Introduction to questionnaire:

This study is conducted on behalf of *HiiL Innovating Justice.* Its main purpose is to gather information regarding the experiences of people with various situations of disputes, conflicts and grievances. We will ask you a couple of questions about your views and experiences in the past 4 years.

This questionnaire is anonymous and we will treat your responses with utmost confidentiality. No information that can identify you will be passed on to anybody else.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | | | | | |
| **Interviewer number**  **Interview number**  **Date of interview** | | | | | |
|  |  |  |  |  |  |

1. **Demographics**
   1. **Gender: [Interviewer: Do not read out loud]**

|  |  |  |
| --- | --- | --- |
|  | Code | |
| Female | 1 |
| Male | 2 |

* 1. **What is your age?**

|  |
| --- |
| \_\_\_Numeric response |

* 1. **What is your marital status? [Interviewer: do not read options out loud]**

|  |  |
| --- | --- |
| Single, never married |  |
| Co-habitation |  |
| Married |  |
| Married but separated |  |
| Divorced |  |
| Widowed |  |
| Other: | 7 |
| Do not want to answer | 99 |
|  |  |
| * 1. **How many people, including yourself, live in your household?** | | |
| \_\_\_Numeric response | | |

* 1. **How many children below the age of 18 do you have (including the ones not living with you)?**

\_\_\_Numeric response

* 1. **[Interviewer: Read out loud] Do you have children under 5, and if so, do they have government issued documents, such as a birth certificate, or passport? [Interviewer: emphasize that this question asks specifically only for children UNDER 5]**

|  |  |
| --- | --- |
| Yes, all of them have government issued documents | 1 |
| Yes, some of them have government issued documents | 2 |
| No, none of them have government issued documents | 3 |
| I do not have children under 5 | 4 |
| Don’t know | 98 |
| Do not want to answer | 99 |

* 1. **What is your highest level of education?**

|  |  |
| --- | --- |
| No education | 1 |
| Can read and write / no formal education | 2 |
| Basic and Primary education | 3 |
| Secondary Education | 4 |
| Vocational training Diploma | 5 |
| University/ Degree | 6 |
| Postgraduate diploma | 7 |
| Do not want to answer | 99 |

* 1. **Are you engaged in gainful employment/ do you work (either public or private)?**

|  |  |  |
| --- | --- | --- |
| Yes | 1 |  |
| No | 2 | Go to Question 1.10 |
| Do not want to answer | 99 | Go to Question 1.10 |

**Filter (If Question 1.7=No, go to Question 1.10)**

* 1. **What is your occupation?**

|  |  |
| --- | --- |
| I work for an employer | 1 |
| I am self-employed | 2 |
| Farmer | 3 |
| Pastoralist | 4 |
| Domestic worker | 5 |
| Housewife | 6 |
| Retired | 7 |
| Student | 8 |
| Unemployed | 9 |
| Unable to work | 10 |
| Other:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | 11 |
| Do not want to answer | 99 |

* 1. **What is the combined monthly income of your HOUSEHOLD?**

|  |  |
| --- | --- |
| 1 | Less than 20,000 |
| 2 | 20,001- 40,000 |
| 3 | 40,001- 60,000 |
| 4 | 60,001 — 80.000 |
| 5 | 80,001- 100,000 |
| 6 | 100,001-120.000 |
| 7 | 120,001-140,000 |
| 8 | 140,001-160,000 |
| 9 | 160,001—180,000 |
| 10 | 180,001-200,000 |
| 11 | More than 200,001 |
| 98 | Don’t know |
| 99 | Do not want to answer |

* 1. **Which of the following statements best describes your (family) financial situation? [Interviewer: Read the options out loud]**

|  |  |
| --- | --- |
| We do not have enough money for the basic needs such as food and energy | 1 |
| We are able to buy what is necessary but buying clothes is difficult | 2 |
| We are able to buy food, energy and clothes but buying goods for longer use is a challenge | 3 |
| We can afford almost whatever we want – car, housing and others | 4 |
| Do not want to answer | 99 |

**Information: We are now moving to the next section that will contain questions on problems.**

* 1. **Have you or a member of your household been a victim of any sort of crime in the last 4 years?**

|  |  |
| --- | --- |
| Yes | 1 |
| No | 2 |
| Don’t know | 98 |
| Do not want to answer | 99 |

