respondents are asked to assess the quality of judgments across different court instances, considering factors such as grammatical errors, precise and consistent application of the legal framework, technical errors, assessment of evidence, and whether they address essential arguments.

The extra-judicial activities sub-pillar refers to employment of judges outside of the judiciary, which can be of political or non-political nature. Political activity refers to any activity that is directed towards the success or failure of a political party, candidate for political office or partisan political group. This may include employment in political offices, participating in political campaigns, volunteering on a political campaign, manifesting political opinions, and serving on an electoral commission.

The sub-pillar addresses a range of concerns including ethical oversight, temporary political employment, and other non-judicial work activities. The questionnaire starts by ascertaining if an institution or body exists to provide opinions on ethical questions related to judges' extra-judicial conduct. If such an institution exists, its composition is investigated to understand the diversity of perspectives within the body.

A significant concern for judicial quality is the temporary employment of judges in political offices, and the questionnaire explores the safeguards in place to manage such situations. Beyond political offices, the sub-pillar investigates whether judges can combine their judicial work with other activities such as teaching, research and publication, non-remunerated membership in organizations, remunerated service on boards, and roles as arbitrators or mediators. If these activities are permitted, the questionnaire further investigates whether any safeguards are in place during such employment. Respondents are asked to evaluate how often judges engage in these activities and whether such engagement interferes with their judicial duties or undermines their independence, integrity, or impartiality.

The judicial pay sub-pillar examines how the pay of judges compares to that of other professionals with comparable qualifications. It begins by asking if the law regulates judges' remuneration by position or grade. If remuneration is not regulated by law, the questionnaire inquires who decides on it and what criteria are used. Next, transparency of judicial salaries is explored. The questionnaire asks if the law mandates the publication of judicial salary schedules and if these schedules are in fact published in practice. To gather more detailed information on salary levels, the sub-pillar requests the yearly salary of a first-instance judge with 10 years of experience, the Minister of Justice, and a partner in a local law firm in the last year. These data points can provide a comparative perspective on judicial salaries within the wider context of professional compensation in the country. Furthermore, respondents are asked about variations in salary among judges in comparable positions. The sub-pillar concludes with questions about the budget of the largest first-instance civil court and the number of judges serving in it. Additionally, it requests specific salary figures for both male and female judges at the beginning of their career in first-instance courts, and for judges of the Supreme Court or highest appellate court.

The appeal and reversal rates sub-pillar measures the percentage of first instance decisions that is appealed to a second instance court in both civil and administrative cases, and the percentage of decisions that is reversed on appeal (sometimes also referred to as abolishment rate), respectively. This rate could indicate the accuracy and quality of first-instance court decisions.

The consistency of decisions sub-pillar measures to what extent similar cases are treated consistently. The first question investigates whether judicial decisions are a source of law. If they are, the subsequent question probes deeper into the mechanisms in place to maintain consistency in case law by asking whether only decisions from the highest court constitute such a source, to assess the role of the highest court in shaping the jurisprudence of the country. Whether there is a requirement for courts to state and motivate departures from previous case law, and how often this happens in practice, is sought next to reveal how much weight is given to previous decisions and the degree to which judges are required to justify deviations from established case law. The sub-pillar also explores the mechanisms available for the highest court to ensure consistency in case law across lower courts. These can vary from advisory opinions of general application to obligatory decisions relevant only to a specific case or to all courts.

The questionnaire concludes with exploring whether there are legal sanctions for lower courts that do not decide consistently with case law and, if so, how frequently these sanctions are imposed. This provides an indication of the measures in place to ensure judicial consistency and the extent of their enforcement in practice.

#### **e. *Data Management and Review***

Questionnaires are emailed to potential respondents from all categories. Once these are filled out by the respondent and sent back to the team, they are stored in a WBG shared folder. Personal respondent information includes first and last name, place of business and contact information. For users approached at the courts, the team records only their first name, age, and gender. Personal data is treated in compliance with WBG policies.

Extensive follow-ups through email and phone calls are done once questionnaires are received, and a record of these follow-ups is saved in the shared folder. The team also saves a copy of all laws and regulations that are relevant to the questionnaire. The team follows the same protocol for storing data received from government officials (regarding administrative data, budgets, etc.), other development partners, if applicable, and desk research. When data is collected through in-person interviews, the team drafts meeting minutes. Records are kept of every piece of information received by respondents or collected independently by the team through desk research.

Once all the data is received, each questionnaire is exported directly to Excel for data coding (“Master Coding Sheet”). Data coding is the process whereby the JUPITER team (i) compiles information received from experts, interviewees, laws, and other valid sources, (ii) files it in the Master Coding Sheet, (iii) verifies to validate information received, and (iv) processes it into a median answer. Follow-ups and information collected during in-person interviews are also incorporated in the Master Coding Sheet, alongside the relevant legal provisions and pertinent desk research.

Numerical and practice estimates are coded through Excel formulas calculating the median of all valid contributor responses. Legal or regulatory estimates are coded by the team’s review of the applicable legal instruments supported by the interpretation of local experts. The team has taken rigorous and systematic steps to ensure that coding is based on the composite review of multiple perspectives. Thus, the median answer to any question is not merely a matter of reporting what officials convey but relies on a juxtaposition of such claims with the accounts of many key witnesses and parties based on their viewpoints and roles as stakeholders within the system. Data is first coded by a WBG staff in the field, then validated by a WBG staff at headquarters (HQ) in Washington, DC, before it is finalized through a third round of review by the JUPITER Task Team Leader (TTL). This is an iterative process, where clarifications are requested at each level of review, requiring the relevant staff to provide additional information or further support a coding decision.

## A.2 Application to Liberia

This section discusses the application of the JUPITER methodology detailed in Section 2 to the pilot country of Liberia, from project initiation to the final report, including questionnaire design, data collection, and data analysis. Liberia was selected as a pilot country due to an alignment of (1) Government's interest in improving the effectiveness of the justice system in service delivery; (2) WBG interest in engaging with the Government on justice reform; and (3) country characteristics (former FCV with a dual legal system). The background research for the report started in January 2023. Field research started in February and was completed in April 2023. Data coding, data validation, and data review were carried out between March and May 2023. The report was written between April and June 2023.

### a. Background research

JUPITER assessments start with extensive background research on publicly available information. The team initiated the project by understanding Liberia's judicial landscape and justice system, its history and evolution, its relationship with the government, society, and the customary system. The team tracked and researched all major indicators produced by international organizations, academia, survey organizations, and civil society organizations reporting the views and experiences of citizens, enterprises, lawyers, and experts. These indicators included major indices, such as the *World Justice Project's Rule of Law Index*, *Fragility State Index*, *Bertelsmann Transformation Index*, *Global Corruption Barometer*, and *Global Competitiveness Report*. The criteria for selection of such indicators were:

- Perception Data – indicators that reflect sentiments of stakeholders on the effectiveness of judicial services.
- Primary Data – indicators that have sourced their own data through surveys, interviews, etc. Indicators that aggregate data from several other datasets or use secondary data were not considered.
- Focus on civil law (vs. criminal law) and its system.
- Currently active, revised periodically and consistently – only indicators that are currently active, have had at least five publications of their assessment, and have had a temporally consistent calculation exercise as well as launch of their results have been considered.
- Publicly available.
- Focus on service delivery and benchmark areas that are relevant to JUPITER.
- Focus on FCV countries, given Liberia's context.

As part of its desk research, the team studied several major reports on Liberia's ecosystem. These included reports from the Carter Center, IDLO, ILAC, SIDA, UNDP, UNMIL, USIP, WB, and others. Specific insights from some of these studies were used for the report after consent and permissions from the authors (where data were used) and have been cited (where insights were referred to).

### b. Questionnaire Design and Identification of Stakeholders

Through desk research, the JUPITER team at the WBG HQ, alongside two WBG staff based in Liberia who are familiar with the laws and judicial system of Liberia, prepopulated the questionnaire with answers by law. This allowed the team to also compile a list of missing laws to be further sought from the Government and the judiciary.



Once the questionnaire was ready for distribution, the team identified key stakeholders with the help of local organizations and experts, including:

- Institutional actors in the judicial branch of the government – the Liberian Judiciary, including judges, lawyers, court clerks, bailiffs, administrators, and key staff members and departments of the Judiciary.
- Actors in the executive branch of the government – the MOJ, the Ministry of Internal Affairs, and all their relevant departments.
- Professional associations – the LNBA and the AFELL.
- Stakeholders influencing the judicial ecosystem in Liberia, including the Ministry of Foreign Affairs, the Ministry of Finance and Development, the Law Reform Council, among others.
- External stakeholders, including the several international development associations like IDLO, UNDP, UNHCR, and UNMIL; philanthropic institutions like the Carter Center and other such NGOs working in Liberia; international government agencies such as the USAID and USIP.

Future pilots will include interviews with stakeholders from the private sector, to understand their perspectives on judicial service delivery and its impact on the business and investment environment.

### **c. Data Sources**

For the legal framework, laws and documents that were found relevant for the JUPITER assessment included:

- Budget documents of the Government of Liberia.
- Constitution of Liberia.
- Civil Procedure Law.
- Code of Ethics for Judges.
- Code of Moral and Professional Ethics.
- Commercial Code.
- Decent Work Act.
- Executive Law.
- Judicial Canons of the Republic of Liberia.
- Land Rights Law.
- Legislative Law.
- Local Government Act.
- Public Finance Management Act.
- Revised Schedule of Court Costs, Fees, and Fines.
- Revised Rules and Regulations Governing the Hinterland of Liberia.
- Draft policies on ADR.
- Draft Law on Legal Aid.

To capture the application of the law in practice, the team collected data from a total of 222 experts, selected to include key sociodemographic differences (gender, geography, and socioeconomic status, in particular). Experts consulted by the team included:

- Judges.
- Lawyers.
- Court Users across several counties.
- Court Administrators and Clerks
- Head of key departments of the Judiciary – National Association of Trial Judges, Department of Documentation, Department of ICT, Department of Public Information, Department of Personnel, Department of Projects and Planning, Judicial Institute, and various officials of the Temple of Justice in Monrovia.
- Head of key departments of the MOJ – the ADR Section, Child Justice Section, Civil Litigation Section, and Human Rights Section.
- LNBA.
- AFELL.
- Ministry of Internal Affairs.
- Ministry of Foreign Affairs.
- Representatives of WBG development partners – IDLO, UNDP, other UN agencies.

Administrative data were also used to test the application of the law in practice. This data were challenging to obtain as records were scattered and often incomplete. Local WBG staff visited the courts more than 75 times to obtain the required information, which was ultimately made available in the form of Quarterly and Annual reports of the judicial branch of Government. The team was able to obtain six years of reports, including data on the number of courts, number of judges, number of incoming, pending and resolved cases for all levels of courts across the 16 counties and the percentage of appealed cases. The team was not able to obtain information on the rate of first instance decisions that are overturned in appeal, as this data is not collected by the courts. The team also requested official legislation on judges' salary schedules and a copy of the National Remuneration Standardization Act of 2019, but these were not provided. When administrative data were not available, the team resorted to other sources – for example, publicly available information on judges' salaries.

To complement these data collection efforts, the team also used data produced by other parties. The total number of individuals whose views were incorporated in the final report is 11,892. All due permissions and consent were obtained while using these datasets, which are mostly publicly available. These datasets included:

- 3,504 responses from *“Public Perceptions of Liberian Justice and Security Institutions,”* produced by UNDP Liberia and administered by LISGIS in close collaboration with UN PBO and OHCHR.
- 700 responses from the *“Rule of Law and Access to Justice in Liberia”* report by IDLO and the Swiss Peace Foundation.
- 130 interviewees and 35 focus groups from the study conducted in Nimba, Grand Gedeh, and Lofa counties for the report, *“Looking for Justice: Liberian Experiences with and Perceptions of Local Options”* by Isser et al (2009).
- 2,800 responses (2500 household interviews and 300 key informant interviews) from Oxford University's Centre for the Study of African Economies (CSAE) in collaboration with the Carter Center, as reported in Isser et al (2009).
- 4,501 from responses from *“Talking Peace: A population-based survey on attitudes about security, dispute resolution, and post-conflict reconstruction in Liberia,”* by Vinck et al (2011), from the Human Rights Center at the University of California, Berkeley.

Some of these reports covered the whole country, others only certain regions. They were especially useful in providing additional insights into the customary system, as several had conducted interviews with tribal chiefs and users of the customary system.

Data collected by the team were either in the form of a filled-out questionnaire or in the form of recorded meeting minutes that were then incorporated into a questionnaire. Focus groups were organized with LNBA and AFELL, with multiple participants from each organization. These meetings were recorded and scripted. The team used the protocol for data storage and management detailed in “Section 2.5. Questionnaires,” extracting the information to Excel and coding it as described in the same section.

The data analyzed in this report represents a snapshot of the development of the judicial system in Liberia as of May 2023. The study abstracts from the relationship between judicial and political institutions and hence may miss some important dynamics and interplays, especially in so far as the relationship between the customary system (under the power of the Executive) and the judiciary are concerned.

## Annex B

### Data for Liberia

This Annex presents the aggregated data for Liberia at the datapoint level. Questions by law are presented alongside their mirror in practice, whenever possible.

#### B.1 Access to Justice Pillar

The Access to Justice Pillar contains 103 questions, equivalent to 185 datapoints, and comprises five sub-pillars: (1) transparency; (2) proximity to court; (3) equal access; (4) legal aid and cost; and (5) small claims court and procedure. The following table presents the findings related to each question.

>>> **Table B1:**  
Access to Justice

**Legend:** Q=Question; A=Answer; C=Comment; LB= Legal Basis.

LAW	PRACTICE
<b>Transparency</b>	
	<p><b>Q1: Does a centralized and comprehensive website of all national laws and regulations (i.e., operated, managed, and administered by a single government unit) exist in the country's official language(s)?</b></p> <p><b>A:</b> No, laws are scattered across different websites.</p> <p><b>C:</b> Two main platforms compile some laws, regulations and Supreme Court decisions: the websites of the <i>judiciary</i> and the Liberia Legal Information Institute (<i>LiberLII</i>). With internet available, these two websites are public, free, and openly accessible for all. These, however, do not have timely updates as evidenced by the gaps in information available throughout the years. Sometimes, laws pertaining to specific ministries or agencies can be found on their respective websites.</p> <p><b>If “No” to Q1, are laws and regulations published in a manner that makes it possible to consult the latest consolidated version for free?</b></p> <p><b>A:</b> No.</p> <p><b>C:</b> While it is the statutory responsibility of the MFA to publish laws passed or amended, the Ministry has not done so consistently. Often the MFA's website is down, leaving users to rely on the distribution of handbills, which is also not done consistently.</p>
	<p><b>Q2: How difficult is it to stay abreast of the legal framework?</b></p> <p><b>A:</b> Difficult (consolidated versions of updated laws and regulations are either not available or very delayed; timely updates occur in less than 25% of cases).</p>

	<p><b>Q3: How consistent and precise is the legal framework (i.e., laws are well drafted, do not create ambiguity that can be exploited by the parties, and conflicting laws are repealed in a timely manner)?</b></p> <p><b>A:</b> Somewhat inconsistent and imprecise (the above conditions are not met in most cases).</p>
<p><b>Q4: Is there a legal requirement to make all judgments public?</b></p> <p><b>A:</b> Yes, however the modality is not clearly regulated.</p> <p><b>LB:</b> Section 20.3 of the Executive Law establishes the statutory duty of the MFA to “oversee the publication of all papers and documents required by law to be published.” Section 60 of the Legislative Law provides that laws, acts and resolutions shall be published within 90 days of the close of each session, in the form of pamphlets and handbills.</p>	<p><b>Q6: What share of the court(s)’ judgments is public (i.e., online, or in a manner where anyone can access them without submitting a request or paying a fee)?</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> Not public.</li> <li>■ <i>Circuit Courts:</i> Not public.</li> <li>■ <i>Supreme Court:</i> Between 50% and 75% (<a href="#">Website of the Judiciary</a>).</li> </ul> <p><b>Q7: If judgments are not public, what share is publicly available (i.e., online or otherwise, but access must be requested and/or paid, for example through purchase of the official gazette or by requesting a copy at the court)?</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> &gt;75%. Anyone can obtain a copy from the clerk after paying a fee.</li> <li>■ <i>Circuit Courts:</i> &gt;75%. Anyone can obtain a copy from the clerk after paying a fee.</li> <li>■ <i>Supreme Court:</i> &gt;75%. Anyone can obtain a copy from the clerk after paying a fee.</li> </ul> <p><b>Q8: Are judgments made public or publicly available in a timely manner?</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> No.</li> <li>■ <i>Circuit Courts:</i> No.</li> <li>■ <i>Supreme Court:</i> No.</li> </ul>
<p><b>Q5: Who is responsible for the publication of judgments (including online, if applicable)?</b></p> <p><b>A:</b> The Ministry of Foreign Affairs.</p> <p><b>LB:</b> Section 20.3 of the Executive Law.</p> <p><b>C:</b> Clerks are mandated to keep a record of judgments and make them publicly available upon payment of a photocopying fee (Section 41.3 of the Civil Procedure Law).</p>	

**Q9: How easy is it to find the following information?**

- *Court location*: Information is mostly available. It can be found on the [Judiciary website](#). Community Chairmans and Police officers also provide this information when requested in a particular location.
- *Court hours and days of operation*: Information is mostly available. Court hours and sessions are regulated by the “General Rules applicable in all courts of Liberia”, which can be found in the [Judiciary website](#).
- *Basic information on how to file a claim*: Information is mostly unavailable. Parties wishing to file a claim require a lawyer.
- *Basic information on common types of cases*: Information is mostly unavailable.
- *Lay documents and guides that enable self-representation*: This information is not available in the courts. Parties are usually informed in their first appearance before a Magistrate that they have the choice to be self-represented. It is, however, rare for parties to represent themselves.
- *Information on court fees*: Information is mostly available. This information is widely published at the entrance of many courts across the country and online ([Link](#)).
- *Information on legal aid*: There is no publicly available information on legal aid.

