



International Centre for Criminal Law Reform
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Poverty and Access to Justice

Review of the Literature

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Research Report 2022-2

Report presented to the National Advisory Council on Poverty

Vancouver

February 3, 2022

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Introduction

Poverty is both a source and a consequence of injustice. The following is a brief review of some of the many issues at the intersection between poverty and the justice system, and more generally, poverty and access to justice. It is based on a review of the literature as well as some of the prior work by the International Centre for Criminal Law Reform and Criminal Justice Policy, an institute of the UN Crime Prevention and Criminal Justice Programme Network based in Vancouver, BC.

In their first report, the National Advisory Council on Poverty (NACP) defined poverty as the deprivation of resources and the lack of power required to attain basic living standards and to facilitate social integration and inclusion, thus clearly linking poverty to social exclusion or marginalization. Although the Council agreed with that broad definition of poverty, initially used in *Opportunity for All - Canada's First Poverty Reduction Strategy*, it also acknowledged that a more comprehensive definition would further emphasize the feelings of social disconnect and disempowerment that commonly characterize poverty.

Poverty limits people's access to justice and their ability to resolve conflicts and deal with everyday legal problems. It is a very disempowering and alienating experience. The resulting inability to successfully resolve legal problems is itself contributing to people's inability to attain or maintain basic living standards. The justice system instead of empowering poor people and allowing them to fight for their rights is too often a source for them of frustration, disillusionment, and disempowerment, as well as a direct reflection of prevailing social inequality and exclusion.

The experience of the justice system for marginalized victims of crime and individuals struggling with poverty is also problematic and is also contributing to and dictated by poverty. Yet, poverty is linked to higher rates of victimization and the consequences of victimization are often direr for people experiencing poverty and marginalization.

Finally, the experience of people facing criminal charges or being convicted of a crime is also affected by their social and economic status. The likelihood of a criminal conviction and the consequences of a criminal conviction are directly influenced by the means of the defendants and the means and social capital of those who are convicted. The lack of support for convicted offenders, compounding their ostracization, is a further source of inequality and

contributes to further entrenching them and their family in poverty and exclusion.

This report presents an overview of recent research and general information gathered from persuasive articles, publications, and research studies on the topic of poverty in Canada and its implications and influence on access to justice. By evaluating different areas of justice and legal proceedings, we seek to identify emerging themes in research and analyze effective practices and those that appear to fall short. Thus far, evident themes between poverty and access to justice include unsatisfactory victim experience, conditions leading to incarceration despite the availability of alternatives, lack of legal awareness within communities, and problematic disempowerment. While current practices and legislation have sought to address these obstacles inherent to the Canadian justice system, we suggest that the circumstances of poverty continue to impede equal access to justice in a number of ways and recommend that further research be conducted to evaluate best practices.

Access to Justice

Access to justice, as a concept, encompasses all the elements needed to enable people to identify and manage their everyday legal needs and address their legal problems, seek redress for their grievances, and demand that their rights be upheld. Included in access to justice is the condition that individuals possess the ability to physically access justice processes and proceedings, but also that they recognize, comprehend, and feel empowered to utilize the legal rights entitled to them. Factors such as geographical barriers, legal awareness, and access to legal assistance are often fostered and created by the circumstances of poverty and are important to consider when evaluating the elements of access to justice.

The Action Committee on Access to Justice in Civil and Family Matters (2013) proposed an expansive, user-centred vision of accessible family law and civil law justice systems. It is a system that includes the necessary institutions, knowledge, resources, and services to avoid, manage, and resolve civil and family legal problems and disputes. That system, according to the Committee's vision, must be able to do so in ways that are as timely, efficient, effective, proportional, and just as possible:

- by ensuring public awareness of rights, entitlements, obligations and responsibilities;

- by preventing disputes and by early management of legal issues;
- through negotiation and informal dispute resolution services; and
- where necessary, through formal dispute resolution by tribunals and courts

A significant portion of people's legal needs go unmet. In fact, many people, as a result of lack of knowledge or external advice, do not realize that their problem may be regulated by law and has a remedy obtainable through the legal system. This lack of awareness may also be exacerbated by misinformation and expectations of the justice system; however, it is often their lack of legal awareness that prevents individuals from accessing and utilizing the justice system to pursue a legal remedy to their problem. Moreover, for many people, this problem is further compounded by the additional clustering of other legal, social, and health-related problems, many of which are associated with poverty and all of which come at significant costs to the individual and the state.