* 1. **How safe do you feel walking alone in this area after dark?** [Interviewer: read all responses out loud]

|  |  |
| --- | --- |
| Very safe | 1 |
| Safe | 2 |
| Unsafe | 3 |
| Very unsafe | 4 |
| Don’t know | 98 |

1. **Experience with problems**
   1. Have you experienced serious disputes, disagreements and grievances that have resolution through a legal process as shown in Show-card 1 in the past 4 years? This means **since January 2013. Think of either personal or business problems in which you were involved. It does not matter whether you did something or who was the other side - we want to hear about your experiences. Look carefully at the list (Show card 1) and report all problems which occurred to you. It is possible to list multiple problems from the same type and category.**

**Interviewer:**

* We are interested to record as many problems as possible – help the respondent to think back and report problems
* Display Show card 1 and go through it with the respondent. **Interviewer: Please hand out the show card to the respondent. If the respondent is not literate, please read the Show card out loud.**
* Explain that we are interested to hear about serious problems but also less severe problems. Encourage the respondent to report problems
* Explain that it does not matter what the respondent did (or did not do) about the problem.
* A person might experience more than one type of problem or multiple problems from the same category.
* **[Interviewer: Note down the code of the first problem that the respondent mentions].**
* **If the respondent does not record any problem, please insert go to the next question.**

|  |  |  |
| --- | --- | --- |
| # | Problem code | Follow up |
| 1. Problem #1 | \_\_\_[write here problem code from Show-card 1] |  |
| 1. Problem #2 | \_\_\_[ code from Show-card 1] |  |
| 1. Problem #3 | \_\_\_[ code from Show-card 1] |
| 1. Problem #4 | \_\_\_[ code from Show-card 1] |
| 1. Problem #5 | \_\_\_[ code from Show-card 1] |
| 1. Problem #6 | \_\_\_[ code from Show-card 1] |
| 1. Problem #7 | \_\_\_[ code from Show-card 1] |
| 1. Problem #8 | \_\_\_[ code from Show-card 1] |
| 1. Problem #9 | \_\_\_[place here problem code from Show-card 1] |
| 1. Problem #10 | \_\_\_[place here problem code from Show-card 1] |
| 1. No such problem was experienced |  | Go to Section 7 Question 7.1 |

1. **Description of the problem**
   1. If there is more than one answer to the previous question ask the respondent to select the most serious problem. Record the number (category and type) of the selected problem as recorded in Question 2.1. Use Show card 1.

|  |
| --- |
| # Problem |
|  |

**Question 3.1b.** Describe briefly the problem. Could you please describe the (most) serious problem)? [Interviewer: ask the respondent to concisely describe the problem, what was it about, who else was involved?)

|  |
| --- |
|  |

[Interviewer: Read out loud: We have just asked you for a general short description of the problem, now we will ask you some more specific questions about the problem]

* 1. **When did the problem first appear?**

\_\_\_(mm/yy or Calendar)

Do not know

* 1. **When did you first take action to solve the problem?**

\_\_\_(mm/yy or Calendar)

❑ Did not take any action to solve the problem

❑ Do not know

**Instruction:** Taking action could take different forms – searching for information, contacting a lawyer, talking to the other party, filing a lawsuit, calling the police etc. It should be some actual action. Guide the respondent if necessary.

* 1. **To what extent did the problem affect your life? [Interviewer: read all categories out loud]**

|  |  |
| --- | --- |
| Did not affect me at all | 1 |
| Affected me to a small extent | 2 |
| Affected me to a moderate extent | 3 |
| Affected me to a large extent | 4 |
| Affected me to a very large extent | 5 |
| Do not know | 98 |
| Do not want to answer | 99 |

* 1. **Was this a personal or a business problem?**

|  |  |
| --- | --- |
| Personal | 1 |
| Business | 2 |
| Mixed | 3 |
| Other | 4 |
| Do not want to answer | 99 |