**Q10: How accurate and up to date is the information?**

- *Court location*: Mostly accurate (more than 50%).
- *Court hours and days of operation*: Mostly accurate (more than 50%) ([Link](#)).
- *Basic information on how to file a claim*: N/A (see Q.9).
- *Basic information on common types of cases*: N/A (see Q.9).
- *Lay documents and guides to enable self-representation*: N/A (see Q.9).
- *Information on court fees*: Mostly accurate (more than 50%) ([Link](#)).
- *Information on legal aid*: N/A (see Q.9).



### Proximity to court

**Q11: Confirm list of first instance civil courts (of general jurisdiction and specialized).**

**A:** According to official data from the most recent Quarterly Report released by the Judiciary (January 10, 2023), the court system consists of 217 Functional Courts, which include 1 Supreme Court, 16 Circuit Courts, 7 Criminal Courts, 26 Specialized Courts, and 167 Magisterial Courts. There are 45 non-functional courts, which include 28 Specialized Courts and 17 Magisterial Courts. The total number of courts is 262.

**Q12: Confirm list of small claim courts (if different from first instance courts).**

**A:** The law does not specifically establish small claim courts in Liberia. However, given the nature of these courts as dealing with minor matters, magisterial courts in Liberia can be categorized as such. These courts have limited jurisdiction depending on the amount of the claim and are decided upon by a Stipendiary or Associate Magistrate assigned with no jury required.

**Q13: How would you characterize the accessibility of the courts of your country to people in urban regions as compared to those in rural regions?**

**A:** Much more accessible to people in urban regions than those in rural regions.

**C:** People in rural areas find it more socially and economically viable to resort to customary courts instead of formal courts, given the associated high costs, long distances, long delays, and lack of social acceptability of the latter. Users interviewed by the team had to travel an average of 60 minutes to reach the nearest court, with peaks of 150 and 180 minutes.

### Equal access

<p><b>Q14: By law, do women have the same rights as men to file a claim with the court?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Article 11(c) of the Constitution of Liberia provides that “all persons are equal before the law and are therefore entitled to the equal protection of the law.”</p>	<p><b>Q15: In practice, are women able to file a claim with the court in the same way as a man (consider, for example, the stigma of being seen entering a court)?</b></p> <p><b>A:</b> True in more cases than not.</p> <p><b>C:</b> Although women have the same legal rights as men to file cases and their testimonies carry equal weight in court, social stigma and pressure from family often discourage them from pursuing their rights. Women experience challenges such as being discredited and intimidated. In cases of sexual harassment, for instance, they have concerns related to their job security.</p>
<p><b>Q16: By law, does a woman’s testimony carry the same evidentiary weight in court as a man’s?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Article 11(c) of the Constitution of Liberia provides that “all persons are equal before the law and are therefore entitled to the equal protection of the law”. In addition, Article 20 of the Constitution determines that “justice shall be done without sale, denial or delay.”</p>	<p><b>Q17: In practice, does a woman’s testimony carry the same evidentiary weight in court as a man’s?</b></p> <p><b>A:</b> True in more cases than not.</p> <p><b>C:</b> Once established, the testimony of a woman carries similar evidentiary weight as a man in court proceedings. However, men have better access to judges outside of hearings due to societal norms, which can play a part in influencing the course of action in their favor. Moreover, men tend to keep all the legal documents in a marriage (such as land deeds, for example). When these are required as evidence in court, men usually have more evidence as custodians of these documents.</p>
<p><b>Q18: Civil remedies for sexual harassment.</b></p> <p>By law, the Decent Work Act of 2015 prohibits discrimination and harassment, including sexual harassment at the workplace. Section 2.8 defines and prohibits sexual harassment in the workplace, while Sections 14.8 and 14.10 provide civil remedies for wrongful termination, which may include compensation or reinstatement.</p>	<p><b>Q18: By law, there are civil remedies for sexual harassment in employment. In practice, how likely is a woman to bring a civil case for sexual harassment against her employer?</b></p> <p><b>A:</b> Somewhat likely (between 50% and 75% of cases).</p> <p><b>C:</b> Women experience challenges when bringing claims for sexual harassment, such as discreditation, intimidation and concerns for their job security. Due to economic concerns, women may be hesitant to bring these cases against their employer, given that retaliation can occur. Further, a case of sexual harassment must be heard in open court and many women are not comfortable explaining the details of such events in public. Given the existence of societal prejudices against women, many male judges and magistrates are more likely to favor a male defendant in these cases.</p>
	<p><b>Q19: In practice, how likely is the woman to win the case once it is established that she was indeed harassed beyond reasonable doubt?</b></p> <p><b>A:</b> Somewhat likely (between 50% and 75% of cases).</p> <p><b>C:</b> Once the occurrence of harassment is clearly established, cases are likely to follow the rule of the law. However, public opinion and the impact of societal norms sometimes can hinder women’s ability to win this type of cases, even when evidence is present. The lack of sufficient women in jury panels also affects them, as some men tend to side with male defendants.</p>

	<p><b>Q20: How would you characterize the accessibility of the courts of your country for women?</b></p> <p><b>A:</b> A lot more accessible to men than women.</p> <p><b>C:</b> Courts are a lot more accessible to men than women because of the burdens of filing a claim and prolonged periods of litigation. Many women cannot overcome these challenges as they must attend to household work and childcare, thus, they might not be willing to spend that time in Court. Most women feel marginalized and are afraid to withstand the tension of legal matters. Also, male defendants can more easily interact with judges in their chambers and even outside the court.</p>
<p><b>Q21 &amp; 22: By law, are persons with disabilities (including intellectual disabilities) recognized the right to legal capacity (i.e., the power to engage in transactions and create, modify or end legal relationships)? Are they recognized equal standing in courts and tribunals?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> Article 11(c) of the Constitution of Liberia provides that “all persons are equal before the law and are therefore entitled to the equal protection of the law.”</p> <p>The Civil Procedure Law, however, provides that persons who are declared “incompetent” can sue or be sued through a representative (Section 5.13). Section 16.100 (1) of the Civil Procedure Law provides that, at or prior to any hearing, the court must require adequate representation by counsel for any allegedly “mentally disabled” or allegedly “incompetent” party to such proceedings. The court, then, must inform them of their right to counsel and inquire on whether they desire to be represented by a counsel of their choice or by one appointed by the court. The Court must provide a counsel when the person cannot afford one.</p> <p>Even though these provisions allow for persons declared “incompetent” or with intellectual disabilities to be represented by a counsel or representative in court proceedings, it is important to note that the right to legal capacity encompasses further guarantees, such as the power to engage in transactions and create, modify or end legal relationships (General Comment No.1, Para. 12, Committee on the Rights of Persons with Disabilities). Pursuant to Article 12 of the Convention on the Rights of Persons with Disabilities and its interpretation by the Committee, governments have the obligation to transition from the substitute decision-making paradigm (which encompasses guardianship, conservatorship and mental health laws that permit forced treatment) to one that is based on supported decision-making. This support in the exercise of legal capacity must respect the rights, will and preferences of persons with disabilities and should never amount to the imposition of a substitute decision maker against their will.</p>	
<p><b>Q23: By law, are persons with disabilities granted legal capacity to testify on an equal basis in court?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> N/A.</p>	

<p><b>Q24: By law, are courts required to have policies in place facilitating equal access to justice for persons with disabilities, allowing them to participate on an equal footing in court proceedings as parties, witnesses, victims, etc.?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> N/A.</p>	<p><b>Q25: In practice, if such policies exist, what is their level of implementation? (i.e., wheelchair accessibility; elevators accessibility; washrooms accessibility, alternative seating arrangements in courtrooms; sign language interpretation; tactile language interpretation; allowing guide dogs into courtrooms; screen readers; etc.)</b></p> <p><b>A:</b> Very low level of implementation (&lt; 25% of courts).</p> <p><b>C:</b> In practice, there are not many measures in place to support persons with disabilities to participate in court proceedings.</p>
	<p><b>Q 26: How would you characterize the accessibility of the courts of your country for persons with disabilities?</b></p> <p><b>A:</b> A lot more accessible to persons without disabilities.</p> <p><b>C:</b> Most courts in Liberia do not have special accommodations to make them accessible for persons with disabilities. Also, persons with disabilities suffer from other barriers in accessing the courts, such as lack of accommodations in public transport and long distances between their residence and the courts. The lack of clear guidelines and policies means there are no standardized support measures for this population.</p>
<p><b>Q27: By law, is there a requirement to provide translation and interpretation services in civil cases for:</b></p> <p><b>A &amp; LB:</b></p> <ul style="list-style-type: none"> <li>■ <i>Hearings:</i> Yes. Sections 13.8 and 21.4 of the Civil Procedure Law provide that the court shall appoint an interpreter whenever one of the parties, a witness, or a deponent does not understand or speak English. In this last case, a translator will translate all questions and answers into the language which the deponent understands and speaks.</li> <li>■ <i>Documents:</i> No. The law requires all documentation in a legal proceeding to be in English, unless an affidavit or exhibit is in a foreign language, in which case it must be accompanied by a translation (Section 8.1(2) of the Civil Procedure Law). The law does not, however, provide any obligation to the courts to provide translation services for documents.</li> </ul>	<p><b>Q27.1: Are translation and interpretation services free of charge for indigent people in civil cases?</b></p> <p><b>A:</b> No.</p> <p><b>C:</b> The law is not clear on whether these interpretations services are free. Given that it is not common to get or use an interpreter during court proceedings in Liberia, the application of this provision in practice has been rare. However, in most cases, the parties pay when a person is appointed by the Court to perform a service for them.</p> <p><b>Q27.2: How likely are people to receive such services?</b></p> <p><b>A:</b> Unlikely (less than 25%).</p> <p><b>C:</b> Once the court establishes that interpretation services are required, the court should appoint an interpreter. This is more likely to happen at the Circuit Court level, but it is very rare at the Magistrate Court level.</p> <p><b>Q.27.3: How likely are indigent people to receive such services?</b></p> <p><b>A:</b> Unlikely (less than 25%).</p> <p><b>C:</b> This service should be ordered by the court as a support to persons with linguistic barriers during the trial process, however, its application has been very rare. Therefore, it is meant for everyone, including persons that cannot afford it. Indigent people are not any more or less likely to receive it.</p>

	<p><b>Q28: How would you characterize the accessibility of the courts of your country for persons with linguistic barriers?</b></p> <p><b>A:</b> A lot more accessible to persons without linguistic barriers.</p> <p><b>C:</b> Users may receive interpretation services upon order of the court. However, the quality of this service cannot be compared with having a trial in English. The qualification of the interpreter and the quality of interpretation can have an impact on the determination of the matter. In addition, these services do not seem to be available in Magistrate Courts.</p> <hr/> <p><b>Q29: How would you characterize the accessibility of the courts of your country for persons of different socio-economic classes?</b></p> <p><b>A:</b> A lot more accessible to persons of higher socioeconomic classes.</p> <p><b>C:</b> As result of the perceived corruption of the court system and the costs associated with the process of litigation, formal courts are more accessible to people of higher socioeconomic backgrounds.</p>
<b>Legal aid</b>	
<p><b>Q30: Is there a dedicated law on legal aid?</b></p> <p><b>A:</b> No (but a draft Legal Aid Bill is pending legislative approval).</p> <p><b>LB:</b> The only relevant provisions are in Chapter 65 of the Civil Procedure Law (“Suits by or against indigent persons”), which provide for support to indigent people in court proceedings and require the court to assign an attorney if it is proved that the person cannot afford legal representation.</p>	<p><b>Q31: Is government-funded legal aid available in your country?</b></p> <p><b>A:</b> Yes.</p>
	<p><b>Q32: Are there other providers of legal aid (i.e., NGOs, bar associations, universities, etc.)?</b></p> <p><b>A:</b> Yes.</p> <p><b>C:</b> (i) <i>Liberia National Bar Association (LNBA)</i>: With support from USAID-LPAC and the Carter Center, the LNBA has organized legal aid clinics in five counties (Montserrado, Margibi, Grand Bassa, Bong and Bomi).</p> <p>(ii) <i>Carter Center</i>: It runs a call-in program that is currently serving three counties (Bong, Lofa and Grand Gedeh), with an emphasis on criminal cases.</p> <p>(iii) <i>Her Voice Liberia</i>: Provides legal aid mostly to women and children, including cases of domestic violence and persistent non-support.</p> <p>(iv) <i>Serving Humanity for Education and Development (SHED)</i>.</p> <p>(v) <i>AFELL</i>.</p>
<p><b>Q33: Which of the following aspects of legal aid are regulated by law?</b></p> <p><b>A:</b> The law regulates the eligibility criteria and the process for securing legal aid for indigent persons.</p> <p><b>LB:</b> Chapter 65 of the Civil Procedure Law.</p>	<p><b>Q38: Which of the following best describes the legal requirement on the evidentiary burden over eligibility criteria?</b></p> <p><b>A:</b> The party intending to proceed as indigent must produce evidence of the lack of resources before the request is granted.</p>
	<p><b>Q34: Is there a body or authority in charge of providing, administering, coordinating, and monitoring the quality of legal aid services?</b></p> <p><b>A:</b> No.</p>

