



IDRC Project No. 108787-005
Scaling Access to Justice Research Collaboration

FINAL TECHNICAL REPORT

Report coverage: July 2019 to December 2021

Report Authorship:
Winnie Martins, PhD (CCJD)
Sophia Mukorera, PhD (University of KwaZulu Natal)
Carol Friedman

Centre for Community Justice and Development (CCJD)
16 Dulwich Road, Scottsville, Pietermaritzburg
KwaZulu-Natal Province, Republic of South Africa

Copyright © 2022

LIST OF ACRONYMS AND ABBREVIATIONS

AIDS	Auto-Immune Deficiency Syndrome
AULAI	Association of University Legal Aid Institutions
BRAC	Bohlabela Resource & Advice Centre
BSRC	Bergville Support and Resource Centre
CAO	Community Advice Office
CAOSA	Centre for the Advancement for Community Advice Offices of South Africa
CBA	Cost-benefit Analysis
CBP	Community-based Paralegal
CBPR	Community-based Participatory Research
CCJD	Centre for Community Justice and Development
CCMA	Commission for Conciliation, Mediation and Arbitration
CLRDC	Community Law and Rural Development Centre
COIDA	Compensation for Occupational Injuries and Diseases Act
DAO	Deliwe Advice Centre
DCS	Department of Correctional Services
DHA	Department of Home Affairs
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DoL	Department of Labour
DSD	Department of Social Development
E&SR	Economist and Senior Researcher
EPWP	Extended Public Works Program
FA	Finance Administrator
GBV	Gender-based Violence
ID	Identification Documents
IDRC	International Development Research Centre
IOM	International Organization for Migration
ISRC	Impendle Support and Resource Centre
JRS	Jesuits Refugees Services
KZN	KwaZulu-Natal
LCC	Leandra Community Centre
LHR	Lawyers for Human Rights
MD	Managing Director
MLAO	Musina Legal Advice Office
NCAO	Nkomazi Community Advice Office
MSF	Medicines San frontiers
NADCAO	National Alliance for Development of CAOs
NGO	Non-governmental Organisation

NPO	Non-profit Organisation
OAO	Opret Advice Office
P4P	Pay for Performance
PBF	Performance based financing
PCLAC	Port St Johns Community Legal Advice Centre
PI	Principal Investigator
PfR	Payment of Results
RBF	Results based financing
RC	Research Coordinator
RCP	Refugees Child Project
QAC	Qholaqhwe Advice Centre
SA	South Africa
SACC	South African Council of Churches
SANAC	South African National AIDS Council
SAPS	South African Police Services
SANCO	South African National Civic Organisation
SASSETA	Safety Security Sector Education & Training
SAULCA	South African University Law Clinic Association
SCAT	Social Change Assistance Trust
SWEAT	Sex workers education and advocacy taskforce
SCSA	Save the Children South Africa
TAWA	Tshireletso Against Women Abuse
UIF	Unemployment Insurance Fund
UKZN	University of KwaZulu-Natal
UK	United Kingdom
UN	United Nations
UNHRC	United Nations High Commission for Refugees
USAID	United States Agency for International Development
VE	Village Enterprise

TABLE OF CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS	ii
TABLE OF CONTENTS	iv
LIST OF TABLES	vi
1. Introduction to the Final Technical Report.....	7
1.1 Introduction	7
1.2 Research Team.....	7
2. The Research Problem	9
3. Objectives of the Research Project.....	12
4. Research Methodology	14
4.1 Methodology Overview	14
4.2 Ethical Considerations	16
4.3 Study Limitations.....	16
5. Project Activities.....	18
6. Project Outputs	21
6.1 Accomplished Research Outputs:	21
6.2 Planned Research Outputs	21
6.3 Capacity Building:	23
6.4 Policy and practice:.....	24
7. Project Outcomes	25
7.1 Research Process.....	25

7.2	Changes Derived from Research Findings	26
7.3	Other Research Outcomes.....	29
7.4	Lessons Learned	29
7.5	Problems arose during the project, and changes in orientations	31
8.	Overall Assessments and Recommendations	32
9.	Conclusion of the Final Technical Report.....	33
10.	References.....	34

LIST OF TABLES

Table 1 Research Team	7
Table 2 Summary of research methodology for the Case Management Strategies.....	14
Table 3 Summary of research methodology for quantitative component – CBA and CAO functionality	15
Table 4 Summary of research methodology for qualitative components	15
Table 5 Overarching Activities and Timelines	18
Table 6 Schedule of Research Team and Research Partners' Meetings.....	19
Table 7 Lessons Learnt from Project Management.....	20
Table 8 Planned Research Output	21
Table 9 Capacity Acquired	23
Table 10 Research findings and changes derived	27
Table 11 Lessons learned about research approaches	29
Table 12 Problems and changes in orientation.....	31

1. Introduction to the Final Technical Report

1.1 Introduction

This final technical report covers July 2019 to December 2021 and is organised as follows. First, we bring back the research problem and recap the research objectives. Next, we provide the methodology with a brief indication of study limitations. The report then explains the project activities and outputs, and outcomes. After that, the report draws to overall assessments and recommendations and gives the conclusion. This report can be read in conjunction with the budget update submitted along with this report.