* 1. **Who are/were you in a dispute or disagreement with?**

|  |  |
| --- | --- |
| Employer | 1 |
| Colleague | 2 |
| Friend | 3 |
| Family members | 4 |
| Neighbour | 5 |
| Council of Elders | 6 |
| Private company | 7 |
| Public authority/State institution | 8 |
| A stranger | 9 |
| Other:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | 10 |
| Do not want to answer | 99 |

* 1. **Because of the problem did you experience [select all that apply]: [Interviewer: read all responses out loud]**

|  |  |
| --- | --- |
| Personal injuries | 1 |
| Extreme stress or mental health problems | 2 |
| Physical health problems | 3 |
| Problem with relationships | 4 |
| Violence against your family-members | 5 |
| Violence against you | 6 |
| Vandalism against you | 7 |
| Loss of time | 8 |
| Loss of job | 9 |
| Loss of income | 10 |
| Other: ... | 11 |
| Do not know | 98 |
| Do not want to answer | 99 |

* 1. **What was the problem about? [select all that apply]: [Interviewer: read all responses out loud]**

|  |  |
| --- | --- |
| Property | 1 |
| Money | 2 |
| Receiving apology | 3 |
| Punishing someone for wrongdoings | 4 |
| Improving relationship | 5 |
| Realising/exercising rights | 6 |
| Do not know | 98 |
| Do not want to answer | 99 |

* 1. **Did you look for legal advice from informal sources?** **[select all that apply]**

**Interviewer**:

* Tell the respondent that more than one answer is possible – select all that apply.
* Emphasise that information or advice giving is not the same as actually solving the problem)

|  |  |
| --- | --- |
| Friend/s | 1 |
| Colleagues | 2 |
| Family members | 3 |
| Cultural leaders | 4 |
| Clan leaders | 5 |
| Elders | 6 |
| Church leaders | 7 |
| Neighbours | 8 |
| Other | 9 |
| None of the above | 10 |

* 1. **Did you look for legal advice from professional sources such as?** **[select all that apply]**

|  |  |
| --- | --- |
| Court of law | 1 |
| Kadhi Court | 2 |
| An Administrative Tribunal | 3 |
| Central government organisation | 4 |
| Police | 5 |
| NGO | 6 |
| Lawyer | 7 |
| Chief | 8 |
| Assistant-Chief | 9 |
| Employer | 10 |
| County Government | 11 |
| Other | 12 |
| None of the above | 13 |
|  |  |

* 1. **[only display if Question 3.9=10 AND Question 3.10=13; After this question go to Question 3.14] What were the reasons for not seeking legal advice to solve this problem? (multiple choice)**

|  |  |
| --- | --- |
| Did not know what to do to receive legal advice | 1 |
| Did not think that anything can be done | 2 |
| Did not have money to pay for legal advice | 3 |
| The person who was in position to help me was far away or difficult to reach | 4 |
| Did not have time to seek legal advice | 5 |
| I did not believe that legal advice would have helped me to solve the problem | 6 |
| The problem was not important | 7 |
| I wanted legal advice but was not able to obtain it | 8 |
| I did not need any legal advice | 9 |
| I was not aware of opportunities for receiving assistance | 10 |
| Other | 11 |
| Don’t know | 98 |

* 1. **[only display if Question 3.9!=10 AND Question 3.10!=13] Which person or organisation has been the most helpful with providing legal advice?**

Show selected codesfrom Question 3.9 and Question 3.10

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. **Please indicate to what extent you are satisfied with the help of?** (mention selection in Question 3.12)**:**

|  |  |
| --- | --- |
| To a very little extent | 1 |
| To a little extent | 2 |
| To a moderate extent | 3 |
| To a large extent | 4 |
| To a very large extent | 5 |
| Don’t know | 98 |
| Do not want to answer | 99 |

* 1. **To solve the problem, did you look for information on/in [select all that apply]: [Interviewer: read out loud and select all that apply]**

|  |  |
| --- | --- |
| Internet | **1** |
| Radio | **2** |
| Books | **3** |
| Brochures | **4** |
| Newspapers or magazines | **5** |
| TV | **6** |
| Other | **7** |
| Did not need information | **8** |
| Did not know where to look at | **9** |
| Don’t know | 98 |
| **DISPUTE RESOLUTION** |  |

