**Legal rights’ protection Barometer Database**

**- how does the research work?**

On the basis of the Legal rights’ protection indicator framework and Research Methodology (more closely explained in Barometer legal rights’ protection Handbook) we have developed a digital online Barometer database with questions to scan a country fully in an objective, transparent and comparable way.

Database is primarily conceived as a series of questions, both open to data entry, and with pre-defined and offered answers. Due to the concept of the researched issues and their type, these questions are intended primarily for lawyers, as a professional group of people who are educated and have practical knowhow related to the system of legal protection and ways to access legal aid system in the country.

The lawyers who choose to participate in the research would achieve controlled access to the database through credentials they would receive from us with the possibility of entering data only for their own country. Also while filling out database for some questions lawyers are obliged to name the source from where they took the data.

Each question has specific fields:

- **Answer Field**: Where lawyers write the information – answer for each question;

- **Source Field**: Write the source(s) for each answer (i.e. copy links from webpage, name the institution that provided the data etc.). We created this field as a way of additional verification of the data and objectivity of research. For each question and category the lawyers fill in, they are obliged to state the source from where they took the data.

- **List of options** - Some questions has the list of options to choose one option from the list that is correct/ most suitable for researched country.

The database is created so that multiple lawyers can enter data for single country at the same time. After gathering the data, people who are processing data for selected country - usually someone from Microjustice expert team can see all the answers entered from lawyers, can compare them, verify them and has final saying what is going to be shown publicly as a form of additional verification of data and objectivity of the research.

The entire questionnaire can be found on the official Microjustice website in English language. Lawyers who are interested participating in the research just need to contact Microjustice Organization via some of the contacts forms from our official website and after short interview, they will be granted credentials for access the database.

**Gathering data**

We have divided our research focus on three main groups/major indicators which consist then of smaller “sub indicators”:

**I** Capacity of the people to arrange legal protection:

This indicator framework helps us to determinate the ability of ‘people’ to access and protect their rights. We assess this ability by comparing several sub indicators that crucially affect it. Such are:

* **Population data** where we identify and recognize groups among general population that are at constant risk of being legally excluded such are: indigenous people, people that live in rural remote areas, women, children, asylum seekers, refugees and other similar;
* **Income indicators** here we research and compare several economic pointers in order to determinate number of people that are living under National poverty head count, but also the vast majority of people (that is often overlooked) that makes just enough income to make “until end of month”. We do so because from our experience people that are economically endangered are usually also legally endangered so based on this we try to define and assess number of these people in country. At this group are not only people that are the poorest but also so called “middle class” because in many cases these people also in most countries cannot afford quality legal protection.
* **Informality indicators** in many countries, especially those in the developing process, informality sector is large - these people are in the grey zone and often they cannot exercise their rights, especially those under employment contracts as well as from other important segments of life.
* **Competence indicators** which are the level of education, access to the Internet - which in the time of globalization is increasingly important for legal protection;

By comparing all these indicators, we manage to define excluded groups in the country, which are potentially in danger of legal exclusion, and we direct our further research and work to these groups.

**II State organization: Legal-Administrative Institutional Framework**

This indicator framework is divided in two main groups which complement and logically follow each other:

**1) Effectiveness of procedures to enjoy Legal Protection:**

This section is divided into two groups:

a) **For general population** of country - here we research effectiveness of the legal procedures used by most people such as obtaining personal documents, marriage certificates, drafting a will, starting your own business. These procedures are divided in 7 most common themes:

* Identity related documentation
* Family related documentation
* Inheritance related documentation
* Property related documentation
* Social – economic related documentation
* Labor related documentation
* Contract related documentation

b) **For ‘Special groups’** here on the basis of previously identified ‘special’ vulnerable groups - such are migrants, refugees, IDPs, asylum seekers or other persons affected by humanitarian crisis we research effectiveness of the basic legal procedures which these groups of people use the most. Some of those are registration of temporary residence, application for citizenship, asylum procedures, how can you get employed in country of destination or start your own business.

In this section we also provide an overview of procedures that are more specific to victims of humanitarian crises, such are: procedures to reclaim property, lost property reconstruction procedures, access to humanitarian aid and others.

Procedures that require cross-border cooperation for these people are also listed, such as personal documents, family and marital status documents, completed schooling, access to pensions and other documents whose detailed information and screening results can always be found in the Barometer research conducted in the country of origin.

When we say **Effectiveness of procedures to enjoy Legal rights’ protection** by that we research multiple pointers that contributes to this effectiveness such are: average duration to obtain documents, cost, number of steps, whether people need professional legal assistance to exercise their rights through these procedures, number of institutions and their availability to people, where problems usually arise for most people in practice etc. Based on this screening later we determinate how to set up Digital Legal Aid Platform in researched country (which is Microjustice Legal Rights’ Protection Program second key component), we identify unaddressed problems in procedures with recommendations how to ameliorate the system, and also identify best practices in country that can be globalised and transfer to other country systems.