1.2 Research Team

Table 1 Research Team

Name	Designation
Core Team	
Prof Fayth Ruffin	Principal Investigator (PI)
Dr Winnie Martins	Research Coordinator (RC)
Dr Sophia Mukorera	Economist & Senior Researcher (E &SR)
Mrs Carol Friedman	CCJD Consultant for paralegal training and case management strategies
CCJD Support Team	
Mrs Jackie Nxumalo	Project budgetary financier along with MD- subject to approval from Martins & Ruffin referred to as Finance Administrator (FA)
Ms Sindiswa Khambule	Lead liaison to participating CAO offices and other responsibilities
Mrs Jabu Sangweni	CCJD Managing Director ensuring research support is provided, referred to as MD
Mr Alwin Mabuza	Research Assistant & Logistics
Mrs Karry Smithers	Freelance consultant: expert in computer training, template and database design for case management and information systems
Student Support Team	
Ms Phindile Hlubi	PhD candidates – supervised by Prof Fayth and Dr Sophia
Ms Bongiwe Dlodla	PhD candidates – supervised by Dr Winnie and Prof Mbangisi
Ms Naomi Muindi	Masters candidate – supervised by Dr Sophia
Community based Participatory Research Support Team	

Mr Sandile Madlala -	Nkomazi Community Advice Office
Ms Ellie Nkosi	Leandra Community Centre
Ms Mme Mamasokela	Tshireletso Women Against Abuse
Ms Khonzeka Sifane	Port St Johns Community Legal Advice Centre
Ms Melika Monareng	Bohlabela Resource and Advice Office
Mr Jacob Matakanye	Musina Legal Advice Office
Ms Norea Mmina	Opret Advice Office
Ms Thandazile Ngcobo	Impendle Support and Resource Centre
Ms Thabile Madondo	Bergville Support and Resource Centre
Ms Palesa Mokoena	Qholahwe Advice Centre

2. The Research Problem

In South Africa, community advice offices (CAOs) and community-based paralegals (CBPs) constitute a complex community-based justice system. CAOs deliver a wide range of free socio-legal and socio-economic services to marginalised and vulnerable communities, including women and children. CBPs operate and manage the offices in urban, peri-rural and rural hinterland areas. CBPs often work in conjunction with the formal justice system and the customary justice system and through networks with various government departments, non-governmental organisations (NGOs), and the private sector when delivering legal services. CAOs are legally formulated community-based organisations (CBOs) or non-profit organisations (NPOs) and function according to a number of models. For example, some CAOs function as stand-alone CBOs, some are affiliated with university law clinics. Still, others work in liaison with 'umbrella' non-governmental organisations (Open Society Foundation, 2010). Recent studies show that there are between 3205 and 3676 CAOs in South Africa. As of 2016 or so, there has been a legal bill in the pipeline of the South African legislature directed toward CAOs and CBPs. Statutory recognition of CAOs and CBPs, national regulations and financial mechanisms to sustain the sector remain unsettled. Nevertheless, the CAO sector is legitimatised by community members who access services, have endured through self-regulation, and are generally financially dependent on donors.

The CCJD recently completed a research project funded by the OSJI, which was four-fold in nature (hereinafter referred to as the CCJD OSJI project). The CCJD OSJI project (1) explored case management strategies of 15 CAOs under the CCJD umbrella by conducting a census survey using the CCJD administrative database. It covered the years 2014 to 2017. The census survey found inter alia that the database determined trends regarding cases handled and shed light on how case management strategies could assist with establishing accountability and funding models for human and financial capital sustainability. (2) Drawing upon 7 of the 15 CAOs, the CCJD OSJI research project team conducted a CBA which yielded a benefit-cost ratio (BCR) of 6,79, with a ratio above 2 being considered high according to literature.⁸ (3) The research team conducted interviews of 12 CBPs and 7 focus groups of service recipients. These were done at the same 7 CAOs that participated in the CBA. From the interview and focus group data the study discovered inputs, activities, outputs, outcomes and sites of impact of CAOs/CBPs. (4) The research team drew from the CCJD administrative database to generate case narratives that showed the complexity and dynamism of CBP work and benefits to individuals, groups, and communities. The CCJD OSJI research project showed, inter alia, that unsustainable funding and

lack of statutory recognition obstruct justice services delivery, that lawyer-led legal aid and CBP-led CAOs are not competitive but complementary, that African epistemologies are inherent in justice services delivery by CAOs/CBPs and that CAOs/CBPs should remain independent of government to meet the demands of a given community. This IDRC study is designed to build on those findings using different CAO models and to fill gaps evidenced by the CCJD OSJI research project.

For example, the CCJD OSJI project focused on the 'umbrella' model of CAO/CBP service delivery. The umbrella model means that, as an NGO, CCJD oversees the 15 CAOs with a specifically crafted system of CBP accredited training, CAO management committee member training, convening of annual meetings, annual auditing and reporting mechanisms, maintaining and updating an administrative database that is both centralised at CCJD and decentralised to each CAO, fundraising for CAO equipment, supplies and community outreach activities as well as CBP salaries amongst other items. Our prior project was limited to one of South Africa's 9 provinces, namely KwaZulu-Natal. The umbrella model differs from other models of NGOs that work with NGOs such as various intermediary models and law school clinic models. In addition, some CAOs are stand-alone organisations which independently handle operations and fundraising. There is an evidence gap in terms of how CAOs deliver services when assisted by different types of NGOs and law school clinics.

In other words, this project expanded the research and analysis to a broader set of interventions and delivery models in multiple provinces. We explored case management strategies and conducted a CBA of CAOs that provide community-based legal services in accordance with four different service delivery structural models and across five provinces. The focus is on direct front-line legal services delivery by CAOs. However, just as the CCJD OSJI project considered the indirect costs and benefits to CCJD in overseeing direct legal services delivery by CAOs, this IDRC project considered indirect costs and benefits to the NGOs and law school clinics assisting the CAOs to be studied. Discourse at national CAO sector meetings shows that the relationship between organisations that assist CAOs/CBPs and CBPs appears to be a source of uncertainty and tension among and between the former and the latter and donors. Hence, comprehending the array of case management strategies and results of CBA will inform funding models and human/financial capital sustainability and institutionalisation strategies.

Moreover, we captured perceptions of the various actors per different CAO models regarding statutory recognition and national regulation of the CAO sector. For this study, intermediary organisations and law school clinics working with CAOs are collectively referred to as organisational affiliates.