* 1. **Did you try to solve the problem by yourself by using the following actions?** (Select all that apply) [Interviewer: read out loud and select all that apply]

Independently contacted the other party 1

Contacted the other party via relative 2

Contacted the other party via friend/neighbour/colleague 3

Took other actions myself 4

None of the above 5

* 1. **Did you try to solve the problem through a non-professional neutral (third) party?** (Select all that apply) [Interviewer: Read out loud and select all that apply]

|  |  |
| --- | --- |
| Friends | 1 |
| Colleagues | 2 |
| Family members | 3 |
| Clan leaders | 4 |
| Elders | 5 |
| Church leaders | 6 |
| Neighbours | 7 |
| Cultural leaders | 8 |
| Other | 9 |
| None of the above | 10 |

* 1. **Did you try to solve the problem through a professional neutral (third) party?** (Select all that apply) [Interviewer: Read out loud and select all that apply]

|  |  |  |
| --- | --- | --- |
| Kadhi Court | 1 | |
| Court of law | 2 | |
| An Administrative Tribunal | 3 | |
| Central government organisation | 4 | |
| Police | | 5 |
| NGO | | 6 |
| Lawyer | | 7 |
| Chief | | 8 |
| Assistant Chief | | 9 |
| Employer | | 10 |
| County Government | | 11 |
| Other | | 12 |
| None of the above | | 13 |

* 1. **[show if Question 3.15, Question 3.16, Question 3.17 contain one or more answers different that None of the above. Else (if Question 3.15, Question 3.16, Question 3.17 contain only None of the above) go to Question 6.11] Tell us the sequence in which you tried to resolve the problem:**

|  |  |
| --- | --- |
| Activity (show only codes selected in Questions 3.14-3.16 (without None of the above, I did not) | Sequence in order of using the process (i.e. first, second, third...) |
| -- | -- |
| -- | -- |
| -- | -- |

* 1. **Which process helped the most to solve the problem: [Interviewer: read out loud and select one]**

\_\_\_\_\_(Show selected codes in Question 3.15 Question 3.16 Question 3.17)

* 1. **Who was the person, organisation or mechanism** (e.g. lawyer, judge, police, Traditional Justice Mechanism) that helped you the most to/in attempting to solve the problem? **:**

**Interviewer: Explain to the respondent that we are interested in institutions and organisations, not in names of people**

\_\_(short text)

1. **Costs of the procedure**
   1. Please tell us how much **money** [in Kenyan shillings] you spent, in total, to solve the problem.

\_\_\_\_Numeric value

❑ No response

* 1. **Please tell us how much time in days you spent attempting to solve the problem.**

\_\_\_\_Numeric value

❑ No response

* 1. **How stressful was the process?**

**Interviewer**: Clarify that this question relates to stress experienced as a direct result of the *process* of dealing with the problem, not the stress experienced as a direct result of the *problem itself*.

|  |  |
| --- | --- |
| ❑ Very little stress |  |
| ❑ A little bit of stress |  |
| ❑ Moderate amount of stress |  |
| ❑ Considerable stress |  |
| ❑ A lot of stress |  |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

* 1. **Did the process make you feel frustrated?**

|  |  |
| --- | --- |
| ❑ Very little frustration |  |
| ❑ A little bit of frustration |  |
| ❑ Moderate amount of frustration |  |
| ❑ Considerable frustration |  |
| ❑ A lot of frustration |  |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

* 1. **Did the process make you feel angry?**

|  |  |
| --- | --- |
| ❑ Very little anger |  |
| ❑ A little bit of anger |  |
| ❑ Moderate amount of anger |  |
| ❑ Considerable anger |  |
| ❑ A lot of anger |  |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

* 1. **At any point during the process, did you feel humiliated?**

|  |  |
| --- | --- |
| ❑ Very little humiliation |  |
| ❑ A little bit of humiliation |  |
| ❑ Moderate amount of humiliation |  |
| ❑ Considerable humiliation |  |
| ❑ A lot of humiliation |  |
| ❑ Don’t know | 98 |
| ❑ Not Applicable | 99 |

1. **Quality of theProcedure (the questions from this and next sections refer to the dispute resolution process indicated in Question 3.17 and Question 3.18)**