<p><b>Q35: By law, for which of the following actions can government-funded legal aid (vs. legal aid provided, for example, by NGOs) be used?</b></p> <p><b>A:</b> Representation in court and legal advice before the proceedings.</p> <p><b>LB:</b> Chapter 65 of the Civil Procedure Law.</p>	
<p><b>Q36: By law, who approves a request for legal aid?</b></p> <p><b>A:</b> The judge(s) dealing with the main case.</p> <p><b>LB:</b> Chapter 65 of the Civil Procedure Law.</p>	
	<p><b>Q37. What is the total number of legal aid requests received and requests approved for government funded legal aid?</b></p> <p><b>A:</b> N/A, this data is not collected by the Judiciary.</p> <p><b>Q39: Are there enough providers of government-funded legal aid?</b></p> <p><b>A:</b> No. The motion for permission to proceed as an indigent person (Chapter 65 of the Civil Procedure Law) is rarely granted.</p> <p><b>C:</b> Some government-funded legal aid is provided in criminal cases.</p> <p><b>Q40: What are the chances of obtaining government-funded legal aid when eligible?</b></p> <p><b>A:</b> Very low (less than 25% of eligible applicants).</p>
<p><b>Q41: By law, is there a time standard for deciding on a legal aid request?</b></p> <p><b>A:</b> No.</p>	<p><b>Q42: In practice, what is the average decision time for government-funded legal aid requests (calendar days)?</b></p> <p><b>A:</b> N/A, this data is not collected by the Judiciary.</p>
<p><b>Q43: What is the total budget (in local currency) allocated to government-funded legal aid as a percentage of the national/judiciary/justice sector budget?</b></p> <p><b>A:</b> Legal aid is not accounted for in the budget of the Judiciary.</p>	<p><b>Q44: What is the total amount (in local currency) spent on government-funded legal aid?</b></p> <p><b>A:</b> N/A (data is only available for legal aid provided by public defenders in criminal cases).</p>
<p><b>Q45: What is the annual income value (in local currency) to be eligible for full legal aid?</b></p> <p><b>A:</b> N/A, not regulated.</p>	



### Court fees

<p><b>Q46: Are court fees set by law?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Court fees are regulated by: (i) Rule 27 of the Circuit Court Rules; (ii) Part 5 of the Rules of the Supreme Court; (iii) Sections 6.8, 7.9, 8.10, 14.3, 14.5, and 15.4 of the Judiciary Law of 1972; and (iv) the <a href="#">latest schedule of fees</a> updated in 2015.</p>	<p><b>Q47: Is clear and detailed information about the court fees applicable to various types of cases publicized widely?</b></p> <p><b>A:</b> Yes, information is published widely including online and in court buildings. <a href="#">[Link]</a></p>
	<p><b>Q48: Are court fees collected by the courts retained by the Judiciary?</b></p> <p><b>A:</b> Yes, in their entirety.</p> <p><b>C:</b> Filing fees, fines, and all other costs and fees established by law in the court fee schedule are retained by the Judiciary.</p>
<p><b>Q49: By law, are litigants in general required to pay a court fee to initiate a proceeding at a court of first instance?</b></p> <p><b>A:</b> Yes, at the beginning of the procedure.</p> <p><b>LB:</b> Same provisions cited in Q46.</p>	<p><b>Q50: How likely is the winning party to get full reimbursement of court fees?</b></p> <p><b>A:</b> Not likely (less than 25% of cases).</p> <p><b>C:</b> In Circuit and Specialized Courts, winning parties partially recover costs through the Bill of Costs, which details litigation expenses and is signed by both parties and the presiding judge. According to Section 45.1 of the Civil Procedure Law, the winning party is entitled to costs unless specified otherwise or deemed inequitable. However, in Magistrate Courts, this is uncommon due to the existence of high fees. This is often unaffordable for parties who already face other litigation costs.</p>
	<p><b>Q51: How likely is the winning party to get full reimbursement of attorney fees?</b></p> <p><b>A:</b> Not likely (less than 25% of cases).</p> <p><b>C:</b> A party in whose favor a judgment is rendered is entitled to costs in the action, including attorney fees (Section 45.1 of the Civil Procedure Law). This is also the case for fraudulent adverse claims (Section 44.46), failure to comply (Section 1.6 (2)) or for motion presented in bad faith (Section 11.4). In practice, reimbursement is usually partial and unlikely, especially in Magistrate Courts.</p> <p><b>Q52: Are court fees set at a level that deters individuals and businesses from filing a claim?</b></p> <p><b>A:</b> No.</p> <p><b>C:</b> The courts fees set by law are reasonable. However, additional fees and facilitation payments paid in practice deter parties from filing claims.</p>
<p><b>Q53: Does the law establish a court fee waiver program with clear eligibility criteria?</b></p> <p><b>A:</b> No.</p>	<p><b>Q54: How likely is it for an eligible candidate to obtain a fee waiver?</b></p> <p><b>A:</b> N/A (a fee waiver program is not available).</p> <p><b>Q55: What is the total number of fee waiver requests received and approved?</b></p> <p><b>A:</b> N/A (a fee waiver program is not available).</p>

### Small claim court or procedure

**Q56 & 57: In Liberia, are there small claims courts/divisions and/or a fast-track procedure for small claims? If yes, what type of cases fall under the jurisdiction of this court/procedure?**

**A:** Yes, a court/division.

**LB:** Due to their jurisdictional scope, Magistrate Courts can be considered small claim courts as they decide over “minor matters” (Section 1.1. of the Judiciary Law). Pursuant to Section 7.3 of the Judiciary Law, they have limited jurisdiction and decide without a jury on the following matters: (i) civil cases related to the recovery of money or the possession of real property where the value does not exceed USD2,000.01 and 500, respectively, (ii) criminal proceedings related to petty larceny, (iii) traffic violations, (iv) juvenile court proceedings; (v) filiation proceedings, and (vi) tribal matrimonial causes in certain magisterial areas.

**Q58: By law, is it possible to file small claims orally?**

**A:** Yes.

**LB:** Section 3.31 of the Civil Procedure Law provides that “[i]n courts not of record, a civil action is commenced by making of an oral complaint to the justice or magistrate and issuance of the appropriate writ.” Rule 11 of the Rules and Regulations for the Governance of the Magistrate Courts ([link](#)) mentions that these are not “strictly a court of record”, so Section 3.31 would be applicable.

**Q59: By law, is it possible to file small claims without legal representation?**

**A:** Yes.

**LB:** Section 1.8 of the Civil Procedure Law determines that a complainant in a Magistrate Court may be represented by a family member or a guardian.

**Q61: Are there standardized templates available to file small claims?**

**A:** No.

**Q62: By law, is there a time standard for resolving small claims (calendar days)?**

**A:** Yes.

**LB:** Rule 10 of the Rules and Regulations for the Governance of the Magistrate Courts determines that “no civil case filed in the Magistrate Court shall remain on the docket undetermined for more than two months [60 calendar days]”, after which it will be stricken out of the docket. However, in practice, there are delays due to (i) parties requesting for continuance of trial, (ii) the large backlog of cases, and (iii) public holidays and other intervening events.

**Q64: Is there a dedicated fee schedule for small claims?**

**A:** Yes.

**LB:** Section 7.9 of the Judiciary Law establishes the schedule of fees for Magistrate Courts, alongside the [latest schedule of fees](#) updated in 2015.

**Q60: In practice, how easy is it to use the small claims court/procedure without legal representation?**

**A:** Somewhat difficult (only people with higher education can use it).

**Q63: What is the average resolution time for small claims (calendar days)?**

**A:** On average, a civil case in the Magistrate Courts took 296 days in 2022 (only a slight increase from 234 days in 2021).

**Q65: Are court fees in small claims set at a level that deters individuals and businesses from filing a claim?**

**A:** No.

**C:** The courts fees set by law are reasonable. However, additional fees and facilitation payments paid in practice deter parties from filing claims.

## B.2 Efficiency Pillar

The Efficiency Pillar contains 74 questions, equivalent to 99 datapoints, and comprises five sub-pillars: (1) clearance rates; (2) age of caseload; (3) disposition time; (4) case processing and case management; and (5) information and communications technologies. The following table presents the findings related to each question, drawing comparisons between the legal requirements and how they are carried out in practice.

>>> **Table B2.1:**  
Clearance rate, age of caseload, and disposition time

Number of judges	2022	2021	2020
<b>Q66:</b> Number of judges in Liberia	393	-	-
<b>Q67:</b> Of which, female	33	-	-
Number of incoming cases	2022	2021	2020
<b>Q68:</b> Magistrate Courts	10428	8973	4492
<b>Q69:</b> Circuit Courts	3061	1691	1951
<b>Q70:</b> Magistrate Courts (administrative jurisdiction)	(same as q. 68)	(same as q. 68)	(same as q. 68)
<b>Q71:</b> Circuit Courts (administrative jurisdiction)	(same as q. 69)	(same as q. 69)	(same as q. 69)
Number of resolved cases	2022	2021	2020
<b>Q72:</b> Magistrate Courts	5575	5277	2958
<b>Q73:</b> Circuit Courts	1150	802	746
<b>Q74:</b> Magistrate Courts (administrative jurisdiction)	(same as q. 72)	(same as q. 72)	(same as q. 72)
<b>Q75:</b> Circuit Courts (administrative jurisdiction)	(same as q. 73)	(same as q. 73)	(same as q. 73)
Active cases older than 3 years			
<b>Q76:</b> Magistrate Courts	<i>This data is not collected by the judiciary</i>		
<b>Q77:</b> Circuit Courts	<i>This data is not collected by the judiciary</i>		
<b>Q78:</b> Supreme Court	<i>This data is not collected by the judiciary</i>		
<b>Q79:</b> Magistrate Courts (administrative jurisdiction)	<i>This data is not collected by the judiciary</i>		
<b>Q80:</b> Circuit Courts (administrative jurisdiction)	<i>This data is not collected by the judiciary</i>		
<b>Q81:</b> Supreme Court (administrative jurisdiction)	<i>This data is not collected by the judiciary</i>		
Number of pending cases	2022	2021	2020
<b>Q82:</b> Magistrate Courts	4521	3380	1344
<b>Q83:</b> Circuit Courts	1881	843	1186
<b>Q84:</b> Magistrate Courts (administrative jurisdiction)	(same as q. 82)	(same as q. 82)	(same as q. 82)
<b>Q85:</b> Circuit Courts (administrative jurisdiction)	(same as q. 83)	(same as q. 83)	(same as q. 83)

>>> **Table B2.2:**  
Case processing, case management, and ICT

**Legend:** Q=Question; A=Answer; C=Comment; LB= Legal Basis.

LAW	PRACTICE
<b>Assignment of cases</b>	
<p><b>Q86: By law, how are case assigned within the courts?</b></p> <p><b>A:</b> Not randomly.</p> <p><b>LB:</b> Section 15.2 of the Civil Procedure Law determines that, once the defendant has been properly served, the clerk must place the case on the jury or nonjury calendar for civil cases for the term of court next to open. The cases for a term of court are docketed in order of the date on which the clerk receives proof of service, except in cases entitled to preference that are accorded priority. These cases include, for instance, actions against the State (Section 15.3 of the Civil Procedure Law), cases that require a jury trial, and criminal cases (Section 3.11 of the Judiciary Law). The recording clerks forwards the assignments to the Office of the Chief Sheriff, who assigns a bailiff to serve the order. Assignment of cases in Magistrate Courts is done orally.</p>	<p><b>Q87: If assignment of cases is not random, how is it carried out?</b></p> <p><b>A:</b> The process in practice varies from judge to judge, with some judges requesting to approve the assignment before issuing the assignment order (which is not required by law). Sometimes judges simply do not assign cases because they do not wish to add workload to their schedules.</p> <hr/> <p><b>Q88: How often is the assignment process abused (as reported, for example, by users, NGOs, etc.)?</b></p> <p><b>A:</b> Often (between 50% and 75% of processes).</p> <p><b>C:</b> The case assignment process is frequently abused on several grounds, such as professional misconduct by lawyers, and parties who use societal and financial influence.</p> <hr/> <p><b>Q89: How easy is it for the parties to influence the assignment?</b></p> <p><b>A:</b> Easy (between 50% and 75% of assigned cases).</p> <p><b>C:</b> It is easy for the case assignment process to be abused, as wealthy or well-connected individuals manipulate judges' decisions, either directly or via their lawyers.</p>

### Case Management Information System (CMIS)

**Q90: Is there a single electronic CMIS system used in all courts?**

**A:** No, an electronic CMIS system exists, but is not used in every court.

**C:** In partnership with UNDP, the Judiciary of Liberia has recently implemented an online CMIS system which provides case tracking and summaries of information on cases. The tool has been developed, the clerks have been trained, and e-tablets have been provided to 12 Magisterial Courts and 2 Circuit Courts. However, the system is facing several constraints, such as delays, mishandling of the e-tablets and weak network service in rural Montserrado.

**Q91: Which of the following functionalities are available to judges through the CMIS system?**

**A:** The CMIS system that is being piloted in Montserrado provides the facts and the summary of information on cases. It also tracks cases in real time.

**Q92: Which of the following functionalities are available to lawyers through the CMIS system?**

**A:** N/A.

**Q93: What is the CMIS deployment rate (in civil and/or commercial cases)?**

**A:** Less than 25%.

**C:** The CMIS pilot project has only been deployed in 14 courts in Montserrado county.

### Information and Communications Technology (ICT)

**Q94: What percentage of judges and staff drafting documents and entering case data has and uses computers?**

**A:** Less than 25%.

**Q95: What percentage of courts has internet installed?**

**A:** Less than 25%.

**Q96: What percentage of courts has intranet installed?**

**A:** Less than 25%.

**Q97: By law, can the initial complaint be filed electronically through a dedicated platform?**

**A:** No.

**LB:** Article 3.31 of the Civil Procedure Code requires (i) the filing of the petition or complaint with the clerk in a court of record and (ii) an oral complaint to the justice or magistrate for courts not of record. In Liberia, a dedicated electronic platform for filing complaints has not been yet developed.

**Q98: If “Yes” to Q.97, is the plaintiff required to follow-up with a paper copy?**

**A:** N/A (complaint cannot be filed electronically).

**Q99: In practice, what is the percentage of cases filed electronically?**

**A:** N/A (complaint cannot be filed electronically).

**C:** There is no platform that allows for the electronic filing of complaints.

<p><b>Q100: By law, can the initial complaint be served electronically through a dedicated platform?</b></p> <p><b>A:</b> No.</p>	<p><b>Q101: In practice, what is the percentage of cases served electronically?</b></p> <p><b>A:</b> N/A (complaint cannot be served electronically).</p> <p><b>C:</b> All complaints are served in person through the Sheriff of the Court.</p>
<p><b>Q102: By law, can a request for legal aid be filed electronically?</b></p> <p><b>A:</b> No.</p>	<p><b>Q104: In practice, what is the percentage of legal aid requests filed electronically?</b></p>
<p><b>Q103: If “Yes” to Q.102, is the applicant required to follow-up with a paper copy?</b></p> <p><b>A:</b> N/A (request cannot be filed electronically).</p>	<p><b>A:</b> N/A (request cannot be filed electronically).</p> <p><b>C:</b> There is no platform that allows for the electronic filing of these requests.</p>
<p><b>Q105: By law, can the initial complaint in a small claim procedure be filed electronically through a dedicated platform?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> In magisterial courts, a civil action is commenced in writing or by making an oral complaint to the justice or magistrate and the issuance of the appropriate writ.</p>	<p><b>Q107: In practice, what is the percentage of small claims filed electronically?</b></p> <p><b>A:</b> N/A (complaint cannot be filed electronically).</p> <p><b>C:</b> There is no platform that allows for the electronic filing of these claims.</p>
<p><b>Q106: If “Yes” to Q.105, is the plaintiff required to follow-up with a paper copy?</b></p> <p><b>A:</b> N/A (complaint cannot be filed electronically).</p>	
<p><b>Q108: By law, is evidence filed only electronically admissible?</b></p> <p><b>A:</b> No.</p>	<p><b>Q109: In practice, what is the percentage of evidence filed electronically?</b></p> <p><b>A:</b> N/A (evidence filed electronically is not admissible).</p> <p><b>C:</b> There is no process in place for the admission of evidence filed electronically. In a recent criminal case involving an official of the state who was accused of soliciting a bribe from a foreign company, the request for a key witness to testify virtually from abroad was rejected by the Court because there is no system in place for such purposes.</p>
<p><b>Q110: By law, can hearings be conducted remote/virtually?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> Hearings are done in court. There is no process in place for conducting hearings remotely or virtually.</p>	<p><b>Q111: In practice, what is the percentage of hearings conducted remotely?</b></p> <p><b>A:</b> Less than 25%.</p> <p><b>C:</b> Only the Supreme Court has the authority to conduct online hearings currently, which was very recently introduced during the March Term of 2023 of the Supreme Court.</p>

### B.3 Quality Pillar

The Quality Pillar contains 56 questions, equivalent to 89 datapoints, and comprises five sub-pillars: (1) qualification of judges; (2) extra-judicial activities; (3) judicial pay; (4) appeal and reversal rates; and (5) consistency of decisions. The following table presents the findings related to each question, drawing comparisons between the legal requirements and how they are carried out in practice.