Access to justice can be defined in terms of whether people's needs are met (Farrow, 2014), including and especially the needs of persons in poverty and other vulnerable groups (Canadian Bar Association, 2013). Socially excluded groups are more vulnerable and this vulnerability compounds the effects of unresolved legal problems. Importantly, the effects of these circumstances also make it more challenging for individuals to navigate the justice system, seek assistance, and pursue legal aid (Canadian Bar Association, 2013).

Civil justice and family problems are pervasive in people's lives. Some of these legal problems are experienced by a large number of people, while other problems are experienced more frequently by some vulnerable groups (poor families, immigrants, institutionalized individuals, etc.). Many people who experience legal problems do not ask for legal help. This is particularly true of people who experience debt problems and other poverty law issues, and less so for people who face family law problems or are threatened with legal action (McEown, 2009). The apparent correlation between the types of legal issues experiences and whether people seek legal assistance presents concerning support for the notion that poverty acts as, and inherently fosters, obstacles to those who experience legal problems and do not seek help.

The unaddressed legal needs of litigants are revealed in part by the number of unrepresented or underrepresented litigants found in these legal systems. The vast majority of unrepresented litigants (and defendants in the case of criminal law) are poor and cannot afford legal services. However, as was pointed out in a Department of Justice study, "the number of unrepresented litigants in family and civil courts, while an important problem, is only the tip of a very large

iceberg in civil justice” (Currie, 2007: 88). Legal issues are often triggered and further compounded by underlying problems or lead to further problems themselves. Disadvantaged people with complex and multiple needs are often reluctant to access services for reasons that include misinformation, lack of legal awareness, and distrust of the legal system. In response to this, legal service providers must therefore be aware of compounding cultural, economic, health, and poverty issues that affect decisions made people facing legal problems (McDonald & Wei, 2016).

It is also important to understand the nature and consequences of the decisions that are made by people with a legal problem in terms of their choice of a pathway to justice. We can be inspired here by the national survey conducted by the Canadian Forum on Civil Justice on “Everyday Legal Problems and the Cost of Justice in Canada” (Farrow, et al., 2016). This survey looked at legal problems from the point of view of the people experiencing them and taking different paths to resolve them. Survey respondents were asked about the path to justice they used (if any) to address their legal problem, and whether they were satisfied with the path they had chosen and the subsequent outcome of this path.

Various surveys examining pathways to justice have helped build a substantial evidence base around people’s experience of justiciable problems (Pleasence et al., 2013; Jacobs et al., 2015; Farrow et al., 2016). It appears then that the various paths to legal resolution and which is selected is thus influenced by the previously mentioned factors of legal assistance, awareness, and empowerment, and is further impacted by the presence of economic, poverty and cultural issues. Developing a comprehensive approach to access to justice requires recognition of these compounding factors and their impact of people’s justiciable experiences and outcomes.

It is also significant to consider the obviously important segments of the population that cannot access a particular path to justice because of their financial situation. The inability to access legal and justice services can be both a result and a cause of poverty. According to a recent Organization for Economic Co-operation and Development document, “(p)roviding people access to justice enables them to tackle these inequalities, and to participate in legal processes that promote inclusive growth” (OECD and Open Society Foundations, 2016: 6). The financial eligibility criteria limiting access to certain services (e.g., legal aid) are typically set based on income, family size and type, property and assets, debts, area of residence, receipt of social assistance, the

merit, urgency, and complexity of the case, among other factors). The extent of coverage varies among provinces and territories. Tsoukalas and Roberts (2002) noted that, “across Canada, there are a variety of criteria and provision of services based on differing ideas and definitions of what it is to be economically disadvantaged, and the appropriate or necessary legal services that should be provided” (p. 3).