**Interviewer**:

* Read out “In this section we will ask you what you think about the quality of the process that you used to solve your problem.”
* Emphasise that these questions refer to the process and NOT to the outcome of the process (questions concerning the outcome follow later).
  1. **[Procedural justice] Please indicate to what extent:**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | Were you able to express your views and feelings during the dispute resolution process? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Were these views and feelings appropriately considered during the process? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Were you able to influence the final result? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Were the same rules equally applied to you and to the other party/ies? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Was the \_\_\_\_[mention code from Question 3.19] objective and unbiased? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Was the dispute resolution process based on accurate information? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Were you able to correct wrong information during the process? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Did you find the process fair? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Are you satisfied with the process? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 97 | 98 |

* 1. **[Interpersonal justice] Please indicate to what extent:**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know |
|  | Did \_\_\_\_\_\_\_\_[ mention code from Question 3.19] treat you with respect? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Did \_\_\_\_\_\_\_\_[ mention code from Question 3.19] treat you in polite manner? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Did \_\_\_\_\_\_\_\_[ mention code Question 3.19] refrain from making improper remarks or comments? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 97 | 98 |

* 1. **[Informational justice] Please indicate to what extent:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | | To a very large extent/ completely | | Not applicable | | Don’t know | |
|  | Was \_\_\_\_\_\_\_\_[ mention code from Question 3.19] honest in his/her communications with you? | | ❑ | ❑ | ❑ | ❑ | | ❑ | | ❑ | | ❑ | |
|  | Did \_\_\_\_\_\_\_\_[ mention code from Question 3.19] explain the procedure thoroughly and made sure you understood it? | | ❑ | ❑ | ❑ | ❑ | | ❑ | | ❑ | | ❑ | |
|  | Did \_\_\_\_\_\_\_\_[ mention code from Question 3.19] explain your rights and options during the process thoroughly and made sure you understood them? | | ❑ | ❑ | ❑ | ❑ | | ❑ | | ❑ | | ❑ | |
|  | Did \_\_\_\_\_\_\_\_[ mention code from Question 3.19] explain the process in a timely manner? | | ❑ | ❑ | ❑ | ❑ | | ❑ | | ❑ | | ❑ | |
|  | Code | 1 | | 2 | 3 | | 4 | | 5 | | 97 | | 98 | |

1. **Quality of the Outcome**

**Interviewer**:

* Whereas until now we asked about the process, in the following section we are focusing on the outcome, or the result of the attempt to solve the problem.
* Read out: “In this section we will ask you some questions about the result of the process that you followed to solve the problem.”
* Explain, with examples, that the result of a process may be. For example:
  + A decision of a neutral decision maker, like a judge, administrative panel or an arbiter;
  + An agreement reached with the other party.
  + Even giving up might be the result of a process.
* Explain that the result can lead to one or more of the following concrete actions:
  + Money paid by you or the other party
  + Things returned to you
  + Order to refrain from certain behaviour, to repair goods, or to avoid harm
  + Sanctions such as fines, detention etc.
  + An apology, or another expression of regret (traditional ceremony for restoration)
  + The above are just examples – there could be other things
  1. **Has your problem been resolved? [Interviewer: Read all responses out loud]**

|  |  |  |
| --- | --- | --- |
| ❑ Yes, completely |  | Go to Question 6.2 |
| ❑ Yes, partially |  |
| ❑ No, the problem is on-going and is still in the process of being resolved |  | Go to Section 7, Question 7.1 |
| ❑ No, and I am no longer taking any action to resolve it (I accepted that it will not be solved) |  |
| ❑ Don’t know | 5 |
| ❑ No answer | 6 |

* 1. **If a process to resolve the problem had been initiated, please indicate when you have received the result/ outcome of that process?**

\_\_\_(mm/yy or Calendar)

**Instruction:** this question refers to an outcome of a dispute resolution process. It might take different forms – judgement, out of court agreement, mediation, a process is terminated etc. Problem resolution and outcome might be different things. Guide the respondent if necessary.