#### >>> Table B3: Quality

Legend: Q=Question; A=Answer; C=Comment; LB= Legal Basis.

LAW	PRACTICE
<b>Qualification of judges</b>	
<p><b>Q112: By law, which of the following criteria is used for the appointment of judges?</b></p> <p><b>A:</b> (i) Education requirements and (ii) years of experience in the legal field.</p> <p><b>LB:</b> Articles 68 and 69 of the Constitution of Liberia provide the requirements to be a justice of the Supreme Court and a judge of lower courts, respectively. According to these articles, the Chief Justice and Associate Justices of the Supreme Court are appointed and commissioned by the President with the consent of the Senate. Supreme Court Justices should be citizens of Liberia and of good moral character who have practiced for at least five years. Circuit Court Judges are appointed through the same process, but only three years of experience are required.</p> <p>Sections 2.4, 3.7, 4.7, 5.7, 6.5, 7.6, 9.5 and 10.5 of the Judiciary Law specify qualifications of judges at various levels from the Supreme Court to the Magistrate Courts. These requirements, however, are slightly different from those set forth in the Constitution on the minimum number of years required for each type of appointment. In these cases, the Constitution supersedes (Article 2 of the Constitution of Liberia).</p>	<p><b>Q113: How often are the criteria mandated by law for the appointment of judges followed in practice?</b></p> <p><b>A:</b> Followed very rarely (less than 25%).</p> <p><b>C:</b> In the last several years, the President has appointed judges without following the consultative process mentioned in the law for appointment.</p>
	<p><b>Q114: In your view, are judges competent (i.e., knowledgeable of the law and able to apply it correctly)?</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> Somewhat competent.</li> <li>■ <i>Circuit Courts:</i> Somewhat competent.</li> <li>■ <i>Supreme Court:</i> Very competent.</li> </ul>
	<p><b>Q115: In your view, are judges honest (i.e., ability to resist taking bribes or other incentives in individual cases)?</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> Somewhat dishonest.</li> <li>■ <i>Circuit Courts:</i> Somewhat honest.</li> <li>■ <i>Supreme Court:</i> Somewhat honest.</li> </ul>
	<p><b>Q116: In your view, are judge-rendered decisions of high quality? [Judgments of bad quality are those that contain grammatical errors, imprecise or inconsistent application of the legal framework, technical errors requiring the parties' rectification before enforcement, wrong assessment of the evidence, failure to address the most essential arguments, etc.]</b></p> <ul style="list-style-type: none"> <li>■ <i>Magistrate Courts:</i> Somewhat not qualitative.</li> <li>■ <i>Circuit Courts:</i> Somewhat qualitative.</li> <li>■ <i>Supreme Court:</i> Somewhat qualitative.</li> </ul>



### Extra judicial activities

<p><b>Q117 &amp; Q117.1: Does an institution/body exist to give opinion on ethical questions on the conduct of judges during extra-judicial activities? What is the composition of such body?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Canon 40 of the Judicial Canons of Liberia provides for the creation of a Judiciary Inquiry Commission (JIC), which has the authority to receive and investigate complaints against judges for violation of any provisions of the Canons. It is composed by (i) an Associate Justice, (ii) two Judges of Court of Record, (iii) the President of the LNBA and (iv) the Chairman of the Grievance and Ethics Committee of the Supreme Court.</p>	
<p><b>Q118: Are any of the following safeguards relating to temporary employment of judges in political offices (i.e., politicians, ministers, government officials, cabinet members, etc.) in place?</b></p> <p><b>A:</b> Temporary employment is not allowed.</p> <p><b>LB:</b> Judicial Canon 37 provides that, while a judge is entitled to entertain his personal political views, it is inevitable that suspicion of being warped by political bias will attach to he who becomes an active member of a political party and a promoter of its interest. This is especially the case for judges of the highest court who, by constitutional mandate, are empowered to review and determine electoral issues. Also, it determines that a judge should not appear at political meetings and indicate support of candidates for political office, nor should he permit his wife or her husband to “give political teas.”</p>	<p><b>Q119: How often do judges gain temporary employment in political offices?</b></p> <p><b>A:</b> Very rarely (less than 25%).</p> <p><b>C:</b> Judges are not allowed to occupy temporary political offices or employment.</p>
	<p><b>Q120: How often does such temporary employment in political offices interfere with the judge’s present or future performance of judicial duties?</b></p> <p><b>A:</b> Very rarely (less than 25%).</p> <p><b>Q121: How often does such temporary employment in political offices undermine the judge’s present or future independence, integrity, or impartiality?</b></p> <p><b>A:</b> Very rarely (less than 25%).</p>
<p><b>Q122: By law, can judges combine their work with any of the following?</b></p> <p><b>A:</b> By law, a judge is not allowed to perform other activities.</p> <p><b>LB:</b> Judicial Canon 4 provides that a judge shall not practice law or solicit clients for a law firm while serving as a judge. In addition, Judicial Canon 6 determines that the Judge is not allowed to engage in any business pursuit. However, some judges engage in teaching, scholarly activities and church boards. Judicial Canon 31 further prohibits judges from entering private business ventures or charitable enterprises.</p>	<p><b>Q124: How often do judges combine their work with any of the activities listed in Q.122?</b></p> <p><b>A:</b> Rarely (between 25% and 50%).</p> <p><b>C:</b> In practice, some judges are still connected to law firms and recommend clients to these law firms. Some judges also have businesses, real estate, and are engaged in other business and political activities in disguise.</p>
<p><b>Q123: By law, are there safeguards in place during contemporaneous employment for the activities listed in the Q.122?</b></p> <p><b>A:</b> No.</p>	<p><b>Q125: How often do such activities interfere with the judge’s present or future performance of judicial duties?</b></p> <p><b>A:</b> Very rarely (less than 25%).</p> <p><b>Q126: How often do such activities undermine the judge’s present or future independence, integrity or impartiality?</b></p> <p><b>A:</b> Very rarely (less than 25%).</p> <p><b>C:</b> Same comment as Q124.</p>

### Judicial pay

<p><b>Q127: Does the law regulate the remuneration of judges by position/grade?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Article 72 of the Constitution of Liberia provides that the Justices of the Supreme Court and all other judges must receive salaries, allowances, and benefits as established by law. Judicial salaries are regulated by the Public Financial Management Act, which was recently updated by the National Remuneration Standardization Act of 2019 (it was not possible to obtain a copy of this Act).</p>	
<p><b>Q128: By law, must judicial salary schedules be published?</b></p> <p><b>A:</b> No.</p>	<p><b>Q129: In practice, are judicial salary schedules published?</b></p> <p><b>A:</b> No.</p>
<p><b>Q130: By law, does remuneration depend on performance?</b></p> <p><b>A:</b> No.</p>	
	<p><b>Q131: In 2022, what was the yearly salary (in local currency) of a first-instance judge with 10 years of experience (including, as applicable, 13th salary, bonuses, etc.)?</b></p> <p><b>A:</b> A judge has a salary of US\$5,000 before taxes after the 2019 National Harmonization Act. However according to experts, Law School Graduates Magistrates earn around US\$1300-2000 per month, Judicial Institute Trained Magistrates (college graduates who undertook training at the Judicial Service Institute to serve as Magistrates) earn around US\$500-750 per month, Specialized Courts Judges (Judges of Specialized Courts who are law school graduates) earn around US\$350 per month, College graduate-Magistrates earn around US\$200-300 per month, Apprentices Magistrates (Individuals with no formal training but are performing the roles of magistrates in remote towns and villages because of unavailability of qualified individuals) earn around US\$100 per month.</p> <p><b>Q132: In 2022, what was the yearly salary (in local currency) of the Minister of Justice (including, as applicable, 13th salary, bonuses, etc.)?</b></p> <p><b>A:</b> N/A.</p> <p><b>Q133: In 2022, what was the yearly salary (in local currency) of a partner in a local law-firm (including bonuses, as applicable)?</b></p> <p><b>A:</b> N/A, lawyers in Liberia mostly work on success fees, making an estimate difficult.</p>

	<p><b>Q134: Are there significant variations in salary among judges in comparable positions?</b></p> <p><b>A:</b> Yes.</p> <p><b>C:</b> At the Magistrate level, there are at least 5 salary types: Law School Graduates Magistrates are the highest paid, earning around US\$1300-2000 per month. Judicial Institute Trained Magistrates (college graduates who undertook training at the Judicial Service Institute to serve as Magistrates) earn around US\$500-750 per month. Specialized Courts Judges (Judges of Specialized Courts who are law school graduates) earn around US\$350 per month. College graduate-Magistrates earn around US\$200-300 per month. Apprentices Magistrates (Individuals with no formal training but are performing the roles of magistrates in remote towns and villages because of unavailability of qualified individuals) earn around US\$100 per month.</p> <p><b>Q135: In 2022, what was the budget (in local currency) of the largest first instance civil court?</b></p> <p><b>A:</b> N/A.</p> <p><b>Q136: In 2022, how many judges did the court referred to in Q.135 have?</b></p> <p><b>A:</b> N/A.</p> <p><b>Q137: Salary: First instance professional judge at the beginning of his career</b></p> <p><b>A:</b> N/A.</p> <p><b>Q138: Salary: First instance professional judge at the beginning of her career – Women</b></p> <p><b>A:</b> N/A.</p> <p><b>Q139: Salary: Judge of Supreme Court or Highest Appellate Court</b></p> <p><b>A:</b> N/A.</p> <p><b>Q140: Salary: Judge of Supreme Court or Highest Appellate Court – Women</b></p> <p><b>A:</b> N/A.</p>
<b>Appeal rates and reversal rates</b>	
	<p><b>Q141: Percentage of first instance decisions (civil cases) subject to appeal</b></p> <p><b>A:</b> N/A.</p> <p><b>Q142: Percentage of first instance decisions (administrative cases) subject to appeal</b></p> <p><b>A:</b> N/A.</p> <p><b>Q143: Percentage of first instance decisions (civil cases) overturned in appeal</b></p> <p><b>A:</b> N/A, this data is not collected by the judiciary.</p> <p><b>Q144: Percentage of first instance decisions (administrative cases) overturned in appeal</b></p> <p><b>A:</b> N/A, this data is not collected by the judiciary.</p>

### Consistency of decisions

<p><b>Q145: Are judicial decisions a source of law?</b></p> <p><b>A:</b> Yes.</p> <p><b>LB:</b> Article 65 of the Constitution of Liberia provides that Supreme Court decisions are final and binding and cannot be subject to appeal or review by another branch of government. Also, pursuant to Article 2, the Supreme Court has judicial review power to declare unconstitutional any law that is inconsistent with the Constitution.</p>	
<p><b>Q146: If “Yes” to Q.145, are decisions from the highest/ supreme court the only source of law?</b></p> <p><b>A:</b> Yes, only Supreme Court opinions are a source of law, which is known as precedent or judge-made law. Decisions of circuits courts and other lower courts are binding only to the parties involved.</p>	
<p><b>Q147: If “Yes” to Q.145, does departure from previous case law need to be stated and motivated?</b></p> <p><b>A:</b> No</p> <p><b>LB:</b> N/A, not regulated by law.</p>	<p><b>Q148: In practice, how often is this departure stated and explained?</b></p> <p><b>A:</b> Rarely (between 25% and 50%).</p> <p><b>C:</b> There is no legal requirement to do so, but it is generally agreed that departure from previous case law must be decided by the Supreme Court, by stating the rationale for the change in jurisprudence in the corresponding decision. The Supreme Court may either recall a previous opinion, modify or reinstate a totally new opinion on the matter. However, the Supreme Court has not been consistently doing so.</p>
<p><b>Q149: Can the highest/supreme court take decisions on the consistency of case-law of lower courts on its own initiative?</b></p> <p><b>A:</b> No. The Supreme Court can reverse a decision by lower courts on the grounds of inconsistency with case law if the decision is appealed before the Court and the latter has jurisdiction to hear the appeal.</p>	
<p><b>Q150: Are there other mechanisms in place for the highest/ supreme court to ensure consistency of case-law?</b></p> <p><b>A:</b> No.</p>	
<p><b>Q151: By law, are there sanctions when a lower court does not decide consistently with case law?</b></p> <p><b>A:</b> No.</p> <p><b>LB:</b> N/A, not regulated by law.</p>	<p><b>Q152: If so, in practice, how often are these sanctions applied?</b></p> <p><b>A:</b> There are no sanctions that can be imposed on a judge for an incorrect legal interpretation. The sole circumstance in which a judge may be sanctioned according to the law is in cases of established misconduct or ethical violations. If the Supreme Court determines that a judge has misinterpreted the law, the appropriate course of action is to overturn the judge’s decision, rather than imposing punishment. The Supreme Court does not issue sanctions for judges in its rulings; only the Judiciary Inquiry Commission has the authority to recommend disciplinary actions for a judge if there is evidence of misconduct or unethical behavior.</p>

## Annex C

### Literature Review Motivating the Selection of Indicators

Justice matters for development, and empirical studies demonstrate its critical role in fostering a healthy business environment, enhancing sustainable and equitable growth, improving access to public services particularly for the poor, curbing corruption, enhancing public trust in the government, and restraining abuse of power. Cross-country and within-country evidence shows that efficiency of the courts, in the form of higher speed and lower procedural formalism, is a strong correlate of economic development and market performance, as backlogs and slow justice constrain entrepreneurship, innovation, and investment.<sup>148</sup> An efficient judiciary is critical to encouraging the entry of new firms and providing them the confidence to invest.

Justice institutions are therefore vital to the achievement of the WBG's twin goals to end extreme poverty and boosting shared prosperity. An effective judiciary is a means of ensuring the rule of law, and the rule of law is the basis of the good governance needed to realize the full social and economic potential of developing societies. When justice institutions operate effectively, accountability increases, trust in the government grows, and citizens and businesses can invest with confidence that their rights will be protected. Justice underpins the political process by protecting individuals' rights, facilitating collective action, and enabling credible commitment.<sup>149</sup>

Lack of access to justice often leads to violence and societal conflict. At the extreme, such conflict results in civil war, increasing poverty and limiting the potential of a nation for shared prosperity.<sup>150</sup> Access to justice is an important dimension of inclusive growth and can facilitate tackling inequality. Research shows that the inability to access legal and judicial services can be both a result and a cause of poverty and inequality, often perpetuating existing inequalities in other areas, such as educational attainment, health conditions, and employment opportunities. Inability to obtain legal and justice services is often found to have a disproportionate impact on low-income and other disadvantaged groups. As such, effective judicial institutions can contribute to helping people transition out of social exclusion and societal conflict. The WBG recognizes that justice and the rule of law are the foundations for peace and provide a critical underpinning of post-conflict reconstruction. For this reason, they are listed as one of six high-priority issues in FCV settings on which the WBG committed to placing special emphasis in its FCV Strategy. Beyond this strategy, the WBG has strengthened its commitment to this agenda through the Anticorruption Approach, where justice and the rule of law are identified as one of four priority themes for reform.