The CCJD OSJI project found that CBPs see themselves primarily concerned with basic justice services delivery and not with CAO sector advocacy and reform. However, they believe themselves capable of and wish to be involved in CAO sector advocacy and reform. Therefore another evidence gap is how to be more inclusive of CBPs themselves in advancing advocacy and reform of the sector. It is worth mentioning that many CBPs are women and many of their clients are women. On a daily basis CBPs deal with concerns of both men and women. However, by raising their voices toward CAO advocacy and reform, it is expected that they will highlight the gender dimension in operation, functionality and service delivery of the CAO sector.

3. Objectives of the Research Project

The objectives and sub-objectives of the study were to:

1. Conduct cost-benefit analysis of the CAOs.

- Provide a cost benefit analysis of CAOs across four CAO structural models.
- Discover the funding mechanisms suitable for distinctive CAO models.
- Assess case management strategies of CAOs with distinctive structural models.
- Conduct a comparative analysis of CAO/CBP functionality and justice service delivery in light of three CAO structural models.

2. Develop any evidence-based arguments regarding financial and human capital sustainability for and appropriate regulation and institutionalisation of the CAO sector.

- Capture and analyse perspectives of CBPs on statutory recognition, regulation and institutionalisation of the CAO sector.
- Capture and analyse perspectives of service recipients on statutory recognition, regulation and institutionalisation of the CAO sector.
- Capture and analyse perspectives of managers of organisational affiliates on statutory recognition, regulation and institutionalisation of the CAO sector.

3. Advance African ways of knowing justice and governance in furtherance of Sustainable Development Goal 16.

- Apply an African epistemological lens to the Inputs-Activities-Outputs-Outcomes-Impact analytical model devised by CCJD in an earlier study.
- Assess whether and if so, how CAOs address socio-legal needs of women through traversing parallel legal systems when accessing justice at CAOs.
- Identify process indicators on CAO client experiences that capture socio-cultural appropriateness on its own merit.

4. Establish the role of network governance by CAOs regarding the facilitation of effective access to justice.

- Comprehend the complementariness of CAOs and CBPs to government and non-governmental organisations and the private sector, or lack thereof.
- Determine how cross-sector responsiveness to CAO modalities of access to justice can improve.

5. Determine how to empower the CBP voice from a focus on basic justice services delivery to articulation of CAO sector advocacy and reform.

- Harness the CBP voice, which is largely a female voice, on CAO sector advocacy and reform that strengthens justice services delivery.
- Extract the role of gender in CAO and CBP advocacy and reform, if any.

4. Research Methodology

4.1 Methodology Overview

The study adopted a multifaceted research approach to cover different research components and utilises mixed techniques driven by the community based participatory research approach (CBPR). A mixed-method research design combining quantitative and qualitative methods was used to collect data and analyse the five discussion points of the study, as summarised in the tables below.

Table 2 Summary of research methodology for the Case Management Strategies

Research Component	Method of Execution
Research approach	Mainly qualitative but also quantitative to the extent that case management strategies yield quantitative data on the number of cases handled and outcomes during the study period.
Sampling of CAOs	non-probability purposive sampling 5 provinces, 10 CAOs Eastern Cape – Port St Johns CAO Free State – TAWA CAO, Qholaqwe CAO Limpopo – Musina CAO, Opret CAO KwaZulu Natal – Bergville, Impendle Mpumalanga – Behlabela CAO, Leandra CAO, Inkomazi CAO
Sampling of Case narratives	Non-probability strategy, using purposive and judgemental techniques. Two completed cases from each CAO. The sampling guide included the following: <ul style="list-style-type: none"> • Focus on closed cases to the extent possible. • Level of difficulty in handling a case. • Diversity of cases handled and tasks performed by CBPs • Application of indigenous knowledge • Collective cases handled by a CBP • Cases that affect a group of people • Cases that inform policy change • Cases that show sites of impact • Cases that reveal social impacts
Data collection	Review of documentary evidence from CAOs regarding handling cases from intake to outcome to closure. Fieldwork – interviews of at least 10 CBPs and one manager of the organisational affiliates. Focus groups of service recipients [2 focus groups per 10 CAOs of about 6 to 10 people per focus group drawn from the 10 CAOs (with all five provinces represented)];

Data analysis	Documentary evidence – content analysis. Primary qualitative data – a combination of content, matrix and thematic analysis that also covers CBPR and narrative strategy outcomes. Quantitative data – Descriptive Analysis
---------------	--

Table 3 Summary of research methodology for quantitative component – CBA and CAO functionality

Research Component	Method of Execution
Research approach	Quantitative and Qualitative. This includes application of a formula to generate the Benefit-Cost Ratio (BCR).
Data collection	Internal research – CAO case files and/or database, management account records, any relevant paper records. Management accounts and financial records of CAOs and organisational affiliates. External research – Statistics South Africa (SSA) on provincial level Costs avoided – government offices as applicable (eg. relevant provincial Departments of Social Development (DSD), relevant provincial branches of South African Social Security Agency (SASSA), Department of Justice and Constitutional Development (DOJ&CD) and other sources of archival records. Qualitative interviews- CBPs and focus group participants interviews to illustrate the tangible and intangible costs and benefits of services. Research reports, journal articles and other forms of documentary evidence.
Data analysis	Excel for CAO quantitative data. Calculation of net value (difference between total benefits and total costs). Calculation of benefit-cost ratio (divide the total value of benefits by the total value of costs). Calculation of avoidance costs based on information from SSA, DSD, SASSA in relevant provinces.