Prevalence of Legal Problems

Based on a national survey, it was estimated that 5.1% of Canadians experienced a family law problem over a period of three years (Farrow et al., 2017). Very few people with legal problems use the formal legal system to resolve their problem. They used different pathways to resolve their problems. The costs of legal problems, in terms of their mental health impact, varied depending on whether they were attended to or not (based on survey) (Moore et al., 2017b). Some researchers have estimated that 2.1% of Canadians access social assistance as a result of experiencing everyday legal problems, including civil or family justice problems (Moore et al., 2017a).

Results from a recent report for Legal Aid BC on everyday legal needs demonstrates that over 80% of BC’s low-income residents have experienced a serious or difficult to resolve legal problem in recent years, and over 50% have experienced four or more (Sentis, 2020). Compared to 2018, the reported number and frequency of legal problems experienced has increased by 7%. Significantly, very few respondents sought legal assistance to resolve their legal problems based on the belief that it would be too costly, the problem was unresolvable, or the process would take too much time. While this survey looks at one province alone, it is important to consider the increase and how these findings may relate to the greater population of low-income individuals.

Data on the costs and other impacts of these family law problems for litigants, including out-of-pocket costs and the costs associated with legal representation and mediation, are not currently available (Dandurand & Jahn, 2018).

It is also important to acknowledge the recent events of the COVID-19 pandemic and the impact this pandemic has had on poverty and access to justice on both a micro and macro level of analysis. In their report for Legal Aid BC, Sentis (2020) identified the following COVID-19 implications as negatively affecting low-income residents in BC during the pandemic: lost employment, reduced hours of employment, and reduced access to legal services. The

concern for safety and unemployment conditions further limits access to justice for people in poverty and intensifies the already present systemic barriers within the justice system. In addition to this, the effects of COVID-19 also contributed to the recent “digital shift towards remote justice” by emphasizing the need to address the persistent access to efficient justice problem; a problem that has been subsequently exacerbated by the pandemic (Dahan & Liang, 2021, p. 420). The circumstances of the pandemic have had, and will continue to have, a relevant impact on the relationship between poverty and access to justice for all individuals, but especially for disadvantaged people with the complex needs often associated with poverty.

Obstacles to Access to Justice

As previously mentioned, there are many different obstacles and barriers that prevent people from identifying a problem as a legal problem, understanding their legal rights and responsibilities, using legal assistance services to help solve their legal problem, and feeling empowered to participate meaningfully in the resolution of their legal problem. These barriers may include costs or affordability of services, procedural complexities, communication challenges, and physical restriction.

Research makes it clear, however, that such barriers are not experienced uniformly by persons with a legal problem. Poverty and social exclusion are relevant factors and impact both the chosen pathway to legal resolution and the perceived satisfaction of justice outcomes. Beqiraj and McNamara (2014) explain that, in practice, “barriers operate simultaneously and have reciprocal effects on each other that intensify their impact” (p. 10). Though the compounding impact of these factors has been previously mentioned, it is important to again recognize this relationship when evaluating the complexities of poverty, empowerment, and why disadvantaged groups of individuals are still not seeking legal help despite the government’s focus on addressing poverty in Canada in recent years.

Schetzer and Henderson (2003) categorized several socially and economically disadvantaged individuals who are more likely to experience multiple barriers when accessing the justice system, including people with disabilities (i.e., those suffering from intellectual, physical, sensory, psychiatric, and acquired brain injuries); people from culturally and/or linguistically diverse backgrounds; indigenous peoples; children and young adults; elderly persons; people residing in rural and remote communities; people with low levels of

education and literacy; persons who are gay, lesbian, and transgendered; women; people living in institutions (i.e., prisoners and mentally ill persons in psychiatric facilities); people on low incomes; homeless people; and people who face multiple disadvantages.

According to former Chief Justice Beverley McLachlin (2015), “procedural barriers are rules and processes that are more complicated than they should be. This leads to unnecessary delay and cost. And in some cases, it prevents people from using the justice system or availing themselves of their rights. The complicated structure of the court and administrative tribunals, the complex rules and procedures, and the sheer difficulty of finding one’s way in the law, all present formidable challenges to access to justice” (para 14).