Certain characteristics of the judicial system need to be in place for effective and low-cost enforcement of contracts:<sup>151</sup> court procedures need to be accessible, efficient, and produce high-quality judgments, and judges need to be independent.<sup>152</sup> When justice institutions operate effectively, accountability increases, trust in the government grows, and businesses can invest with confidence that their rights will be protected.

148. Chemin, M. 2009a. "Do judiciaries matter for development? Evidence from India." *Journal of Comparative Economics* 37(2): 230–250.

149. World Bank. 2017. *World Development Report 2017: Governance and the Law*. Washington, DC: World Bank.

150. Ndulu, B. J., Stephen A. O'Connell, Paul Collier, Robert H. Bates, and Chukwuma C. Soludo. 2007. *The Political Economy of Economic Growth in Africa, 1960-2000*. Cambridge: Cambridge University Press; and Collier, P. 2007. *The Bottom Billion: why the poorest countries are failing and what can be done about it*. Oxford: Oxford University Press.

151. *Supra* World Bank, 2017, *World Development Report 2017*.

152. Messick, R.E. 1999. "Judicial Reform and Economic Development: A Survey of the Issues." *World Bank Research Observer* 14(1): 117–136; and Posner, R. 1998. "Creating a Legal Framework for Economic Development." *World Bank Research Observer* 13(1): 1-13.

## C.1 Access

Access to justice is associated with lower poverty levels and higher rates of entrepreneurship.<sup>153</sup> Evidence from debt recovery tribunals in India shows that the speed and affordability of justice greatly increase the use of formal courts.<sup>154</sup> Lower court fees in the resolution of commercial disputes are also associated with a smaller size of the informal sector,<sup>155</sup> another proxy for access. Empirical evidence on the effect of access to justice on GDP per capita growth in a panel of 83 countries from 1970 to 2014 shows that increasing access to justice by one percent increases the five-year growth rate of GDP per capita by 0.86 p.p.<sup>156</sup>

An issue that comes up frequently when studying access to justice is legal pluralism.<sup>157</sup> In many developing countries the judicial system can be divided into formal and informal, where the formal is under the state (official) and the informal may or may not be under the domain of the state (informal justice system). Informal systems can play a positive role in society by increasing fair justice due to its accessibility.<sup>158</sup> In all cases, however, they are buttressed by a functioning formal system. Ali, Deininger, and Goldstein note that the coexistence of different types of customary and formal laws can lead to a situation in which formal laws are disregarded if informal codes are less costly to execute—as is often the case.<sup>159</sup> Reversion to informal courts, headed by village elders, leads to resolutions that favor men.

Equal access to justice for women is a major concern in dozens of economies. Discrimination in the law is only one of many sources of gender imbalance. A common finding in academic research is that entrenched social norms often render legal access ineffective. Equal opportunities for women depend on a complex interplay of social, cultural, and economic factors. Although laws may be equal, prevailing discriminatory social norms, deeply rooted stereotypes, unconscious bias, and even ignorance or reluctance by institutions responsible for enforcing rights can be a major stumbling block to the implementation of legislation.<sup>160</sup> In Pakistan, for example, Holden and Chaudhary<sup>161</sup> and Ahmad et al<sup>162</sup> find that despite a legal change, women were not able to access justice due to factors such as lack of education and forced marriages. Gedzi highlights a similar result in Ghana, where reforms to inheritance laws led to few positive changes in terms of women's inheritance.<sup>163</sup>

The enforcement of rights and women's ability to seek redress is therefore critical to translating formal laws into real outcomes. There is some evidence linking the enforcement by courts of specific laws to better outcomes for women. Agarwal documents a link between women's land rights enforcement and

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153. Sen, A. 2009. *The Idea of Justice*. Boston: Harvard University Press; and Lichand, G. and Rodrigo R. Soares. 2014. "Access to justice and entrepreneurship: Evidence from Brazil's special civil tribunals." *The Journal of Law and Economics* 57(2): 459–499.
154. Visaria, S. 2009. "Legal reform and loan repayment: The microeconomic impact of debt recovery tribunals in India." *American Economic Journal: Applied Economics* 1(3): 59–81; and Lilienfeld-Toal, U. V., Dilip Mookherjee, and Sujata Visaria. 2012. "The distributive impact of reforms in credit enforcement: Evidence from Indian debt recovery tribunals." *Econometrica* 80(2): 497–558.
155. Djankov, S., Rafael La Porta, Florencio Lopez-de Silanes, and Andrei Shleifer. 2003. "Courts." *The Quarterly Journal of Economics* 118(2): 453–517.
156. Deseau, A., Adam Levai, and Michèle Schmiegelow. 2019. *Access to Justice and Economic Development: Evidence from an International Panel Dataset*. LIDAM Discussion Papers IRES 2019009. Brussels: Université Catholique de Louvain, Institut de Recherches Economiques et Sociales (IRES).
157. Djurfeldt, A.A. 2020. "Gendered land rights, legal reform and social norms in the context of land fragmentation—A review of the literature for Kenya, Rwanda and Uganda." *Land Use Policy* 90: 104–305.
158. Ahmad, J., and Georg von Wangenheim. 2021. "Access to justice: An evaluation of the informal justice systems." *Liberal Arts and Social Sciences International Journal* 5(1): 228–244.
159. Ali, D., Klaus Deininger, and Markus Goldstein. 2014. "Environmental and gender impacts of land tenure regularization in Africa: Pilot evidence from Rwanda." *Journal of Development Economics* 110(3): 262–275.
160. Hyland, M., Simeon Djankov, and Pinelopi K. Goldberg. 2020. "Gendered Laws and Women in the Workforce." *American Economic Review: Insights* 2(4): 475–90.
161. Holden, L., and Azam Chaudhary. 2013. "Daughters' inheritance, legal pluralism, and governance in Pakistan." *The Journal of Legal Pluralism and Unofficial Law* 45(1): 104–123.
162. Ahmad, M., Moazma Batool, and Sophia F. Dziegielewska. 2016. "State of Inheritance Rights: Women in a Rural District in Pakistan." *Journal of Social Service Research* 42(5): 622–629.
163. Gedzi, V.S. 2012. "Women's property relations after intestate succession PNDC law 111 in Ghana." *Research on Humanities and Social Sciences* 2(9): 211–219.

their possibility of leaving a violent spouse.<sup>164</sup> Deininger et al<sup>165</sup> show that the reform of India's Hindu Succession Act increased the likelihood of daughters inheriting land. Similarly, reforms to the Succession Law in Rwanda made it more likely for women to leave their marriages while still receiving permanent rights to land, and increased women's ability to resist the customary practice of polygamy.<sup>166</sup>

JUPITER's Access Pillar measures the ability of the justice system to deliver outcomes that are accessible to all, irrespective of location, wealth, status, gender, or disability. This includes eliminating barriers that prevent people from understanding and exercising their rights, and delivering services to all parties, including those facing financial and other disadvantages. Access to justice starts with the ability of any party to access and understand the most updated legal framework and case law.

Several research articles aided the selection of areas to measure and question design. On proximity, a study in Peru finds that interventions designed to improve judicial coverage for populations located far from important urban centers significantly shift the resolution of conflicts away from informal mechanisms and toward the newly provided formal mechanisms; increase the use of complementary services, such as the use of lawyers; improve the perception of residents regarding social mores and the law; and ultimately marginally reduce the incidence of self-reported conflicts. Proximity to justice also improves outcomes for residents in the area of child support conflicts, although, in other types of conflicts, we find no impact on outcomes.<sup>167</sup> These interventions included the construction and staffing of justice modules—physical structures which housed courts, prosecutors, and public defenders. Similar results were found in Bangladesh, where the government focused on establishing Village Courts to ensure justice locally without high costs due to travel. For many in Bangladesh, village courts remain the only legal institution that exists at the doorstep of the rural poor people for the privilege of justice.<sup>168</sup>

Research on proximity in high-income countries finds similar results. A study in France emphasizes the central role of court proximity for the good functioning of the labor market. In 2008, when the French government enacted a reform that reduced the number of labor courts by one quarter, many workers and employers had to travel further to proceed with conflict litigation. This had a measurable effect: cities that experienced an increase in the distance to their associated labor court suffered from a lower growth rate of job creation (–4 percentage points), job destruction (–4.6 pp) and firm creation (–6.3 pp) between 2007 and 2012 compared to unaffected cities.<sup>169</sup>

Equal access by women, ethnic minorities, people with disabilities, and the indigent is also benchmarked. This includes legal aid, which is a necessary part of any legal system.<sup>170</sup> Access to justice for disadvantaged groups should contribute to increasing inclusion and socio-economic integration, but barriers in the way of access to justice, such as lack of education, information, identity documents, and material resources are sometimes too extended for these people. The inability of disadvantaged people to access legal services is both a result and a cause of the low degree of inclusion and development, as well as the high degree of vulnerability.<sup>171</sup> Persons with disabilities often find themselves marginalized by the justice systems. Legal

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164. Agarwal, B. 2003. "Gender and land rights revisited: exploring new prospects via the state, family and market." *Journal of Agrarian Change* 3(1-2): 184-224.
165. Deininger, K., Aparajita Goyal, and Hari Nagarajan. 2013. "Women's inheritance rights and intergenerational transmission of resources in India." *Journal of Human Resources* 48(1): 114-141.
166. Daley, E., Rachel Dore-Weeks, R., and Claudine Umuhoza. 2010. "Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights." *Journal of Eastern African Studies* 4(1): 131-152.
167. Soares, Y, Maria M. Sviatschi, Raul Andrade, and Jimena Montenegro. 2010. "The Impact of Improving Access to Justice on Conflict Resolution: Evidence from Peru." *OVE Working Papers* 0810. Washington, DC: Inter-American Development Bank, Office of Evaluation and Oversight (OVE).
168. Bhuiyan, M., Mohammad S. Islam, and Mohammad F. Salam. 2019. "Access to Justice through Village Court for Rural Poor: The Case of Bangladesh." *International Journal of Publication and Social Studies* 4(1): 1-10.
169. Espinosa, R., Claudine Desrieux, and Marc Ferracci. 2018. "Labor market and access to justice." *International Review of Law and Economics* 54(1): 1-16.
170. Gradinaru, N. 2017. "The Right to A Fair Trial Free Access to Justice." *Management Strategies Journal*, Constantin Brancoveanu University 35(1): 68-75.
171. Petre, G. 2021. "Access to justice - Trust and perceptions of the Roma minority." *Journal of Community Positive Practices* 17(2): 31-45.



aid workers not only must be knowledgeable concerning relevant laws and regulations, but must also be able to interact effectively on a personal, professional level with persons who have disabilities. Improving access will require well-prepared legal aid workers to answer the call.<sup>172</sup> Similar results were found in the study of legal aid and access to justice for women victims of domestic violence in India.<sup>173</sup>

## C.2 Efficiency

An efficient judicial system, which resolves disputes in a timely manner, supports economic growth through several channels.<sup>174</sup> Where judicial systems guarantee the enforcement of rights, creditors are more likely to lend at better rates,<sup>175</sup> businesses are more productive,<sup>176</sup> firm size increases,<sup>177</sup> and investment rises.<sup>178</sup>

Some sectors rely on the judiciary more than others because of the need for relationship-specific investments.<sup>179</sup> An economy without an effective judiciary is trapped in the production of generic goods to avoid such investments. Such economies cannot rise on the value-chain of exports.<sup>180</sup> Because of the relation with the ladder of value enhancement, foreign direct investment is positively correlated with the efficiency of legal institutions which, in turn, is linked to better growth outcome.<sup>181</sup> Survey evidence from Senegal shows that firms are willing to pay higher legal fees to achieve post-reform speed, suggesting positive benefits of judicial reform.<sup>182</sup> Several studies have shown a link between entrepreneurship rates and the efficiency of the judicial system, suggesting that an efficient judiciary promotes entrepreneurial activity.<sup>183</sup>

JUPITER's Efficiency Pillar measures the ability of courts to deliver justice in a timely and cost-effective manner, including by maximizing the use of case management and electronic tools. Several research pieces aided the selection of areas to measure and question design. Active case management has been consistently highlighted as a necessary tool in the pursuit of court efficiency. The Indian judicial system is plagued by high disposition times across all levels. Gupta and Bolia use simple measures of judicial resources, namely, number of judges and staff members as inputs, and two outputs, number

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172. Larson, D. 2014. "Access to Justice for Persons with Disabilities: An Emerging Strategy." *Laws* 3(2): 1-19.
173. Hartanto, R, Siany I. Liestyasari, and Atik C. Budiati. 2018. "Paralegals and Women Access to Justice: Making Access to Justice of Women Victims of Violence Effective." *The Journal of Social Sciences Research* 47(2): 807-813.
174. Esposito, G., Sergi Lanau, and Sebastiaan Pompe. 2014. *Judicial System Reform in Italy – A Key to Growth*. IMF Working Paper WP/14/32. Washington, DC: International Monetary Fund.
175. Bae, K., and Vidhan Goyal. 2009. "Creditor Rights, Enforcement, and Bank Loans." *Journal of Finance* 64(2): 823-860.
176. Chemin, M. 2020. "Judicial efficiency and firm productivity: Evidence from a world database of judicial reforms." *Review of Economics and Statistics* 102(1): 49-64.
177. Giacomelli, S. and Carlo Menon. 2012. "Firm Size and Judicial Efficiency in Italy: Evidence from the Neighbour's Tribunal." SERC Discussion Papers 0108. London: Spatial Economic Research Centre; and Chemin, M. 2009b. "The Impact of the Judiciary on Entrepreneurship: Evaluation of Pakistan's Access to Justice Programme." *Journal of Public Economics* 93(1-2): 114-125.
178. Djankov, S., Olive Hart, Caralee McLiesh, and Andrei Shleifer. 2008. "Debt enforcement around the world." *Journal of Political Economy* 116(6): 1105-1149; and Aboal, D., Nelson Noya, and Andrés Rius. 2014. "Contract enforcement and investment: A systematic review of the evidence." *World Development* 64(3): 322-338.
179. Nunn, N. 2007. "Relationship-specificity, incomplete contracts, and the pattern of trade." *The Quarterly Journal of Economics* 122(2): 569-600.
180. Levchenko, A. 2007. "Institutional quality and international trade." *The Review of Economic Studies* 74(3): 791-819; and Amirapu, A. 2021. "Justice delayed is growth denied: The effect of slow courts on relationship-specific industries in India." *Economic Development and Cultural Change* 70(1): 415-451.
181. Sabir, S., Anum Rafique, and Kamran Abbas. 2019. "Institutions and FDI: evidence from developed and developing countries." *Financial Innovation* 17(5): 8-28; and Bénassy-Quéré, A., Maylis Coupet, and Thierry Mayer. 2007. "Institutional Determinants of Foreign Direct Investment." *World Economy* 30(5): 764-782.
182. Kondylis, F. and Mattea Stein. 2018. "The Speed of Justice." *Policy Research Working Paper* 8372: 1-64. Washington, DC: World Bank.
183. Ippoliti, R., Alessandro Melcarne, and Giovanni B. Ramello. 2015. "Judicial Efficiency and Entrepreneurs' Expectations on the Reliability of European Legal Systems." *European Journal of Law and Economics* 40 (1): 75-94; and Ardagna, S., and Annamaria Lusardi. 2009. "Explaining International Differences in Entrepreneurship: The Role of Individual Characteristics and Regulatory Constraints." In Joshua Lerner and Antoinette Schoar (eds.). *International Differences in Entrepreneurship*. Chicago: University of Chicago Press.

of civil and criminal cases disposed.<sup>184</sup> The results identify courts that are efficient in disposing cases, specifically courts that use active case management. A study using data on disposition times in Italy shows that three supply policies can make a significant contribution to the efficiency of the system: active case management, break-ups of large courts of justice into smaller ones (to exploit economies of scale), and the use of offsite technologies. According to this research, these three measures can reduce the disposition time by around 30 percent.<sup>185</sup>

Clearance rates are also used as a measure of efficiency in the literature, as shown by a study using these rates as an indirect measure of the time needed to dispose of cases in Greek courts.<sup>186</sup> The data suggest that the ratio of staff to total number of cases affects the time needed to dispose of cases in appeals courts and higher civil trial courts, but not in lower civil trial courts or administrative courts. In these courts, lower clearance rates appear instead to be connected to increased emphasis on case management. Similar results were found in a study focusing on the performance of 223 Portuguese first instance courts during the period of 2007–2011. The study shows that only 15 percent of the 223 courts make an efficient use of their resources in each year, and that improvement can be achieved with better case management and more adequate staffing.<sup>187</sup>

Clearance rate and the age of active pending caseload are both measures of backlog. Backlogs can result from inefficiencies, but occasionally can also be the product of short-sighted judicial reform. Brazil's 1988 Constitution, for example, so expanded the range of constitutional rights, including new social and economic guarantees, and the kinds of plaintiffs entitled to bring constitutional actions, that backlogs multiplied many times over.<sup>188</sup> This suggests that the expansion of enforceable rights needs to be accompanied by the introduction of appropriate resources and case management tools.