Table 4 Summary of research methodology for qualitative components

Research Component	Method of Execution
Research approach	Qualitative
Sampling of fieldworkers and focus group participants	Paralegals – interviews of at least 10 CBPs and 3 managers of intermediary organisations and university legal clinics (i.e. organisational affiliates); Focus groups of clients [2 focus groups per CAO of about 6 to 10 people per focus group (drawn from the 10 CAOs with all 5 provinces represented)];

Data Collection	<p>Three interview instruments were developed and used to guide the three sets of interviews.</p> <p>At least 2 paralegals were interviewed per CAO, including the CEO. Focus groups were conducted in local languages (including quantitative discussion points).</p> <p>All interviews were transcribed to English.</p>
Data Analysis	<p>Documentary evidence – content and thematic analysis.</p> <p>Primary qualitative data – combination of discourse, content, matrix and thematic analysis that also covers results from CBPR and narrative strategy outcomes.</p>

4.2 Ethical Considerations

The research involved human subjects and as such prioritises and protects their privacy, dignity, and integrity. Ethical clearance was obtained from the University of KwaZulu-Natal (UKZN) Research Office Ethics Committee. Several research access letters were obtained from intermediary organisations and CAOs that agreed to participate. The research was clearly explained by the researchers to all participants and were advised of confidentiality and anonymity that their participation is voluntary; and that they are free to withdraw from the study at any time without any consequences. Participants were advised that there is no remuneration provided, however, focus group participants were reimbursed for transport costs to and from the focus group venue. Focus groups were conducted in local languages and transcribed into English. A consent form was provided in multiple languages, read aloud to all participants to ensure understanding after which those who agreed to participate signed the consent forms. They kept a one-page document explaining the study and providing contact details of the research team. The research team retained the signed page of the consent form.

4.3 Study Limitations

- The administrative data was scanty and not recorded in a methodological manner. Data capture had to dig through the files and counter books with minimal information and often no action of the paralegals or outcome of the case captured.
- Convenient sampling was often the approach used by the paralegals e.g. Musina office brought in EPWP workers and interpreters instead of service recipients. In Opret they brought Principals of ECD schools.
- Only one research team member spoke multiple languages. Since focus group interviews were done in the area's vernacular language, the data transcription process took longer than intended.

- All the CBP interviews were conducted in English as the interviewer could only handle English. One CBP struggled to speak English and the audio is indecipherable. Data was lost.
- The research was conducted during COVID, which delayed the study during lockdown periods. The progress of the study dependent on open windows between inter- provincial travel bans. Secondly, it was too risky for both the research team and participants to conduct interviews/groups lacking ventilation.
- The Directors of Nkomazi, Daliwe CAOs and AULAI died due to COVID related illnesses. The three were long standing role players in the CAO sector for many years and their views would have enriched the study.
- We could not interview the three paralegals from Nkomazi as they were in quarantine during our visit. The Director for Port St Johns was also in quarantine as the husband had contracted COVID.
- Some researchers including CCJD staff members (totalling eight individuals) contracted COVID, causing delays and overload to work to meet deadlines.
- Winnie and Carol could be biased as they have been in the sector for more than 25 years. Sophia was involved in the Open Society pilot research of which this research is a continuation of.
- The study did not interview the stakeholders in network governance.
- The study did not include the funders who are currently supporting the CAOs in South Africa.

5. Project Activities

The table below shows the activities undertaken during the period of the research.

Table 5 Overarching Activities and Timelines

Activities	Timelines
Research Team Meetings	Ongoing from project inception to completion
Online Virtual Meetings with partners in Sierra Leone, Kenya and Canada	Ongoing
Technical Reports to IDRC	1 st Technical Report – Dec 2019 2 nd Technical Report – Sept 2020 3 rd Technical Report – Sept 2021
Budgetary Reports to IDRC	Dec 2019, Sept 2020, Sept 2021, Dec 2021
Desktop Research	Ongoing from project inception to completion
Invitation of stakeholders and CAOs to participate in the research	CAOs - August 2019 Stakeholders – Feb 2020
Preliminary Visits to CAOs	Free State – 10 September to 12 September 2019 Mpumalanga – 7 October to 10 October 2019
Virtual interviews	Opret CAO – 09 Nov 2020 Musina CAO – 10 Nov 2020 Port St Johns CAO – 16 Nov 2020 Deliwe CAO – 19 Nov 2020
Preparation of qualitative research instruments, including translating into three local languages.	Nov 2020 – Feb 2021
Recruitment of data Captures Shortlisting and interviews	Free State Mpumalanga - Limpopo - Eastern Cape -
Training of Data Captures	1 st group - Nov 2020 2 nd group -
Preparation of data collection site visits	Limpopo – 10 March 2021 KwaZulu Natal – 10 April 2021 Eastern Cape – 15 April 2021 Free State – 20 April 2021 Mpumalanga – 25 May 2021

Data Collection <i>Preliminary visits</i> Free State – 10 September to 12 September 2019 Mpumalanga – 7 October to 10 October 2019 <i>Organisation of administrative data –</i> Nov 2019- January 2020 March 2021 – June 2021 <i>Paralegal interviews and focus group discussions –</i> Musina: 15 March 2021 - 16 March 2021 Opret: 18 March 2021 - 19 March 2021 Port St Johns: 20 April 2021-21 April 2021 TAWA: 27 April 2021- 28 April 2021 Qholaqhwe: 29 April 2021-30 April 2021 Leandra: 31 May 2021 - 01 June 2021 Nkomazi: 02 June 2021 - 03 June 2021 Bohlabela: 04 June 2021 - 05 June 2021 Bergville: 15 April 2021-16 April 2021 Impendle: 13 April 2021-14 April 2021 <i>Institutional Affiliates interviews</i> RULAC – 2 interviewees- November 2021 SCAT – 1 interviewee – November 2021 Rural Legal Trust - 1interviewee – December 2021 CCJD – 1 interviewee – December 2021	
Quantitative Data Cleaning and Organising	June 2021
Quantitative data meetings	Jan 2020 – July 2021 Meetings were conducted as demanded.
Case Narratives data meetings	March 2021 – June 2021 Meetings were conducted as demanded.
Transcription of Interview and Multilingual Focus Group audio-recordings	July 2021 – December 2021
Data Analysis	June 2021 – December 2021
Report write-up	September 2021 – December 2021

Table 6 Schedule of Research Team and Research Partners' Meetings

Nature of Meetings	Timelines
Organisational meetings	20-21 August 2019
Research team training session	July 2019 to 31 December 2019