Indeed, considering the challenges associated with understanding complex rules and processes, MacDonald (2005) suggests that “for many people, it is exactly the characterization of a problem as a legal problem that is the most important barrier to access” (p. 29).

The major systemic barriers that impede access to justice for people affected by poverty are diverse and have a unique impact on individual experiences with the justice system. The negative impact of obstacles to justice has been further exacerbated by an accompanying shift away from social acceptance and recognition of external factors contributing to a cycle of poverty and injustice, towards placing the onus of circumstance responsibility entirely on the individual (Flynn & Hodgson, 2017). The result of this shift is increased ramifications of barriers such as unaddressed housing problems, unpaid debts, and social security disputes that can escalate into serious legal civil and criminal matters (Flynn & Hodgson, 2017). These barriers that prevent access to justice also contribute to a cycle of poverty and social injustice by impairing an individual’s means to address their essential legal needs.

Defined as “legal problems or situations that put into jeopardy a person or a person’s family’s equality, personal safety ... or ability to meet the basic necessities of life”, essential legal needs are often significantly affected by socioeconomic status (Canadian Bar Association, 2013: 11). Take, for instance, the proposed development and practical utilization of technology to meet the modern demands of the legal system. This seemingly simple improvement, with benefits such as reduced financial and legal costs, appears to *expand* access to justice and lessen intimidation of legal processes (Bowen & Gibbs, 2018). However, in order to understand its real-world practical implications, one should evaluate the apparent genuine inclusivity of technological advancement

towards people living in poverty who may not have access to the necessary technology to be an active participant in the process. Although the goal of improving access to legal aid and the simplification of legal processes is admirable, these new judicial methods and legal assistance technology risk excluding the very population they seek to reach (Dahan & Liang, 2021). To effectively implement such measures in a manner that aids individuals affected by poverty requires further examination of proposed methodology and access to technology for these individuals.

Differential Access to Legal Information

People who seek legal information or try to improve their knowledge of the law do not always receive meaningful, credible, and trustworthy information about their legal problem or the law that is relevant to the jurisdiction in which they find themselves. They need information to enable them to identify whether they have a justiciable problem or a legal recourse. They look for direction on how that problem might be addressed or resolved. Bond et al. (2016) define legal information as “general information about the law that is not tailored to an individual’s specific situation, can help a person understand when a problem is a legal problem, and can discuss options and possible next steps, indicate when a person needs to get more help and advice, and how to find that help” (p. 12).

Buckley (2013) identifies four key functions served by public legal education and information:

- Helping people to understand the law, their legal rights and responsibilities, and how their justice system works.
- Helping people to learn how to identify and address their everyday legal needs.
- Helping people to gain an understanding of their legal problems and their options for next steps, including where and how to get more help.
- Helping people to address their legal problems by gaining an understanding of their legal rights and related legal process issues and taking some or all steps in the process on their own.

The main problem of course is that access to legal information is still very unequal and that people struggling with poverty and marginalization still encounter major obstacles in accessing the legal information that would possibly empower them.

The Experience of Self-represented Litigants

Accessible legal assistance services, including self-help resources, are arguably beneficial to all those navigating the justice system, but may prove particularly useful for self-represented litigants, whose pathways to justice are often fraught with heightened levels of distress and anxiety. Despite the reported increased prevalence of individuals who are self-representing in Canada (Birnbaum et al., 2012), there is very limited data on the experiences of such litigants. What comprehensive research has been produced in Canada is somewhat outdated, noting that the most rigorous study remains the seminal 2013 research report by Julie MacFarlane. Among other things, McFarlane's study found that litigants' decision to self-represent was most based on financial considerations or dissatisfaction with legal services. Justice system engagement by self-represented litigants was generally negative, with respondents reporting frustration in completing court forms, poor perceptions of lawyers, and incivility by judges.