Appropriate resources, both in terms of court staffing and in terms of budgets, are often mentioned as determinants of court efficiency, as highlighted by all the previously mentioned research. In this context, several studies explore the impact on outcomes by an increase in the number of judges. A recent analysis of the determinants of the performance of commercial district courts in Poland in the period 2009–2016 in terms of the number of resolved cases, indicates that an increase in the number of judges can significantly enhance the number of resolved cases.<sup>189</sup>

### C.3 Quality

Academic studies suggest that quality is predicated to a large extent on judicial independence. The literature utilizes two ways of measuring the degree of quality of court judgments. First, by measuring the extent to which the judgment meets a certain number of features and predefined indicators (conformity with requirements); and second, by measuring the gap between the expectations that court users had before using the courts and the assessment made following their use (conformity with expectations). The usual indicator on the former is the consistency and predictability of judgments, whether judgments follow precedents.<sup>190</sup> The most often-used empirical measure of the latter is the probability that the first-

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184. Gupta, M., and Nimesh B. Bolia. 2020. "Efficiency measurement of Indian high courts using DEA: A policy perspective." *Journal of Policy Modeling* 42(6): 1372-1393.
185. Peyrache, A and Angelo Zago. 2020. "The (in)efficiency of Justice. An equilibrium analysis of supply policies." *CEPA Working Papers Series WP042/020*. Australia: School of Economics, University of Queensland.
186. Mitsopoulos, M and Theodore Pelagidis. 2007. "Does staffing affect the time to dispose cases in Greek courts?" *International Review of Law and Economics* 27(2): 219-244.
187. Santos, S and Carla A.F. Amado. 2014, "On the need for reform of the Portuguese judicial system – Does Data Envelopment Analysis assessment support it?" *Omega* 47(3): 1-16.
188. Prillaman, W. C. 2000. *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law*. Westport: Praeger; and Rosenn Keith, S. 2000. "Judicial Review in Brazil: Developments Under the 1988 Constitution." *Southwestern Journal of Law and Trade in the Americas* 7(3): 291-319.
189. Bętdowski, J, Łukasz Dąbroś, and Wiktor Wojciechowski. 2020. "Judges and court performance: a case study of district commercial courts in Poland." *European Journal of Law and Economics* 50(1): 171-201.
190. Contini, F., and Davide Carnevali. 2010. *The quality of justice in Europe: Conflicts, dialogue and politics*. Rome: Research Institute on Judicial Systems of the Italian National Research Council.

instance judgment gets overturned on appeal.<sup>191</sup> Increasingly, however, surveys of user experience are also the basis for judicial quality assessments.<sup>192</sup>

JUPITER's Quality Pillar benchmarks the determinants of the quality of decisions, including the qualification of judges, their salaries, the consistency of their decisions with case law and the consequent rate of reversal in appeal. Several research pieces supported the selection of the areas to measure and question design. A recent study using data from Nepal assessed the determinants of disposition time and the presence of the quantity–quality tradeoff. It found that in Nepal judicial staffing exhibits a robustly positive effect on court output. Quality increases with the qualification of judges and can be seen in fewer reversals on appeal. The study did not find evidence implying that increasing court output would decrease adjudicatory quality.<sup>193</sup> Similar results showing the importance of the quality of first instance rulings on reducing appeal rates were found in a study using Greek data.<sup>194</sup>

The use of reversal in appeal as a measure of quality is frequent in the literature. A study based on data from the US's Fifth Circuit Court shows that the probability of being promoted is significantly and negatively correlated with the reversal rate, leaving judges to focus on the quality of the judgments they write to avoid reversal and increase the chances of promotion.<sup>195</sup> Evidence from the United Kingdom is more supportive of the view that reversals on appeal are a good measure of judicial quality. The chance of promotion from the Court of Appeal to the House of Lords was significantly determined by a lower reversal rate of the judge's decisions in the House of Lords.<sup>196</sup>

Research using data for a set of European nations focuses on the most effective way to use national resources to enhance judicial quality. It considers the effect of different uses of government resources on measures of judicial quality, including higher education and qualification of judges. The study finds that the most straightforward way for a nation to improve its judiciary involves the dedication of additional resources, and that these resources would best be devoted to increasing judicial pay.<sup>197</sup> The pivotal role of judicial pay on the quality also emerges from an analysis of the Mexican judiciary, which found that low judicial salaries left the best-trained and most capable young law graduates inclined to pursue careers in private practice. Consequently, lawyers with uncompetitive institutional pedigrees, undistinguished records of professional experience, and/or modest socio-economic backgrounds tended to pursue careers on the bench. This observation is corroborated, in part, by the findings of 1985 and 1993 judicial surveys that an average of 93.15 percent of Mexico's federal judges and magistrates graduated from what are generally considered to be inferior quality law programs.<sup>198</sup>

Two key French judicial officials, the advocate general and the reporting judge, “pay extremely close attention to past judicial decisions. (...) A complete conclusion or rapport always cites and analyzes relevant case law.” This fact is disguised by the form of French judicial decisions, which by tradition are very brief and do not cite case law. These decisions are written in a single run-on sentence, usually with a cascade of “whereas” clauses.<sup>199</sup>

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191. Calabrese, R. 2013. *La giustizia vista dall'utente. Un'indagine di customer satisfaction presso il Palazzo di Giustizia di Torino*. Torino: University of Torino; and Coviello, D., Andrea Ichino, and Nicola Persico. 2014. “Time allocation and task juggling.” *American Economic Review* 104(2): 609–623.
192. Mbassi, J. C., Axel D. Mbarga, and Richard N. Ndeme. 2019. “Public Service Quality and Citizen-Client's Satisfaction in Local Municipalities.” *Journal of Markets, Development and Competition* 13(4): 110–123.
193. Grajzl, P. and Shikha Silwal. 2020. “The functioning of courts in a developing economy: evidence from Nepal.” *European Journal of Law and Economics* 9(1): 101-129.
194. *Supra* Mitsopoulos and Pelagidis, 2007.
195. Higgins, R.S., and Paul H. Rubin. 1980. “Judicial Discretion.” *Journal of Legal Studies* 9(1): 129-138; and Posner, R. 1977. *Economic Analysis of Law*. Second Edition. Boston: Little Brown and Company.
196. Salzberger, E. M. 1993. “A positive analysis of the doctrine of separation of powers, or: Why do we have an independent judiciary?” *International Review of Law and Economics* 13(4): 349-379; and Salzberger, E.M., and Paul Fenn. 1999. “Judicial Independence: Some Evidence from the English Court of Appeal.” *Journal of Law and Economics* 42(2): 831-47.
197. Cross F.B., and Dain C. Donelson. 2010. “Creating Quality Courts.” *Journal of Empirical Legal Studies* 7(3): 490-510.
198. Kossick, R. 2004. “The Rule of Law and Development in Mexico.” *Arizona Journal of International and Comparative Law* 21(3): 715–834.
199. Lasser, M. 2004. *Judicial Deliberations: A comparative analysis of judicial transparency and legitimacy*. Oxford: Oxford University Press.

## Bibliography

- Aboal, D., Nelson Noya, and Andrés Rius. 2014. "Contract enforcement and investment: A systematic review of the evidence." *World Development* 64(3): 322–338. <https://doi.org/10.1016/j.worlddev.2014.06.002>
- Ahmad, M., Moazma Batool, and Sophia F. Dziegielewska. 2016. "State of Inheritance Rights: Women in a Rural District in Pakistan." *Journal of Social Service Research* 42(5): 622–629. <https://doi.org/10.1080/01488376.2016.1177633>
- Ahmad, J., and Georg von Wangenheim. 2021. "Access to justice: An evaluation of the informal justice systems." *Liberal Arts and Social Sciences International Journal* 5(1): 228–244. <https://doi.org/10.47264/idea.lassij/5.1.16>
- Albrecht, P., and Helene M. Kyed. 2010. "Justice and Security: When the State Isn't the Main Provider." Policy Brief. Copenhagen: Danish Institute for International Studies.
- Ali, D., Klaus Deininger, and Markus Goldstein. 2014. "Environmental and gender impacts of land tenure regularization in Africa: Pilot evidence from Rwanda." *Journal of Development Economics* 110(3): 262–275. <https://doi.org/10.1016/j.jdeveco.2013.12.009>
- Amirapu, A. 2021. "Justice delayed is growth denied: The effect of slow courts on relationship-specific industries in India." *Economic Development and Cultural Change* 70 (1): 415–451. <https://doi.org/10.1086/711171>
- Ardagna, S., and Annamaria Lusardi. 2009. "Explaining International Differences in Entrepreneurship: The Role of Individual Characteristics and Regulatory Constraints." In Joshua Lerner and Antoinette Schoar (eds.), *International Differences in Entrepreneurship*, (p. 17–62). Chicago: University of Chicago Press.
- Bae, K., and Vidhan Goyal. 2009. "Creditor Rights, Enforcement, and Bank Loans." *The Journal of Finance* 64(2): 823–860. <https://onlinelibrary.wiley.com/doi/full/10.1111/j.1540-6261.2009.01450.x>
- Bénassy-Quéré, A., Maylis Coupet, and Thierry Mayer. 2007. "Institutional Determinants of Foreign Direct Investment." *The World Economy* 30(5): 764–782. <https://doi.org/10.1111/j.1467-9701.2007.01022.x>
- Bennett, T.W., and T. Vermeulen. 1980. "Codification of Customary Law." *Journal of African Law* 24: 206–219. <https://www.jstor.org/stable/744883>.

- Betdowski, J., Łukasz Dąbroś, and Wiktor Wojciechowski. 2020. "Judges and court performance: a case study of district commercial courts in Poland." *European Journal of Law and Economics* 50(1): 171–201. <https://doi.org/10.1007/s10657-020-09656-4>
- Bhuiyan, M., Mohammad S. Islam, and Mohammad F. Salam. 2019. "Access to Justice through Village Court for Rural Poor: The Case of Bangladesh." *International Journal of Publication and Social Studies* 4(1): 1–10. <https://doi.org/10.18488/journal.135.2019.41.1.10>
- Bonde, K., and Rhodri Williams. 2019. *ILAC Rule of Law Assessment Report: Still Looking for Justice, Customary Law, the Courts and Access to Justice*. Stockholm: International Legal Assistance Consortium. <https://ilacnet.org/wp-content/uploads/2019/11/StillLookingForJusticeinLiberia-2-1.pdf>
- Bosio, E. 2023. *A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence*. World Bank Group Policy Research Working Paper 10501. Washington, DC: World Bank. <https://documents1.worldbank.org/curated/en/099330206262335739/pdf/IDU0c20eb45a08f4504cee09199072bada1c4771.pdf>
- Braithwaite, J., and Tamim Rashed. 2014. "Restorative justice lessons from Libya." *Restorative Justice: An International Journal*, Special Report: 1–8. <https://regnet.anu.edu.au/research/publications/395/restorative-justice-lessons-libya>
- Calabrese, R. 2013. *La giustizia vista dall'utente. Un'indagine di customer satisfaction presso il Palazzo di Giustizia di Torino*. Torino: University of Torino.
- Chemin, M. 2009a. "Do judiciaries matter for development? Evidence from India." *Journal of Comparative Economics* 37(2): 230–250. <https://doi.org/10.1016/j.jce.2009.02.001>
- Chemin, M. 2009b. "The Impact of the Judiciary on Entrepreneurship: Evaluation of Pakistan's 'Access to Justice Programme.'" *Journal of Public Economics* 93(1-2): 114–125. <https://doi.org/10.1016/j.jpubeco.2008.05.005>
- Chemin, M. 2020. "Judicial efficiency and firm productivity: Evidence from a world database of judicial reforms." *The Review of Economics and Statistics* 102(1): 49–64. [https://doi.org/10.1162/rest\\_a\\_00799](https://doi.org/10.1162/rest_a_00799)
- Collier, P. 2007. *The Bottom Billion: why the poorest countries are failing and what can be done about it*. Oxford: Oxford University Press.
- Contini, F., and Davide Carnevali. 2010. *The quality of justice in Europe: Conflicts, dialogue and politics*. Rome: Research Institute on Judicial Systems of the Italian National Research Council.
- Corriveau-Bourque, A. 2010. *Confusions and Palava: The Logic of Land Encroachment in Lofa County, Liberia*. NRC Reports 2010. Oslo: Norwegian Refugee Council. <https://www.nrc.no/resources/reports/confusions-and-palava-the-logic-of-land-encroachment-in-lofa-county-liberia/>
- Coviello, D., Andrea Ichino, and Nicola Persico. 2014. "Time allocation and task juggling." *American Economic Review* 104(2): 609–623. DOI: 10.1257/aer.104.2.609.