	Training sessions were held throughout the research period mainly before undertaking project activities listed in table 5.1 above.
PhD student training	Ongoing The two PhD students project to complete their PhD by 2023.
Data Capturers training	Free State and Mpumalanga CAOs - Nov 2020
Quantitative data meetings	Dec 2020 – June 2021
Case Narrative meetings	March 2021 – April 2021

Table 7 Lessons Learnt from Project Management

<ul style="list-style-type: none"> • Distribution of work <p>Sometimes individuals don't deliver and it must be reallocated to avoid further delays.</p>
<ul style="list-style-type: none"> • Balance of the interest and commitment of the research team members <p>Assigning responsibilities to individuals might be counter productive hence the need to work as a team. Never work in silos as the absence of that individual can easily sink the ship.</p>
<ul style="list-style-type: none"> • Big team vs small team <p>Big teams sometimes fail to carry out allocated tasks causing delays in progress. In the end the small team end up carrying the load of others.</p>
<ul style="list-style-type: none"> • Instructions to team members <p>Instructions to other team members were not clear enough for them to deliver and the team waited too long to realise that their submissions were not sufficient. In most cases the work had to be redone.</p>

The following aspects of project management and implementation were particularly important to the success of the project:

- Team work
- Dr Winnie can speak all 11 official languages of South Africa. This made it possible for the focus group interviews to be conducted using the participants mother tongue.
- Dr Sophia took the co-Principal Investigator role to assist Prof Ruffin as she was not feeling well the second half of the research period.
- Ms Carol Friedman intense experience in evaluative research

6. Project Outputs

6.1 Accomplished Research Outputs:

- Ten research briefs
- Four Technical Reports
- Electronic and hard copies of organised case management data for 10 CAOs.
- Electronic data from interviews and focus groups
- Knowledge from CBPs and focus group participants (include 3-5 examples of what will help the sector)

6.2 Planned Research Outputs

Table 8 Planned Research Output

Forthcoming Research Outputs	Dissemination Strategies	Expected Completion Date
Organisational Affiliates analysis	Interviews and transcripts were done, but time constraints meant we could not do justice to the analysis. A research brief on stakeholder perspective will be produced.	31 March 2022
Objective 5	The research realised that the available data could not answer research objective 5. A follow up virtual interview for selected CBPs will be done to supplement the data. A research brief on the role of Gender in CAO and CBP advocacy will be produced.	31 March 2022
Three Policy briefs	(1) Structural vs financial models in the CAO sector (2) Fostering financial sustainability through mixed funding mechanisms or basket funding in the CAO sector (3) Regulation, Recognition and Institutionalisation of the CAO Sector Each policy brief will focus on different outcomes of the research – grouping relevant outcomes. It will be disseminated widely, locally, nationally, regionally and globally through various media and across structures in the CAO sector. Research outcomes will determine the nature of each policy brief.	30 June 2022
One Research report on a comparative cross-country analysis of community-based justice systems (CBJS)	We expect to co-author a comparative cross-country analysis of CBJS in Kenya, Sierra Leone and South Africa.	Further discussion with Canadian Forum for Civil Justice

in designated Global South countries.		
Three - Five Dissemination workshops - Engagement activities with CBPs, policymakers and justice officials	<p>Dissemination workshop for 10 CAOs/CBPs from five provinces who participated in the research.</p> <p>Dissemination workshop for stakeholders/network partners.</p> <p>Dissemination workshop for managers of organisational affiliates</p> <p>Dissemination workshops for Funders (Government and private)</p> <p>Dissemination workshop for traditional authorities.</p> <p>In developing these engagement activities, we will consult with the Department of Justice and Constitutional Development and the Chief Justice of the Constitutional Court and justices at various levels of the court system. The third engagement activity would focus on using research outcomes to strengthen relationships between the traditional court system and the CAO sector toward increasing access to justice in local communities.</p> <p>In consultation with managers of the intermediary organisations and law school clinics we are interviewing in this research project, we would plan multiple engagements to present findings to research participants. Those engagements will include CBPs and other CAO experts to receive feedback and plan future research – as well as check any occurrences at the CAOs involved in this project post-CBPR approach that we will use in this study. We want to demonstrate how the research experience and outcomes can support improved CAO justice services delivery.</p>	July – Dec 2022
Presentations at conferences, workshops and seminars	We will send abstracts to make presentations at these fora sub-nationally, nationally, regionally, and globally.	
Publication of articles in academic and practitioner journals	We expect to publish findings from this research project in various journals.	Three journal articles to be completed in 2022

2 Doctoral theses	Two doctoral theses from the research project. The UKZN places the theses online for public dissemination. In addition, each doctoral student must submit a journal article for publication as a requirement of graduation.	The expected completion date is Dec 2023.
-------------------	---	---

6.3 Capacity Building:

Table 9 Capacity Acquired

Activity	Capacity Acquired
<ul style="list-style-type: none"> Training of paralegals 	Six CBPs from the Accredited National Certificate: Paralegal Practice certificate. Two from TAWA Two from Qholahwe One from Bohlabela One from Musina
<ul style="list-style-type: none"> Training of CCJD staff in situ. Dr Sophia trained Sindiswa 	Ms Sindiswa worked with Dr Sophia on the recruitment, training, data capturing, and logistics around the organised administrative data development.
<ul style="list-style-type: none"> Training of CCJD staff in situ. Prof Ruffin trained Lucky 	Sampling for research participants.
<ul style="list-style-type: none"> Training of CCJD staff in situ Sphe was trained by Dr Winnie and Dr Sophia 	Database case selection Transcribing of recorded audios Engaging with the paralegals
<ul style="list-style-type: none"> Training of research team member – training in situ Carol trained Dr Winnie and Dr Sophia 	Trained the two on evaluative analysis
<ul style="list-style-type: none"> Training of research team member – training in situ Dr Sophia trained Dr Winnie and Prof Ruffin 	The economics of CBP justice
Training on qualitative research	Dr Sophia came into the project as a quantitative expert. She was trained on the qualitative techniques and the strengths of combining quantitative and qualitative analysis. She participated in all stages of qualitative research, from the development of interview instruments, data collection to primary data analysis.
Mentoring of Dr Sophia & Dr Winnie as co-PI	The Principal Investigator for the team, Prof Fayth, had health problems for extended periods. Dr Sophia and Dr Winnie had to come in and assist as co-PIs to ensure the