Building on that study, the Canadian-based National Self-Represented Litigants Project produces so-called "Intake Forms," capturing less detailed but useful data. Based on the most recent Intake Form, a review by Brandon Fragomeni and his colleagues (2020) lent support for MacFarlane's earlier findings, showing that 68% of self-represented litigants retained a lawyer to advise on their justice pathway, but discontinued such services due to a lack of finances. Of those who retained a lawyer, merely 10% indicated a level of satisfaction with the services. The study also revealed a decline in the availability of mediation (34%) among self-represented litigates, with 75% of respondents indicating that the use of mediation failed to result in a partial or full settlement. In terms of pathways to justice, the experiences of self-represented litigants are important to consider in part because they may reflect a culmination of various justice system failings, from inaccessibility to poor quality of existing services.

Another longitudinal study by Shestowsky (2018), who asked civil litigants about the factors they considered in their procedural selection decisions, found that the main three factors deemed important by litigants remained stable before and after their case, particularly their lawyers' advice, economic costs, and time efficiency.¹ Furthermore, the respondents who indicated lawyer's

¹ The least frequently referenced factors revolved around the bindingness of the decision, input from others, and the ability to appeal the decision.

advice and cost as key factors in their initial decisions were more likely to report that those criteria motivated their ultimate use of a specific procedure. Conversely, time efficiency was not associated with pathway use. Such findings deviated from those of previous research, which tended to show that process control and the perceived likelihood of receiving a favorable outcome were the top factors shaping disputants' decisions (Thibaut & Walker, 1975). Similarly, the more recent findings signal that lawyers' procedural preferences influence litigants' decision-making to a significant extent, which might be slightly problematic in part because there has been seemingly little empirical research on the factors considered by lawyers in advising their clients on procedures. Existing literature suggests that lawyers may be incentivized to advise clients based in part on their own self-interest (Macey, 1994) and experience using different pathways, including alternative dispute resolution (Wissler, 2002).

High costs tend to explain the problem resolution decisions made by people facing justice problems. Using the path to justice paradigm, some studies have attempted to measure the relative costs and procedural quality of paths to justice, as well as their outcomes from the perspective of the justice system user (Gramatikov et al., 2011).²

While financial distress is a strong predictor of self-representation, other factors include distrust and negative predispositions towards lawyers; the litigant perceives their legal problem as simple and straightforward; reliable access to legal help, often from friends or family members; high level of education and professional experience, which may enable them to navigate legal documents and court proceedings; familiarity with courts or legal processes; an amicable relationship between the two parties; the desire to retain control over the case; and a litigant may hold a 'do-it-yourself' mentality (Dandurand & Jahn, 2017).

The proportion of litigants who are unrepresented in family courts is very high and growing (Birnbaum et al., 2012). There is some qualitative research on the personal impact of having to self-represent in civil or family law proceedings. For instance, in a qualitative study to develop data on the experience of self-represented litigants (SRLs) in three provinces (Alberta, British Columbia and Ontario), Macfarlane (2013) conducted focus groups and in-depth interviews with 259 SRLs, 60% of whom were dealing with family law

² The costs of justice are defined as “the resources which the user needs in order to travel from the beginning to the end of a path to justice” (Gramatikov et al., 2011).

issues. Macfarlane found that the primary reason for self-representation was financial. She also found that many SRLs suffered stress-induced illnesses, such as depression, sleep disorders, and headaches, as a direct result of their legal problem (Macfarlane, 2013: 108). These individuals also described their foregone earnings, loss of employment, and social isolation. More quantitative analysis could provide insight into these impacts.

Eviction cases often stand to have profound and long-term effects for individuals, children and others. It is worth underscoring that, in addition to being destabilizing problems with profound consequences, they are problems that predominantly affect people living in poverty or who are otherwise unable to afford the cost of legal representation. It is one of many of the intersection of poverty and justice. The disadvantage that is at once created when a *self-represented* tenant appears without legal representation against his or her represented landlord should not be ignored.

Enhancing the Legal Capability of People Living in Poverty

The question is whether poor or otherwise vulnerable people's experience of access to justice services system empowered and enabled them to manage their legal needs or resolve legal problems. Are existing services helping vulnerable people develop the self-confidence and capability to face legal problems or disputes?