- Cross, F. B., and Dain C. Donelson. 2010. "Creating Quality Courts." *Journal of Empirical Legal Studies* 7(3): 490–510. <https://doi.org/10.1111/j.1740-1461.2010.01186.x>
- Daley, E., Rachel Dore-Weeks, and Claudine Umuhoza. 2010. "Ahead of the game: land tenure reform in Rwanda and the process of securing women's land rights." *Journal of Eastern African Studies* 4(1): 131–152. <https://doi.org/10.1080/17531050903556691>
- Deininger, K., Aparajita Goyal, and Hari Nagarajan. 2013. "Women's inheritance rights and intergenerational transmission of resources in India." *Journal of Human Resources* 48(1): 114–141. <https://www.jstor.org/stable/23799109>
- Deseau, A., Adam Levai, and Michèle Schmiegelow. 2019. "Access to Justice and Economic Development: Evidence from an International Panel Dataset." LIDAM Discussion Papers IRES 2019009. Brussels: Université Catholique de Louvain, Institut de Recherches Economiques et Sociales (IRES). <https://sites.uclouvain.be/econ/DP/IRES/2019009.pdf>
- Djankov, S., Oliver Hart, Caralee McLiesh, and Andrei Shleifer. 2008. "Debt enforcement around the world." *Journal of Political Economy* 116(6): 1105–1149. <https://doi.org/10.1086/595015>
- Djankov, S., Rafael La Porta, Florencio Lopez-de Silanes, and Andrei Shleifer. 2003. "Courts." *The Quarterly Journal of Economics* 118(2): 453–517. <https://doi.org/10.1162/003355303321675437>
- Djurfeldt, Agnes Andersson. 2020. "Gendered land rights, legal reform and social norms in the context of land fragmentation – A review of the literature for Kenya, Rwanda and Uganda." *Land Use Policy* 90: 104–305. <https://doi.org/10.1016/j.landusepol.2019.104305>
- Elmangoush, N. 2015. *Customary Practice and Restorative Justice in Libya: A hybrid approach*. Washington, DC: United States Institute of Peace. <https://www.usip.org/publications/2015/05/customary-practice-and-restorative-justice-libya-hybrid-approach>
- Espinosa, R., Claudine Desrieux, and Marc Ferracci. 2018. "Labor market and access to justice." *International Review of Law and Economics* 54(1): 1–16. <https://doi.org/10.1016/j.irl.2017.09.008>
- Esposito, G., Sergi Lanau, and Sebastiaan Pompe. 2014. *Judicial System Reform in Italy – A Key to Growth*. IMF Working Paper WP/14/32. Washington, DC: International Monetary Fund. <https://www.imf.org/external/pubs/ft/wp/2014/wp1432.pdf>
- European Commission for the Efficiency of Justice. 2022. *European Judicial Systems CEPEJ Evaluation Report*. Strasbourg: Council of Europe. <https://rm.coe.int/cepej-report-2020-22-e-web/1680a86279>
- Fearon, J. D., and David D. Laitin. 2004. "Neotrusteeship and the Problem of Weak States." *International Security* 28(4): 5–43. DOI:10.1162/0162288041588296.
- Galvanek, J. B. 2016. *Pragmatism and Mistrust: The Interaction of Dispute Resolution Mechanisms in Liberia - Liberia Case Study Report*. Berlin: Berghof Foundation.



Gedzi, V. S. 2012. "Women's property relations after intestate succession PNDC law 111 in Ghana." *Research on Humanities and Social Sciences 2*: 211-219.

<https://www.iiste.org/Journals/index.php/RHSS/article/view/3144>

Giacomelli, S., and Carlo Menon. 2012. "Firm Size and Judicial Efficiency in Italy: Evidence from the Neighbour's Tribunal." SERC Discussion Paper 0108. London: Spatial Economics Research Centre (SERC).

<https://core.ac.uk/download/pdf/35432086.pdf>

Government of the Central African Republic, Ministry of Finance and Budget. 2023. *Loi No. 22016 Arretant le Budget de l'État pour l'Année 2023*. Bangui: Government of the Central African Republic.

<https://www.finances.gouv.cf/sites/default/files/2023-01/LOI%20DE%20FINANCES%202023.pdf>

Government of the Democratic Republic of Congo, Ministry of Finance. 2022. *Projet de Loi de Finances pour l'exercice 2023*. Kinshasa: Democratic Republic of Congo.

[https://www.budget.gouv.cd/wp-content/uploads/budget2023/projet/document\\_num\\_1\\_projet\\_de\\_loi\\_de\\_finances\\_2023.pdf](https://www.budget.gouv.cd/wp-content/uploads/budget2023/projet/document_num_1_projet_de_loi_de_finances_2023.pdf)

Government of the Republic of Ghana, Ministry of Finance and Economic Planning. 2022. *Medium Term Expenditure Framework (MTEF) for 2022–2025: Judicial Service*. Accra: Government of Ghana.

<https://mofep.gov.gh/sites/default/files/pbb-estimates/2022/2022-PBB-JS.pdf>

Government of the Republic of Kenya, The National Treasury and Planning. 2023. *National Budget State 2022/23*. Nairobi: The National Treasury and Planning.

[https://www.treasury.go.ke/wp-content/uploads/2021/06/Budget-Statement-for-the-FY-2022-23\\_F.pdf](https://www.treasury.go.ke/wp-content/uploads/2021/06/Budget-Statement-for-the-FY-2022-23_F.pdf)

Government of the Republic of Kenya, National Steering Committee on the Implementation of the Alternative Justice Policy, official website: <https://ajskkenya.or.ke/about-us/>

Government of the Republic of Liberia, Ministry of Finance and Development Planning. 2023. *Draft National Budget Fiscal Year 2023*. Monrovia: Government of Liberia.

<https://www.mfdp.gov.lr/index.php/main-menu-reports/mm-bdp/mm-bd-nb/draftbudget2023download>

Government of the Republic of Liberia, Ministry of Justice. 2015. *Alternative Dispute Resolution (ADR) Program (Supported by World Bank Liberia Office)*. End of Month Report: November 2015. Monrovia: Ministry of Justice.

Government of the Republic of Liberia, Ministry of Justice. 2015. *Alternative Dispute Resolution (ADR) Program. 2015 Annual Report*. Monrovia: Government of Liberia.

Government of the Republic of Namibia, Ministry of Finance. 2021. *2021/22 Budget Statement*. Windhoek: Government of Namibia.

<https://www.namra.org.na/documents/cms/uploaded/fy202122-budget-statement-aed92d739e.pdf>

Government of the Republic of Rwanda, Ministry of Finance and Economic Planning. 2023. *2022/23 National Budget*. Kigali: Government of Rwanda. <https://www.minecofin.gov.rw/1/publications/reports>



Government of the Republic of South Africa, National Treasury. 2023. *Budget Review 2023*. Pretoria: Treasury of the Republic of South Africa.

<https://www.treasury.gov.za/documents/National%20Budget/2023/review/FullBR.pdf>

Government of the Republic of South Sudan, Ministry of Finance and Planning. 2022. *Draft National Budget Fiscal Year 2022-23*. Juba: Government of the Republic of South Sudan.

<https://mofp.gov.ss/doc/Draft-Budget-Book-FY-2022-2023-v2-2.pdf>

Government of the Sudan, Ministry of Finance and Economic Planning. 2020. *Budget Statement 2021/22*.

Khartoum: Government of the Sudan. [https://www.cabri-sbo.org/uploads/bia/Sudan\\_2021\\_Approval\\_External\\_EnactedBudget\\_MinFin\\_CEN-SADCOMESAIGAD\\_English.pdf](https://www.cabri-sbo.org/uploads/bia/Sudan_2021_Approval_External_EnactedBudget_MinFin_CEN-SADCOMESAIGAD_English.pdf)

Gradinaru, N. 2017. "The Right to A Fair Trial Free Access to Justice." *Management Strategies Journal*

Constantin Brancoveanu University 35(1): 68–75. <https://ideas.repec.org/a/brc/journal/v35y2017i1p68-75.html>

Grajzl, P., and Shikha Silwal. 2020. "The functioning of courts in a developing economy: evidence from Nepal."

*European Journal of Law and Economics* 9(1): 101-129. <https://doi.org/10.1007/s10657-017-9570-7>

Gupta, M., and Nomesh B. Bolia. 2020. "Efficiency measurement of Indian high courts using DEA: A policy perspective." *Journal of Policy Modeling* 42(6): 1372–1393. <https://doi.org/10.1016/j.jpolmod.2020.06.002>

Hartanto, R. V. P., Siany I. Liestyasari, and Atik C. Budiati. 2018. "Paralegals and Women Access to Justice: Making Access to Justice of Women Victims of Violence Effective." *The Journal of Social Sciences Research*

47(2): 807–813. <https://ideas.repec.org/a/arp/tjssrr/2018p807-813.html>

Harper, E. 2011. *Customary Justice: From Program Design to Impact Evaluation*. Rome: International

Development Law Organization. <https://www.idlo.int/sites/default/files/Customary%20Justice%201%20-%20From%20Program%20Design%20to%20Impact%20Evaluation.pdf>

Higgins, R. S. and Paul H. Rubin. 1980. "Judicial Discretion." *Journal of Legal Studies* 9(1): 129–138.

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/judicial-discretion>

Holden, L., and Azam Chaudhary. 2013. "Daughters' inheritance, legal pluralism, and governance in Pakistan." *The Journal of Legal Pluralism and Unofficial Law* 45(1): 104–123.

<https://doi.org/10.1080/07329113.2013.781447>

Hyland, M., Simeon Djankov, and Pinelopi K. Goldberg. 2020. "Gendered Laws and Women in the Workforce." *American Economic Review: Insights* 2(4): 475–90. DOI: 10.1257/aeri.20190542.

IDLO (International Development Law Organization). 2019. *Practitioner Brief. Navigating Complex Pathways to Justice: Engagement with Customary and Informal Justice Systems*. Rome: IDLO. <https://www.idlo.int/sites/default/files/pdfs/publications/IDLO-Practitioner-Brief-Customary-and-Informal-Justice-Feb2019-LR.pdf>

IDLO and Swiss Peace Foundation. 2022. *Report on Rule of Law and Access to Justice in Liberia*. Rome: International Development Law Organization.

Ippoliti, R., Alessandro Melcarne, and Giovanni B. Ramello. 2015. "Judicial Efficiency and Entrepreneurs' Expectations on the Reliability of European Legal Systems." *European Journal of Law and Economics* 40 (1): 75–94. <https://doi.org/10.1007/s10657-014-9456-x>

ISSAT (International Security Sector Advisory Team). 2018. *Lessons identified from United Nations Mission in Liberia Support to Rule of Law in Liberia*. Geneva: ISSAT, Geneva Centre for the Democratic Control of Armed Forces.

Isser, D., Stephen Lubkemann, and Saah N'Tow. 2009. *Looking for Justice: Liberian Experiences with and Perceptions of Local Justice Options*. Washington, DC: United States Institute of Peace. [https://www.usip.org/sites/default/files/resources/liberian\\_justice\\_pw63.pdf](https://www.usip.org/sites/default/files/resources/liberian_justice_pw63.pdf)

Judiciary of the Republic of Liberia. *Judicial Canons of the Republic of Liberia*. Monrovia: Judiciary of the Republic of Liberia. <http://comnetitsolutionsinc.org/toj/wp-content/uploads/2016/01/Judiciary-Canons-of-the-Republic-of-Liberia.pdf>

Judiciary of the Republic of Liberia. 2015. *Revised Schedule of Court Costs, Fees and Fines*. Monrovia: Judiciary of the Republic of Liberia. [http://judiciary.gov.lr/wp-content/uploads/2015/10/Court-Costs-Fees-Fines\\_opt.pdf/](http://judiciary.gov.lr/wp-content/uploads/2015/10/Court-Costs-Fees-Fines_opt.pdf/)

Judiciary of the Republic of Liberia. 2018. *Annual Report. October 1, 2017 – September 30, 2018*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2019. *Annual Report. October 1, 2018 – September 30, 2019*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2020. *Annual Report. October 1, 2019 – September 30, 2020*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2021. *Annual Report. October 1, 2020 – September 30, 2021*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2022. *Annual Report, October 1, 2021 – September 30, 2022*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2023. *Annual Report January-December 2022*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Liberia. 2023. *Court's Case Activities Report, Third Quarter, A.D. 2022*. Monrovia: Judiciary of the Republic of Liberia.

Judiciary of the Republic of Ghana. 2014. *Civil Proceedings (Fees and Allowances) (Amendment) Rules 2014*. Accra: Judiciary of the Republic of Ghana. <https://www.judicial.gov.gh/index.php/court-fees>

Judiciary of the Republic of Ghana. 2019. *Judicial Service 2017-2018 Annual Report*. Accra: Judiciary of the Republic of Ghana. <https://judicial.gov.gh/jsfiles/annualrep20172018.pdf>

- Judiciary of the Republic of Kenya. 2020. *Court Fees Assessment Schedule*. Nairobi: Judiciary of the Republic of Kenya. <http://kenyalaw.org/kl/index.php?id=11116>
- Judiciary of the Republic of Kenya. 2023. *State of the Judiciary and the Administration of Justice. Annual Report FY 2021/22*. Nairobi: Judiciary of the Republic of Kenya. <https://ocj.judiciary.go.ke/state-of-the-judiciary-and-administration-of-justice-sojar-report-fy-2021-2022/>
- Judiciary of the Republic of South Africa. 2023. *Annual Judiciary Report 2021/22*. Midrand: Judiciary of the Republic South Africa. <https://www.judiciary.org.za/index.php/documents/judiciary-annual-reports>
- Judiciary of the United Republic of Tanzania. 2022. *Comprehensive Performance Report of the Judicial Functions 2021*. Dar es-Salaam: Judiciary of the United Republic Tanzania. <https://tanzlii.org/akn/tz/doc/jot-documents-and-guidelines/2022-02-01/comprehensive-performance-report-of-the-judicial-functions-2021/swa@2022-02-01/source.pdf>
- Koker, S. B. 2020. *Assessment of the Existing Initial Services Available for Sexual and Gender-Based Violence Cases*. Geneva: UN Women and PBO. <https://africa.unwomen.org/sites/default/files/Field%20Office%20Africa/Images/Publications/2020/Report%20on%20Existing%20Initial%20Services%20on%20SGBV-rev.pdf>
- Kondylis, F., and Mattea Stein. 2018. *The Speed of Justice*. Policy Research Working Paper 8372: 1-64. Washington, DC: World Bank. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3147322](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3147322)
- Kossick, Robert. 2004. "The Rule of Law and Development in Mexico." *Arizona Journal of International and Comparative Law* 21(3): 715–834. <http://arizonajournal.org/wp-content/uploads/2015/11/Kossick.pdf>
- Kwibuka, E. 2018. "Government slashes court fees to ease access to justice." Kigali: *The New Times*, June 6, 2018. <https://www.newtimes.co.rw/article/153604/News/government-slashes-court-fees-to-ease-access-to-justice>
- Larson, D. A. 2014. "Access to Justice for Persons with Disabilities: An Emerging Strategy." *Laws* 3(2): 220–238. <https://doi.org/10.3390/laws3020220>
- Lasser, M. 2004. *Judicial Deliberations. A comparative analysis of judicial transparency and legitimacy*. Oxford: Oxford University Press.
- Legislature of the Republic of Liberia. 1972. *Civil Procedure Law, Title 1*. Monrovia: Legislature of the Republic of Liberia. <http://www.liberlii.org/lr/legis/codes/cplt11colr470/>
- Legislature of the Republic of Liberia. 1972. *Executive Law, Title 12*. Monrovia: Legislature of the Republic of Liberia. <http://www.liberlii.org/cgi-bin/disp.pl/lr/legis/codes/elt12colr429/elt12colr429.html?stem=0&synonyms=0&query=administrative%20procedure>
- Legislature of the Republic of Liberia. 1972. *Judiciary Law, Title 17*. Monrovia: Legislature of the Republic of Liberia. <http://judiciary.gov.lr/new-judiciary-law/>
- Legislature of the Republic of Liberia. 2000. *Legislative Law, Title 19*. Monrovia: Legislature of the Republic of Liberia. <http://www.liberlii.org/lr/legis/codes/llt19colr434/>

Legislature of the Republic of Liberia. 2001. *Revised Rules and Regulations Governing the Hinterland of Liberia*. Monrovia: Legislature of the Republic of Liberia. [https://landwise-production.s3.us-west-2.amazonaws.com/2022/03/Liberia\\_Rules-and-Regs-governing-hinterland\\_2000-1.pdf](https://landwise-production.s3.us-west-2.amazonaws.com/2022/03/Liberia_Rules-and-Regs-governing-hinterland_2000-1.pdf)

Legislature of the Republic of Liberia. 2009. *Public Finance Management Act*. Monrovia: Legislature of the Republic of Liberia. <http://www.liberlii.org/lr/legis/acts/pfma206/>

Legislature of the Republic of Liberia. 2010. *Commercial Code, Title 7*. Monrovia: Legislature of the Republic of Liberia. <http://www.liberlii.org/lr/legis/codes/cct7/colr396/>

Legislature of the Republic of Liberia. 2015. *Decent Work Act*. Monrovia: Legislature of the Republic of Liberia. [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_isn=100329&p\\_lang=en](https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=100329&p_lang=en)

Legislature of the Republic of Liberia. 2018. *Land Rights Law*. Monrovia: Legislature of the Republic of Liberia. <https://ilo.org/dyn/natlex/docs/ELECTRONIC/108719/134558/F-880822474/LBR108719.pdf>

Legislature of the Republic of Liberia. 2018. *Local Government Act*. Monrovia: Legislature of the Republic of Liberia. [https://erc.undp.org/api/download?filePath=/documents/7220/mgmtresponse/keyaction/doc\\_5637925619645526305SignedLocalGovernmentAct.pdf](https://erc.undp.org/api/download?filePath=/documents/7220/mgmtresponse/keyaction/doc_5637925619645526305SignedLocalGovernmentAct.pdf)

Levchenko, A. 2007. "Institutional quality and international trade." *The Review of Economic Studies* 74(3): 791–819. <https://doi.org/10.1111/j.1467-937X.2007.00435.x>

Liberian Daily Observer. 2023. "Full Speech: President Weah's 6th State of the Nation Address." Monrovia: *Daily Observer*, January 30, 2023. <https://www.liberianobserver.com/full-speech-president-weahs-6th-state-nation-address>

Liberia National Bar Association (LNBA). n.d. *Code of Moral and Professional Ethics*. Monrovia: LNBA.