	completion of the project under the mentorship of Prof Fayth.
Training on IT, Zoom, Google Drive	With the coming of COVID, the team was forced to embrace technology and operate remotely. Dr Sophia and Mr Alwin conducted some IT crash courses to the research team on using Zoom for meetings and presentations, using google docs and google drive to share documents. The most enthusiastic and most improved student is Dr Winnie.
IT training of Paralegals/Directors	Dr Sophia and Ms Sindiswa trained paralegals and Directors on email literacy, Zoom, researching community-based participatory research virtually.
Training of data capturers	Dr Sophia trained data capture with the help of Ms Sindiswa to navigate excel spreadsheets and input cases into a data organising instrument developed by the team.
Capacity-building for masters and doctoral students	Research students were involved in all stages of the research. The mentorship was received from Prof Ruffin, Dr Winnie and Dr Sophia.

6.4 Policy and practice:

- Educated focus group participants and paralegals on the CAO draft policy (2020) contents around recognition, regulation, and institutionalisation issues.

7. Project Outcomes

7.1 Research Process

This research is a follow up to the CCJD (2018) OSJI research. The write-up report is arranged into ten briefs covering methodology - brief 2; brief 3 - gives a profile of the sampled CAOs; brief 4 - structural and financial models in the CAO sector; brief 5 – the cost-benefit analysis of the services of the CAOs; brief 6 – assessment of the case management strategies and the functionality of CAOs – brief 7 – the role of African Indigenous knowledge in CAO activities; brief 8 – Recognition, regulation and institutionalisation of the CAO sector; brief 9 – the role of network governance in CAO activity; and brief 10 give comparative findings and recommendations.

The study adopted a multifaceted research approach to cover different research components and utilises mixed techniques driven by the community based participatory research approach (CBPR). A mixed-method research design combining quantitative and qualitative methods was used to collect data and analyse the five discussion points of the study.

Brief 3 analysed the structural and financing models prevalent among 10 CAOs in 5 provinces of South Africa. At the study's inception, the 10 CAOs had to identify a structural/financing model that best describes their operations based on the funders and their institutional affiliates. Four models were identified: Intermediary, Stand Alone, Law Clinic, and Umbrella. The objective of this analysis was to do an in-depth investigation of the structural and financing models that best suits the CAO sector.

Brief 4 provides CAO profiles that present the background history on how the CAO was formed and the organisational and management structure, staff complement, and geographical location of the CAO. The brief also lists the programs and activities facilitated by the CAO. The brief wraps each section with pictures captured during the research team visits to each CAO.

Brief 5 presents quantitative and qualitative results of a cost-benefit analysis of the services of CAOs. The quantitative section looked at quantifying the direct and indirect, tangible and intangible costs and benefits of services provided by the CAOs. The qualitative section identified the costs and benefits that the study could not quantify.

The centrality of case management strategies (CMS) and practices are consistently underlined in discussions on the sustainability of the CAO sector (HSRC, 2014; Ruffin, 2019). Brief 6 discusses the CMS found in the CAO sector, followed by a comparative analysis of the functionality of ten CAOs from the five provinces in South Africa.

Sustainable Development Goal 16 refers to access to justice in all its myriad and diverse ways. This goal is significantly furthered when African ways of knowing justice are considered. Studies investigating decolonising research have received much attention in recent years. Emphasis is on participatory research where indigenous people become the researchers and not merely the researched. They also point out that decolonising research is not only about methodology but also about opening spaces for local knowledge and experiences to flow. The focus groups are a particularly important part of this research study for these reasons. These features of African knowledge emerge abundantly in Brief 7, through the case narratives (database), the focus groups, and the interviews with the CBPs.

The role of Community-based paralegals (CBPs) and Community-advice offices (CAOs) in promoting human rights and advancing social justice remains largely unrecognised and unregulated in South Africa. Empirical research was needed to inquire about the kind of recognition and regulation that will meet the needs of CBPs and further enhance the unique way they render services for people who are unable to access justice. Brief 8 presents a comparative analysis of narrative from CBPs and focus groups of service recipients across all five provinces covering 10 CAO. It also highlights a cross-case comparison of CBP and service recipients' perceptions on regulation and recognition.

Brief 9 looks at the role of network governance in a CAO/CBPs. There is limited research on the role of network governance by CAO regarding the facilitation of effective access to justice in South Africa. While community-based paralegals (CBPs) have vast experience of how rural people perceive the law, its value, and how to respond to it, little is known about the nature of their work and their role in network governance. Empirical research is needed to inquire into the actual role of CBPs in Network governance and services they render for people who cannot access justice in South Africa.

Brief 10 provide a detailed summary of findings, comparative analysis, conclusions and research recommendations of the four objectives (**full briefs with findings are annexed**). The fifth objective will be attend to later.

7.2 Changes Derived from Research Findings

The table below summarises the changes to research users or those affected by the research process or from research findings.