* 1. **How has the problem been resolved?**

|  |  |
| --- | --- |
| ❑ Through a decision of a public authority | 1 |
| ❑ Through a decision of an official court or similar tribunal | 2 |
| ❑ Through a decision of an informal court or leader | 3 |
| ❑ Through a decision of a non-government organization | 4 |
| ❑ I talked to the other party directly and we reached and agreed to solution | 5 |
| ❑ I talked to the other party with the help of a mediator/conciliator and we reached an agreed solution | 6 |
| ❑ Problem sorted out itself | 7 |
| ❑ Other (specify) | 8 |
| ❑ Don’t know | 98 |

* 1. **Briefly describe the nature of the result?**

**Interviewers: what we are looking for here is a VERY BRIEF description explaining what the result was. For example:**

* a court ruling in which the other party is ordered to apologise, to pay a debt, or to refrain from passing through the land of the neighbour;
* a decision of a public authority rejecting a request for a building permit;
* an agreement with the other party to receive custody of your child and/or pay alimony fees

|  |
| --- |
|  |

* 1. **Distributive Justice**

**Interviewer:**

* **The following set of questions is** only relevant to disputes that were about something that can be divided**. For example:**
* **A debt (where the parties could not agree how much was the debt)**
* **Custody over children when a couple is getting a divorce**
* **Division of property when a couple is getting a divorce**
* **Arrangement on dividing the right to use a property (you can use this piece of land to commute your cattle in the weekends)**
* **What we are trying to assess is the fairness of the distribution when such disputes are resolved. Note that some of the questions may seem similar to each other on first sight, but they do concern subtle differences. For example, the difference between equal division and fair division: Equal (i.e. 50%/50%) can be fair, but can also be unfair if there are reasons to believe the other side deserves more.**
* **Another subtle difference is between what a person think he/she *deserved* to what he/she *needed*.**
* **When presenting the questions below, try to be as CONCRETE and SPECIFIC as possible: mention the specific dividable ‘thing’ that the respondent mentioned before. E.G. replace ‘matter’ with ‘money’ / ‘property’ / ‘custody’ etc.**
* **Make sure the respondents understand the question well before responding!**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | How fair was the matter at stake [money/rights/property etc. – replace with the concrete issue that was at stake, as mentioned earlier by the respondent] divided between you and other party | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Was the matter at stake divided equally between you and other party?  **Interviewer**: explain that ‘equal’ here means: identical parts (e.g. if the dispute was about money, the decision is the split the sum 50% to each of the two parties) | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | To what extent was the division of the matter according to what you deserved to receive? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | To what extent was the division in line with what you *needed*? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | To what extent was the division in line with what the other party deserved? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

* 1. **Restorative Justice**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | Did the result of the process bring you back all the money you lost or compensate the damages you suffered? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Did the result make you feel better? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | If there was a relationship and it was harmed: Did the result improve the relationship with the other party? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

* 1. **Functionality of the result**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | **Interviewer**:To what extent did the result solve the problem? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Has the decided result actually been implemented? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Will this result guarantee that the other party does not do the same things in the future? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | To what extent did you receive the result at the time you needed it? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

* 1. **Transparency of the outcome**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | Did you receive an explanation (reasons) about the result from \_\_\_[show code from Question 3.19] | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Are you satisfied with the explanation (reasons) you received about the result? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Was it possible for you to compare your result with the results in other similar cases? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Was your result similar to the outcome of other similar cases? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | To a very small extent/not at all | To a small extent | To a moderate extent | To a large extent | To a very large extent/ completely | Not applicable | Don’t know. |
|  | Was the result favourable to you? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Did you find the result fair? | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

* 1. **What were the most important reasons for not taking any action? [Interviewer: read out loud and select all that apply]**

|  |  |
| --- | --- |
| ❑ Problem was not serious enough | 1 |
| ❑ I expected the problem to solve itself | 2 |
| ❑ I did not need legal advice | 3 |
| ❑ I did not believe I will achieve a positive result | 4 |
| ❑ Did not know what to do/Did not know where to go | 5 |
| ❑ Our judicial system is not effective | 6 |
| ❑ I did not have enough money | 7 |
| ❑ I had to travel long distances | 8 |
| ❑ Did not have time / It would have taken too much time | 9 |
| ❑ Was afraid it might aggravate the relationships with the other party | 10 |
| ❑ Was afraid for reprisals | 11 |
| ❑ The other party agreed to solve the problem amicably | 12 |
| ❑ Customs and tradition did not allow me | 13 |
| ❑ Other party was right | 14 |
| ❑ The other party was more powerful | 15 |
| ❑ *Other* | 16 |
| ❑ Don’t know | 98 |
| ❑ Don’t want to answer | 99 |