Liberia National Bar Association. 1983. *Constitution of the Liberian National Bar Association*. Monrovia: LNBA.

Liberian National Constitution Commission. 1986. *Constitution of the Republic of Liberia*. Monrovia: National Constitution Commission. <http://www.liberlii.org/lr/legis/const/col1986235/>

Liberia Institute of Statistics and Geo-Information Services - LISGIS. 2009. *2008 National Population and Housing Census Final Results*. Monrovia: LISGIS. <https://unstats.un.org/unsd/dnss/docViewer.aspx?docID=2075>

Lichand, G., and Rodrigo R. Soares. 2014. "Access to Justice and Entrepreneurship: Evidence from Brazil's special civil tribunals." *The Journal of Law and Economics* 57(2): 459–499. <https://doi.org/10.1086/675087>

Lilienfeld-Toal, Ulf von, Dilip Mookherjee, and Sujata Visaria. 2012. "The distributive impact of reforms in credit enforcement: Evidence from Indian debt recovery tribunals." *Econometrica* 80(2): 497–558. DOI: 10.3982/ECTA9038.

LISGIS, PBO, UNDP and OHCHR. 2019. *Public Perceptions of Liberian Justice and Security Institutions*. Geneva: UNDP and OHCHR.

LWG (Legal Working Group). 2009. *Analysis of the Dual Legal System - Findings of the Legal Working Group as adopted on 10 December 2009*. Monrovia: Legal Working Group (LWG), Ministry of Justice of Liberia, supported by UNMIL Legal and Judicial System Support Division, United States Institute for Peace (USIP), George Washington University, and the Carter Center.

[https://www.cartercenter.org/resources/pdfs/peace/conflict\\_resolution/liberia/lwg-findings-2010.pdf](https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/liberia/lwg-findings-2010.pdf)

Lubkemann, S., Deborah Isser, and Philip Banks. 2010. "Justice in a Vacuum: The Unintended Consequences of the Constraint of Customary Justice in Post-Conflict Liberia." In Deborah Isser (ed.). *Customary Justice and the Rule of Law in War-Torn Societies*. Washington, DC: United States Institute for Peace Press.

Lubkemann, S., Deborah Isser, and Peter Chapman. 2011. "Neither State nor Custom Just Naked Power: The Consequences of Ideals-Orientated Rule of Law Policy-Making in Liberia." *Journal of Legal Pluralism and Unofficial Law* 63: 73–110.

<https://doi.org/10.1080/07329113.2011.10756658>

Mbassi, J. C., Axel D. Mbarga, and Richard N. Ndeme. 2019. "Public Service Quality and Citizen-Client's Satisfaction in Local Municipalities." *Journal of Marketing Development and Competitiveness* 13(4): 110–123.

Messick, R. E. 1999. "Judicial Reform and Economic Development: A Survey of the Issues." *World Bank Research Observer* 14(1): 117–136. <https://doi.org/10.1093/wbro/14.1.117>

McAuliffe, P. 2013. "Romanticization Versus Integration? Indigenous Justice in Rule of Law Reconstruction and Transitional Justice Discourse." *Goettingen Journal of International Law* 5(1): 41–86. [https://www.gojil.eu/issues/51/51\\_article\\_mcauliffe.pdf](https://www.gojil.eu/issues/51/51_article_mcauliffe.pdf)

Ministry of Internal Affairs, Ministry of Justice, and Judicial Branch of Government of the Republic of Liberia. 2010. *Government Consultations in Preparation for a National Conference on Enhancing Access to Justice. Report of the Proceedings*. Monrovia: Government of the Republic of Liberia.

Mitsopoulos, M., and Theodore Pelagidis. 2007. "Does staffing affect the time to dispose cases in Greek courts?" *International Review of Law and Economics* 27(2): 219–244. <https://doi.org/10.1016/j.irl.2007.06.001>

Moran, G., Ian Christoplos, Caroline Bowah, and Yah Vallah Parwon. 2021. *Evaluation of SIDA's Rule of Law Portfolio in Liberia, 2016–2020. Final Report*. Sweden: Swedish International Development Cooperation Agency – SIDA.

<https://www.sida.se/en/publications/evaluation-of-sidas-rule-of-law-portfolio-in-liberia-2016-2020>

Ndulu, B. J., Stephen A. O'Connell, Paul Collier, Robert H. Bates, and Chukwuma C. Soludo. 2007. *The Political Economy of Economic Growth in Africa, 1960-2000*. Cambridge: Cambridge University Press.

Nunn, N. 2007. "Relationship-specificity, incomplete contracts, and the pattern of trade." *The Quarterly Journal of Economics* 122(2): 569–600. [https://scholar.harvard.edu/files/nunn/files/contracts\\_trade\\_qje.pdf](https://scholar.harvard.edu/files/nunn/files/contracts_trade_qje.pdf)

Petre, G. 2021. "Access to justice – Trust and perceptions of the Roma minority." *Journal of Community Positive Practices* 17(2): 31–45. <https://ideas.repec.org/a/cta/jcppxx/2213.html>

- Peyrache, A., and Angelo Zago. 2020. "The (in)efficiency of Justice. An equilibrium analysis of supply policies." CEPA Working Papers Series WP04/2020. Australia: School of Economics, University of Queensland. <https://economics.uq.edu.au/files/17682/WP042020.pdf>
- Posner, R. 1977. *Economic Analysis of Law*. Second Edition. Boston: Little Brown and Company.
- Posner, R. 1998. "Creating a Legal Framework for Economic Development." *World Bank Research Observer* 13(1): 1–13. <https://doi.org/10.1093/wbro/13.1.1>
- Prillaman, W. C. 2000. *The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law*. Holtzbrinck Publishing Group.
- Pring, C., and Jon Vrush. 2019. *Global Corruption Barometer Africa 2019. Citizen's views and experiences of corruption*. Berlin: Transparency International and Afrobarometer. [https://images.transparencycdn.org/images/2019\\_GCB\\_Africa3.pdf](https://images.transparencycdn.org/images/2019_GCB_Africa3.pdf)
- Rawls, A. C. 2011. "Policy Proposals for Justice Reform in Liberia: Opportunities Under the Current Legal Framework to Expand Access to Justice." *Traditional Justice: Practitioners' Perspectives' Working Papers Series*. Paper No. 2. Rome: IDLO. <https://namati.org/wp-content/uploads/2014/02/Paper-No.2-Liberia.pdf>
- Rosenn Keith, S. 2000. "Judicial Review in Brazil: Developments Under the 1988 Constitution." *Southwestern Journal of Law and Trade in the Americas* 7(3): 291–319. [https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1169&context=fac\\_articles](https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1169&context=fac_articles)
- Roy, R. D. 2004. "Challenges for Juridical Pluralism and Customary Laws of Indigenous Peoples: The Case of the Chittagong Hill Tracts, Bangladesh." *Arizona Journal of International and Comparative Law* 21(1): 143–144. <http://arizonajournal.org/wp-content/uploads/2015/11/Royarticle.pdf>
- Sabir, S., Anum Rafique, and Kamran Abbas. 2019. "Institutions and FDI: evidence from developed and developing countries." *Financial Innovation* 17(5): 8–28. <https://doi.org/10.1186/s40854-019-0123-7>
- Salzberger, E. M. 1993. "A positive analysis of the doctrine of separation of powers, or: Why do we have an independent judiciary?" *International Review of Law and Economics* 13(4): 349–379. [https://doi.org/10.1016/0144-8188\(93\)90029-5](https://doi.org/10.1016/0144-8188(93)90029-5)
- Salzberger, E. M., and Paul Fenn. 1999. "Judicial Independence: Some Evidence from the English Court of Appeal." *Journal of Law and Economics* 42(2): 831–847. <https://doi.org/10.1086/467444>
- Sandefur, J., and Bilal Siddiqi. 2015. *Delivering Justice to the Poor: Theory and experimental evidence from Liberia*. Washington, DC: Center for Global Development and World Bank. [https://haushofer.ne.su.se/ec2303/Lecture%209%20-%20Institutions/Non-required%20papers/Sandefur\\_Siddiqi\\_2015.pdf](https://haushofer.ne.su.se/ec2303/Lecture%209%20-%20Institutions/Non-required%20papers/Sandefur_Siddiqi_2015.pdf)
- Santos, S., and Carla A. F. Amado. 2014. "On the need for reform of the Portuguese judicial system – Does Data Envelopment Analysis assessment support it?" *Omega* 47(3): 1–16. <https://doi.org/10.1016/j.omega.2014.02.007>
- Sen, A. 2009. *The Idea of Justice*. Boston: Harvard University Press.



- Sinha, R., and Simeon Djankov. 2023. "The Halting Legal Gender Rights in Burundi." *Financial Markets Group Discussion Paper*, 883. London: London School of Economics.  
<https://www.fmg.ac.uk/sites/default/files/2023-05/DP875.pdf>
- Soares, Y., Maria M. Sviatschi, Raul Andrade, and Jimena Montenegro. 2010. "The Impact of Improving Access to Justice on Conflict Resolution: Evidence from Peru." *OVE Working Papers 0810*. Washington, DC: Inter-American Development Bank, Office of Evaluation and Oversight (OVE).
- Supreme Court of Liberia. 1907. *Gray v Beverly* [1907] LRSC 2; 1 LLR 500. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 1916. *Boyah et al v Horace* [1916] LRSC 12; 2 LLR 265. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 1935. *Posum v Pardee* [1935] LRSC 11; 4 LLR 299. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 1974. *Ayad v Dennis* [1974] 23 LLR 165. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 1982. *Koryan v Korvayan* [1982] LRSC 55; 30 LLR 246. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 1998. *Nah v Topor et al* [1998] LRSC 29; 39 LLR 144. Monrovia: Supreme Court of Liberia.
- Supreme Court of Liberia. 2005. *Tamba et al. v RL* [2005] LRSC 39. Monrovia: Supreme Court of Liberia.
- Supreme Court of the Republic of Rwanda. 2022. *Summary of the Performance of the Judiciary during the Year 2020–2021*. Kigali: Supreme Court of Rwanda. <https://www.judiciary.gov.rw/index.php?eID=dumpFile&t=f&f=70606&token=89c4376a8095f950f80caf66c55bd634d5ef179b>
- Swenson, G. 2018. "Legal Pluralism in Theory and Practice." *International Studies Review* 20(3): 438–462.  
<https://doi.org/10.1093/isr/vix060>
- UNMIL (UN Mission in Liberia) and OHCHR (Office of the High Commissioner for Human Rights). 2015. *An Assessment of Human Rights Issues Emanating from Traditional Practices in Liberia*. Geneva: OHCHR.  
[https://www.ohchr.org/sites/default/files/Documents/Countries/LR/Harmful\\_traditional\\_practices18Dec.2015.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/LR/Harmful_traditional_practices18Dec.2015.pdf)
- United Nations, *Committee on the Rights of Persons with Disabilities*. 2014. "General Comment No. 1." Committee on the Rights of Persons with Disabilities, Eleventh Session. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-1-article-12-equal-recognition-1>
- United Nations, General Assembly. 2006. *Convention on the Rights of Persons with Disabilities*. New York: United Nations General Assembly, Sixty-first Session.  
<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>
- United Nations, Human Rights Committee. 2007. "General Comment No. 32. Article 14: Right to equality before courts and tribunals and to a fair trial." Human Rights Committee, Ninetieth Session.  
<https://digitallibrary.un.org/record/606075#record-files-collapse-header>



United Nations, Human Rights Council. 2021. *Report of the Working Group on the Universal Periodic Review. Liberia*. Human Rights Council, Forty-sixth Session.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/352/15/PDF/G2035215.pdf?OpenElement>

United States Department of State. 2023. *Liberia 2022 Human Rights Report*. Washington, DC: United States Department of State.

[https://www.state.gov/wp-content/uploads/2023/03/415610\\_LIBERIA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_LIBERIA-2022-HUMAN-RIGHTS-REPORT.pdf)

Vinck, P., Phuong N. Pham, and Tino Kreuzer. 2011. *Talking Peace: A Population-Based Survey on Attitudes about Security, Dispute Resolution, and Post-Conflict Reconstruction in Liberia*. California: Human Rights Center, University of California, Berkeley.

[http://www.peacebuildingdata.org/sites/m/pdf/Liberia\\_2011\\_Talking\\_Peace.pdf](http://www.peacebuildingdata.org/sites/m/pdf/Liberia_2011_Talking_Peace.pdf)

Visaria, S. 2009. "Legal reform and loan repayment: The microeconomic impact of debt recovery tribunals in India." *American Economic Journal: Applied Economics* 1(3): 59–81.

Wojkowska, E. 2006. *Doing Justice: How Informal Justice Systems Can Contribute*. Oslo: United Nations Development Program and Oslo Governance Center.

World Bank. 2008. *Liberia - Insecurity of Land Tenure, Land Law and Land Registration in Liberia*. Report No. 46134-LR. Washington, DC: World Bank. <https://documents1.worldbank.org/curated/en/158491468050694915/pdf/461340ESW0P10310Box334099B01PUBLIC1.pdf>

World Bank. n.d. *Doing Business. Enforcing Contracts Methodology*. Washington, DC: World Bank. <https://archive.doingbusiness.org/en/methodology/enforcing-contracts>

World Bank. 2017. *World Development Report 2017: Governance and the Law*. Washington, DC: World Bank. <https://www.worldbank.org/en/publication/wdr2017>

World Bank. 2020. *Doing Business 2020: Comparing Business Regulation in 190 Economies*. Washington, DC: World Bank. <https://archive.doingbusiness.org/en/reports/global-reports/doing-business-reports>

World Bank. 2022. *Concept Note. Justice Pillars Towards Evidence-based Reform (ID: P179551)*. Washington, DC: World Bank.

World Justice Project. 2022. *Rule of Law Index 2022*. Washington, DC: World Justice Project. <https://worldjusticeproject.org/rule-of-law-index/country/2022/Liberia>

Wourji, T.W. 2012. "Coexistence between the Formal and Informal Justice Systems in Ethiopia: Challenges and Prospects." *African Journal of Legal Studies* 5: 269–293. [https://brill.com/view/journals/ajls/5/3/article-p269\\_3.xml?language=en](https://brill.com/view/journals/ajls/5/3/article-p269_3.xml?language=en)

Yeakula, G. D., Anderson D. Miamen, and Oscar V. Bloh. 2022. *State of Corruption Report 2022. Trends and Citizens' Views and Perception of Corruption*. Monrovia: CENTAL and Transparency International. <https://cental.org.lr/index.php/documents/reports/state-of-corruption-report/state-of-corruption-report-score-2022/viewdocument>