Table 10 Research findings and changes derived

Research finding	Changes derived
changes in behaviour, capacities, actions, or relationships of research users	
<ul style="list-style-type: none"> Differentiated between structural models and financial models in the CAO sector. 	<ul style="list-style-type: none"> Greater clarity can bring about strategic fundraising initiatives.
<ul style="list-style-type: none"> Instead of four, two structural models exist in the CAO sector, stand-alone and umbrella. 	<ul style="list-style-type: none"> Greater clarity of which structures CAOs operate.
<ul style="list-style-type: none"> Stand-alone CAOs use mixed funding mechanisms. The funding model is viable but not sustainable. The legal advice arm is poorly funded. Umbrella CAOs use an umbrella funding mechanism. The funding model is viable and sustainable but dependent on the ability of the mother organisation to sustain it financially. 	<ul style="list-style-type: none"> Emphasises the importance of funding in the CAO sector. Better understanding of the need for accountability structures that will in turn attract funding and provide stability to the sector. Importance of quality control of CBP activities and case management and monitoring and evaluation (Input-Output-Activities-Outcomes-Impact).
<ul style="list-style-type: none"> There are similarities in the functionality of CAOs across the two structural models evident in the sector. 	<ul style="list-style-type: none"> A greater understanding between the CAOs of their role in the community.
<ul style="list-style-type: none"> There is corroborating evidence across all the CAOs, in focus groups, CBP interviews, and in the case narratives of the extent to which African Indigenous culture is vital to service recipients in all its manifestations. Indigenous culture is respected and valued by local people, who feel understood by CBPs who know their language and customs. 	<ul style="list-style-type: none"> A greater understanding of the relationship between African values and belief systems and functionality of CAOs,
<ul style="list-style-type: none"> Increased evidence on the diversity of ways in which justice services delivery occurs or should occur at CAOs 	<ul style="list-style-type: none"> Indications of which aspects of justice service delivery should be relatively standardised under which circumstances; Indications of which aspects of justice service delivery should be subject to regulation under which circumstances; and Indications of which aspects of justice service delivery should be discretionary under certain circumstances.

<ul style="list-style-type: none"> • There is complementariness across all networks that work with CAOs/CBPs • The referral system is bi-directional and in the best interest of the service recipients. 	<ul style="list-style-type: none"> • It confirms for CBPs and service recipients the existence of informal recognition of the work of the CAOs and the complementariness of the services thereof. • Greater affirmation of CBP approach to service delivery.
Policy influence	
<ul style="list-style-type: none"> • The service recipients seem to be confused with statutory recognition and regulation terminology. • The service recipients' perspective is that as clients of CAOs, they recognise the CBPs, and the stakeholders also recognise them as they are referred to the CAOs by the Government service providers. • They voiced that Government recognition must be accompanied by funding but no interference or control of their operations. • All are against CBPs becoming regulated and operating like Government officials, who do not serve the people. • They are proposing a mixed funding mechanism from Donors, Government grants and community donations. 	<ul style="list-style-type: none"> • A greater understanding of the impending policy changes and implications for service in the CAO sector. • Acknowledgements of the risks and benefits of the changes.
<ul style="list-style-type: none"> • Diverse opinions as to whether regulation should be self-imposed or externally regulated. 	<ul style="list-style-type: none"> • More discussion stimulated on the most important topic on the future of the CAO sector and required future engagements.
Technology development, adoption, and adaptation	
<ul style="list-style-type: none"> • Stand-alone CAO uses a paper-based case management system. • Umbrella CAO uses a centralised database system because of the technical and skill support provided by the umbrella. 	<ul style="list-style-type: none"> • One CAO has already secured funding to develop their own digital Case Management System for all their projects. They have employed a dedicated IT person. • One CAO requested a data capturing instrument from the Data Manager who designed the instrument used in the study. • TAWA Director was the least computer literate at the inception of the study but now has been empowered to function with email, word, excel, and online learning.

7.3 Other Research Outcomes

- The project raised awareness of the importance of civil justice data in the CAO sector.
- The research piloted a case management system across all CAOs that participated.
- Gave paralegal as a voice on the draft policy (2020).
- Allowed the consumers of CBP services to give their perspective on the legislative processes of recognition, regulation and institutionalisation of the CAO sector.
- The study placed the researchers at the heartbeat of CAO service delivery.
- Two Research team members were also the trainers of the accreditation course.
- Six CBPs received laptops from the accredited training program.
- The Accredited training program that the six CBPs took part in was nominated by the funder (Old Mutual) for the Best Partnership Program for the year.
- Increased computer literacy for the CBPs through various training they received.

7.4 Lessons Learned

Table 11 Lessons learned about research approaches

Lessons Learnt from Project Implementation
<ul style="list-style-type: none">• Preparation before actual research <p>For the researchers – most research team members had other obligations, work commitments and family commitments. Research activities had to be planned around individual commitments.</p> <p>For the participants – had to plan around the availability and convenience of the CAOs.</p>
<ul style="list-style-type: none">• Unforeseen circumstances <p>With research you could never be prepared enough for external factors e.g. COVID struck when even least expected it and some of the research team members could not fully participate because of illness, off loading their work on the other team members.</p>
<ul style="list-style-type: none">• Sampling <p>Random sampling was the preferred strategy but was not possible because the case files were not put in a research format. It was organised for analysis purposes but not good enough for sampling. The cases were not detailed, the statement was very brief, did not have outcomes or follow-up recorded. From the files, we could only get type of case and client personal information. The lesson learnt is that random sampling will not work for CAO studies in South Africa as the CAOs do not have a developed information system to allow for it.</p> <p>Purposive sampling gave us an opportunity to have a glimpse on the diversity of issues that paralegals deal with and the diversity of people they work with. It allowed us an opportunity for the participants to narrate their stories beyond what is recorded in case files. This made the research dynamic and real time. We had an opportunity to also record the cascading benefits of the work of CAOs/CBPs.</p>
<ul style="list-style-type: none">• Fatigue <p>There is need for spacing and timing of activities properly</p>