**2) Effective possibilities of enforcement**

In this section we research what are the effective possibilities to enforce one’s rights? We are not so much interested in the organisation of the Court system but moreover we look at it from the perspective of ‘people’ looking for effective ways, that is to say accessible, affordable, fast, to enforce one’s rights established on paper. We divided this section in subsection by types of institutions/ways to enforce your rights:

* Courts
* State system of enforcement of court decisions
* Alternative Dispute Resolution (ADR)
* Customary justice system
* Other institutions/procedures

This segment of research is logic follows up on state organization, because it is not enough that people are only guaranteed rights, but it is necessary that there are clear, fast and efficient mechanisms for them to exercise their rights and protect them. Microjustice research efficiency of the system - whether there is a quick and easy way to exercise rights that is efficient in terms of time and money or not.

Through the prism of the above mentioned, we observe the courts and how court procedures are organized, whether citizens can represent themselves or it is mandatory to have a lawyer, whether there are institutes such as temporary measures, seizure of property, account blockade and the like that guarantee people to have an effective way to protect their rights. In addition to the courts, we look at other key players such as ADR (Alternative Dispute Resolution systems) through mediation arbitration, or "local chefs". We look at whether the country's Customary Justice system is still present, in which areas of law, whether people respect the decisions of such system. Other than these we research possibly other key factors that would contribute to the Effective possibilities of enforcement.

**III Legal assistance**

**1) Commercial**

* Lawyers
* Insurance for legal services
* Administrative procedure players
* Other legal service providers

Our research primarily focuses on first identifying key actors for legal assistance in country – who are all the providers of legal services in the country, their availability, affordability and the quality of their work.

Subsequently we will investigate how the legal profession is organised and whether there is a free legal market or not. If not free: what are the limitations regarding to the fees, publicity and referral systems or any other limitation? A free legal profession is an objective easily to be monitored indicator for SDG 16.2 Access to justice for all, and we will internationally promote this indicator.

Our focus in this part naturally is on lawyers as the most common providers of legal services. We research their number and position, prices, freedom of organization – are there price limitations, job and position restrictions, can lawyers advertise, who is controlling quality of work and how etc.

This is all done in order to estimate accessibility and affordability of ‘legal assistance’, analysis of the obstacles in the lawyers’ professional regulatory framework and practices, identifying obstacles to the free market (free prices, publicity, referral of cases etc.). Liberalization of the legal profession through proposing the level of liberation of the lawyers’ market as a civil justice indicator in SDG 16.3 and to measure ‘equal access to justice for all’ to ensure the affordability and quality of the legal services. Through market liberalisation, lowering the prices and linking people to a lawyer, the market of clients for lawyers is broadened, the new segment of people with a lower income and vulnerable groups will find their way to a lawyer.

**2) Non Commercial**

* Free Legal Aid organized by State
* Non-Governmental Legal Aid

In addition to above, we also observe whether and how the system of free legal aid is established in a country.

In the first place: Is there a system for legal aid organised by the State of the country? How broad is the basis for this system - that is, what categories of people does it cover and what types of cases.

According to our experience so far in countries where a free legal aid system has been established, it focuses only on a small number of people who are most vulnerable and poorest, while a large number of people who are not "existentially endangered" are left out of this system. Wide group of people so called the "middle class" generally do not have enough funds to set aside for lawyers or other professional legal service providers but is still left out of system of free legal aid – and this class makes majority of population. We also research here the efficiency of system of free legal aid, number of cases per year, for which areas of law it is set up, how system is organised and who is providing legal aid in the system.

Our goal is to use the results of this research to draw the attention of state governments and decision - making bodies within the state to the perceived shortcomings of such systems in order to improve them.

Beside system of free legal aid organised by the state we research are there other providers of free legal aid in the country, how are they operating, who is financing them, is there control of their work etc.

**Scoring system**

There is currently implemented scoring system. Grades range from 1 to 5, where 1 – is the lowest grade, 5 – is the highest. When lawyers award grades, they use pre-determined criteria, and on the basis of these criteria they assign a grade that they consider appropriate.

Scores are given on these pages:

* Effectiveness of procedures to enjoy legal protection;
* Effective possibilities of enforcement and conflict resolution;
* Affordability and quality of legal assistance;

**Barometer report**

After the lawyers have entered all the data for all the indicators this data is processed according to the established Research Methodology.

Lawyers who filled the database as legal experts for the researched country together with experts from the Microjustice Foundation team help in data analysis and creation of a report that is objective, based on facts and which presents a picture of the state of a country in the field of Legal right’ protection in a comparable and standardized way.

The Country report is fully prepared according to the established Research Methodology, and it is available on the Legal rights’ protection Barometer Home page for review and downloads to all interested stakeholders to study and further analysis.