* 1. **Do you think that any of the following types of assistance would have helped you to achieve a better outcome for the problem?**

|  |  |
| --- | --- |
| ❑ Additional or better information, to help you deal with or understand the problem |  |
| ❑ Someone to explain the legal aspects to you or help with forms, letters or documents |  |
| ❑ Someone (for example an advocate or mediator) to deal with or intervene with the other party on your behalf |  |
| ❑ A lawyer to deal with the problem using the legal system or courts |  |
| ❑ Not at all |  |

**Ask ALL**

1. **Perceptions of justice / attitudes towards justice institutions**
   1. **To what extent do you agree with the statements?**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | **Agree strongly** | **Agree** | **Neither agree nor disagree** | **Disagree** | **Disagree strongly** | **Don’t know** |
|  | I trust the courts (system) in Kenya | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | I trust the local traditional justice mechanisms to resolve disputes | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | I trust the police (system) in Kenya | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | I trust the lawyers | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | I trust non-governmental legal aid organizations | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | I trust the government | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  | Courts generally protect the interests of the rich and powerful above those of ordinary people. | ❑ | ❑ | ❑ | ❑ | ❑ | ❑ |
|  |  |  |  |  |  |  |  |
|  | Code | 1 | 2 | 3 | 4 | 5 | 6 |
|  |  |  |  |  |  |  |  |

**Question 7.1b To what extent can people like me receive advice from a lawyer when they have a legal problem?**

|  |  |
| --- | --- |
| ❑ To a very little extent/not at all | 1 |
| ❑ To a little extent | 2 |
| ❑ To a moderate extent | 3 |
| ❑ To a large extent | 4 |
| ❑ To a very large extent/completely | 5 |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

**Question 7.1c Can people like me rely on justice to resolve problems when it is needed?**

|  |  |
| --- | --- |
| ❑ To a very little extent/not at all | 1 |
| ❑ To a little extent | 2 |
| ❑ To a moderate extent | 3 |
| ❑ To a large extent | 4 |
| ❑ To a very large extent/completely | 5 |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

**Question 7.1d Can people like me access a court of law when they have a legal problem?**

|  |  |
| --- | --- |
| ❑ To a very little extent/not at all | 1 |
| ❑ To a little extent | 2 |
| ❑ To a moderate extent | 3 |
| ❑ To a large extent | 4 |
| ❑ To a very large extent/completely | 5 |
| ❑ Don’t know | 98 |
| ❑ Not applicable | 99 |

**[Interviewer: read out loud] Imagine you had a conflict with a neighbour (villager) who often causes a significant disturbance to you, for instance by trespassing your land or grazing cattle on your land.**

* 1. How likely is it that you would get a fair **solution** to the problem?

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Imagine you had a problem with your employer, for example a conflict over your dismissal.**

* 1. How likely is it that you would get a fair **solution** to the problem?

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Imagine you bought a cell phone from a big retailer, and it was defective.**

* 1. How likely is it that you would get a fair **solution** to the problem? [Interviewer: read: from 1 = very unlikely, I would not get a solution to 5 = Very likely, I would get a solution]

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very Unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Imagine you had a conflict with the official authority that issues driving licenses (or similar)**

* 1. How likely is it that you would get a fair **solution** to the problem?

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very Unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Imagine you became a victim of domestic violence (or sexual violence), and were physically hurt by a family member.**

* 1. How likely is it that you would get a fair **solution** to the problem?

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very Unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Imagine you lent approximately 25 000 Kenyan shillings to a friend, and he refuses to pay it back.**

* 1. How likely is it that you would get a fair **solution** to the problem?

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Very Unlikely, I would not get a solution | ❑ | ❑ | ❑ | ❑ | ❑ | Very likely, I would get a solution | Not Applicable |
|  | 1 | 2 | 3 | 4 | 5 |  | 6 |

**Additional information: <OPEN Text field>**