Collard and Deeming (2011) define legal capability as the ability of individuals to recognize and deal with law-related issues that they might face. Legally capable individuals, they argue, should be empowered to deal with law-related issues. They identify four domains of legal capability:

- Recognising and framing the legal dimensions of issues and situations
- Finding out more about the legal dimensions of issues and situations
- Dealing with law-related issues and situations
- Engaging and influencing (Collard & Deeming, 2011, p. 3).

Legal capability is a key indicator for the effective use of legal services. Surveys have shown that people with low levels of legal capability are more likely not to act, and less likely to sort things out alone: "They are less able to successfully solve legal problems and are twice as likely to experience stress-related ill-health, damage to family relationships and loss of income" (Wintersteiger, 2015: 3) (see also: Forell and McDonald, 2015).

Pathways to Justice

The problem resolution routes for users and non-users of the civil and family justice systems are different for people affected by poverty. By exploring the decision-making and factors associated with different routes to justice problem resolution, surveys examining the various paths to justice adopted by people who experience legal problems have helped build a substantial evidence base around people's experience of justiciable problem (Pleasence et al., 2013; Pleasence et al., 2015; Jacobs et al., 2015). These surveys found that there are many and varied paths and that formal legal processes are often peripheral to the experience of many legal problems. (Jahn & Dandurand, 2021).

Furthermore, Griener, Jimenez, and Lupica (2017) observed that cognitive capacity and mental state affect legal self-help behaviours, recognizing that individuals who must navigate the legal system ordinarily exhibit elevated levels of anxiety, shame, and distress, which can shape decision-making. In further studies, such as those by Farrow his colleagues (2016), Dandurand and Jahn (2018), and Coumarelos et al. (2012), the costs involved to resolve a case have been noted to influence behaviours.³

Access to justice pathways are also affected by the *eligibility criteria* applied by service providers, existing triage models and triage practices, and the nature and effectiveness of referrals systems (see: Department of Justice and Regulation, 2016).

In a report for Legal Aid BC, Sentis (2018a) found that the main reason people did not take action to solve their legal problem (33%) was that they “did not know what to do” (43%), pointing to a lack of legal knowledge, skills, and

³ Recognizing that every resolution route involves varying costs, researchers have attempted to estimate the benefits and costs of justice pathways. In particular, the Access to Justice Measurement Framework, developed for Access to Justice BC, distilled the costs as (i) those borne by the justice system or any of its components; (ii) those incurred by the user of justice services or by the providers/funders of the service; and (iii) the economic impact of access to justice (Dandurand & Jahn, 2017). In a study by Paetsch and her colleagues (2017), a social return on investment analysis was conducted based on data collected from Alberta, British Columbia, Ontario, and Nova Scotia, which revealed that mediation of low-conflict family disputes created the highest social value (an estimated CAD 2.78 for every dollar spent), whereas litigation for high-conflict family problems yielded the lowest social value (CAD 0.04 for every dollar spent). The authors cautioned that the financial proxies on which they relied were “somewhat arbitrary” (p. 3), but that the findings offer useful comparisons between different processes.

capability. Of particular note, several explanations for offered to explain why individuals did not seek legal assistance services as part of their resolution process, namely related to costs and affordability (27%), hopelessness about what could reasonably be expected to be achieved (24%), and insufficient knowledge on what to do (23%). Additionally, 12% of respondents indicated they left their problem unresolved.

There are many studies that attempt to map out how people. justice pathways mapping, sometimes referred to as 'journey mapping', which involves tracking people's journey through the pathways established by various services and agencies for this purpose (Organization for Economic Co-operation and Development, 2019, p. 95). The 'journey mapping' approach focuses on people's access to existing major legal services and consists of tracking every time a survey respondent mentions a referral to major service providers.⁴ This type of process mapping helps understand how people with legal needs intersect with and progress through a complex system involving both justice and other sectors and map their needs and possible points of intervention within the process from their perspective (OECD, 2019) (Jahn & Dandurand, 2021). Mapping data with economic and other social data helps figure out how access to justice intersects with poverty, unemployment and other variables associated with poverty.