<p>For the research team – Time had to be collapsed and contracted to fit all the research activities in short windows between lockdown restrictions. The research team suffered from fatigue. In some instance we had to fit in three focus group in one day and then travel to the next CAO to prepare to interviews the following day.</p> <p>The participants – the research questions were comprehensive which resulted in focus group participants fatigue. The research team also felt the wrath during the transcription and data analysis stages. Catering (refreshments and foods) helped our participants keep them engaged.</p>
<ul style="list-style-type: none"> • Small focus group participants <p>The research learnt that in a rural setting a small number of participants is more workable because the participants are used to telling long accounts of their experiences. Keep it small to do justice to all participants.</p>
<ul style="list-style-type: none"> • Multilingual participants <p>When conducting focus groups its important to group participants according to their vernacular language. Switch between languages proved to exhausting in real and transcript time.</p>
<p style="text-align: center;">Lessons Learned in General</p>
<ul style="list-style-type: none"> • Piloting is key in qualitative research <p>We got better results from the CAOs we did face to face preliminary visits in terms of sampling and input from focus group participants.</p>
<ul style="list-style-type: none"> • Multilingual research instruments <p>Participants were more relaxed and more engaging when they were allowed to interact in their home language.</p>
<ul style="list-style-type: none"> • Importance of CBPR <p>It allows the research targets to be more engaging in the research as they feel part of the process. It also promoted joint learning, skill learning, and capacity building between researchers and CBPs. The approach allowed for bridging the knowledge divide between CBPs and the research team.</p>
<ul style="list-style-type: none"> • Appreciation from the participants <p>The CBPs appreciated that we did the research ourselves instead of sending people. They have been studied a lot without any benefit. One CBP mentioned that previous researchers have treated them as guinea pigs.</p>
<ul style="list-style-type: none"> • Validated African ways of doing things <p>The research approach validated indigenous knowledge, language, and practice and considered practical concerns.</p>
<ul style="list-style-type: none"> • The approach is a better approach that the participants embrace. <p>They felt like they had a stake in the subject matter being studied.</p>
<ul style="list-style-type: none"> • The experience is empowering to both researchers and participants. • The participants were more relaxed and researchers did not feel like outsiders.

7.5 Problems arose during the project, and changes in orientations

Table 12 Problems and changes in orientation

Problems that arose during the project	Lessons learnt from changes in orientations
COVID derailed preliminary visits to two provinces and data collection across all five provinces- had to move to virtual meetings, which also proved problematic. Luckily, we managed to go back to face to face meetings whilst observing COVID protocols.	Research is an ever-evolving process. Face to face research is more effective than online research. Physical presence makes your study subjects more willing to participate
Political unrest in Leandra – Since we were already in Leandra, we had to move the venue to the BnB where the research team was staying. We had to organise transport for the participants who were outside the affected area. We ended up with one focus group of farmworkers.	The participatory approach allows the research process to be adaptable. The safety of the researchers and participants has to be considered, and the research must allow room to adapt to unforeseen circumstances. In this case, we managed to resample from a location that was not affected by the unrest.
One of the appointed data captures disappeared before completing the task. The research team had to appoint a second candidate to complete the task.	Same point as above.
Some data captures were very slow in capturing info into organised databases. We had to give them extra to complete the task. With others, we resettled for what they had.	The CAOs that struggled with the database where did not have preliminary visits done. This showed the importance of preliminary visits in research.
Challenges to navigate rural areas. Visiting remote areas is expensive and more money is spent on transport costs. This is not what we anticipated.	The mode of transportation is very important for the safety of the researchers. It is important for the research team to travel comfortably to avoid fatigue as much as possible.
Research is very intense, and researchers require research assistants to take care of logistics.	
Technology is problematic in rural areas. Researching rural areas needs good technology.	It is advisable to use two recorders in interviews for backup.
Time management – we were affected by COVID and had to manage research activities in the window periods between lockdown.	We had to rush some processes and split the team to the maximum on the given time. Ideally, the whole team was supposed to work together in all stages of the research. Some individuals ended up doing more than others.

8. Overall Assessments and Recommendations

- The research further developed the team members' skills by sharing and learning different research approaches from other countries.
- It allowed the research participants to network globally and individual growth as researchers.
- The allocated study period allowed the research to engage in-depth with the research topic.
- The funding makes it possible for the researchers to complete research.
- The project contributed to upscaling of skills to CBPs,
- raising awareness to CBPS of the importance of information management, of collecting and arranging data in a researchable format.
- The research motivated the CBPs to embrace technology.
- Personal development to research team members as researchers.
- We learnt the importance of spending more time and creating trust with the research subjects through the participatory approach. This made the data collection phase much smoother and rewarding.
- This is the first time that we have engaged with a funder who also plays a mentorship role. We applaud IDRC for this role and how it supported and encouraged researchers in the field. They were sensitive to the challenges faced by the research team and did a good job in changing challenges encountered into opportunities without being judgemental.

9. Conclusion of the Final Technical Report

It was a pleasant journey for the researchers, full of lessons, opportunities and achievements. In particular, for the CCJD team, the study brought together Lawyers, Economist, Social Worker, Database Developer and Analysts, CBPs and research students. New relationships were birthed both at personal and professional levels. Although the team was female-dominated, the outputs and outcomes from the study speak to women's power.

The write up was an experience on its own because of the amount of data we had at hand. Sifting through the rich volumes of data made it so hard for us to leave anything. We felt leaving anything was denying the participants a voice. We are grateful for every CBP and participant that was part of the research. Their struggles for justice, the CBPs passion and commitment to giving ordinary people hope despite dealing with their challenges of lack of support and funding puts us in the coal face of CBPs service delivery. The experience and time we spent with the research participants will never be forgotten. We are grateful that the interaction with the CBPs and participants will not end with us writing the report but will have further engagement beyond this.

Thank you, IDRC!

10. References

Martins, W (2016). "Access to justice: The role of community-based paralegals in community restorative justice in rural KwaZulu-Natal." Doctoral thesis, University of KwaZulu-Natal.

Open Society Foundation (2010) Community-based Paralegals: A Practitioners Guide . The Open Society Justice Initiative. New York: Open Society Institute, Open Society Foundation;

Dugard, J. and Drage, K. (2013). To whom do the people take their issues?: The contribution of community-based paralegals to access to justice in South Africa. Socio- economic Rights Institutes of South Africa. Justice and Development, Working Paper Series, 21/2013. Johannesburg: World Bank.