Social and Economic Costs of Unresolved Legal Problems

The social and economic costs associated unresolved legal problems and various gaps in access to justice are hard to estimate, but there is no doubt whatsoever that they are substantial (Dandurand & Maschek 2014; Cookson, 2013). The costs of not achieving resolution (considering the tendency of unresolved legal problems to cluster) are sometimes transferred to other sectors, including personal health, public health, public housing, child care, social assistance, etc. (The Canadian Forum on Civil Justice, 2012).

⁴ One example of access to justice mapping in British Columbia involved mapping patterns in service referrals experienced by unrepresented litigants (Reid, Senniw and Malcolmson, 2004).

Women

Women may face economic disadvantages and experience intersectional discriminatory barriers that prevent them from equally accessing justice (Skinnider & Montgomery, 2017). These can include matters such as location, immigration status, language skills, education level, cultural differences, age, abilities, or social status (Skinnider & Montgomery, 2017). Significantly, a woman's economic status is a major contributing factor related to experiences of unequal access to justice, and experiences of poverty have been found to be more prevalent in households headed by women (Skinnider & Montgomery, 2017; Rothwell & Robson, 2018). Additional research also suggests that female experiences of intimate partner violence associates with increased economic hardship and impacts access to civil legal services (Teufel, et al., 2021). Beyond the household, women experiencing homelessness also face greater risks including increased experiences of abuse than their male counterparts (Roebuck, 2008).

Expectedly, the challenges are often more severe for Indigenous women who are entrenched in the cycle of poverty and are being subjected to various insurmountable conditions. It must be recognized that the vast majority of women in remote communities with legal needs are Indigenous, and therefore experience many deeply rooted challenges in addition to the financial barriers (Skinnider & Montgomery, 2017). Often, these include inadequate access to legal information, insufficient familial and legal support services, few lawyers, and a lack of culturally sensitive response mechanisms (Skinnider & Montgomery, 2017). Undisputedly, these barriers continue to neglect the social, economic, and legal needs of women and contribute to their inability to overcome the challenges they face within the cycle of poverty.

Marginalized and Vulnerable Groups

Considering both the costs and barriers associated with accessing justice, it is reasonable to conclude that individuals in contact with the justice system experience an array of challenges. Further, it is likely that these challenges are exacerbated for marginalized populations due to the prevailing intersectional barriers they face. In general, homeless populations face enhanced vulnerability due to mental health conditions and increased potential to become institutionalized (Roebuck, 2008). Homelessness often stems from poverty and social inequality, and criminalizing the homeless population often creates more disadvantage and further contributes to the cycle of poverty (Herring,

Yarbrough, & Alatorre, 2020). Anecdotes within the Canadian Bar Association's (2013) report on equal justice reveal struggles faced by individuals across Canada as they navigate legal issues and marginalizing conditions. Mainly, distrust in the justice system is emphasized a failure to meet the legal rights of marginalized individuals is discerned (Canadian Bar Association, 2013). Further, the report reveals that navigating the justice system fosters many additional difficulties for those already living in precarious situations (Canadian Bar Association, 2013).

One recent study conducted in Ottawa examined factors associated with precarious housing situations among marginalized individuals who use drugs (Rowlands Snyder, Boucher, Bayoumi, Martin, Marshall, Boyd, LeBlanc, Tyndall, & Kendall, 2021). Findings suggest a relationship between persons experiencing income poverty and chances of unstable housing and drug use (Rowlands Snyder et al., 2021). In particular, one vulnerable group that may be at risk of coming into contact with these factors is immigrants as they face a greater chance of experiencing income poverty (Rothwell & Robson, 2018; Rowlands Snyder et al., 2021). The marginalization of immigrants is facilitated by immigration policies, lack of accessibility to appropriate services, increased chances of poverty, and increased risks of victimization (Jayasuriya-Illesinghe, 2018). Ultimately, the ruinous effects of unmet legal needs have greater repercussions than just to those vulnerable groups who are directly affected. The consistent failure to meet legal needs is a collective concern, and ultimately neglects the key principles of due process, the rule of law, and human rights (Flynn & Hodgson, 2017)

Impact on Family

Growing up as a child whose parents are financially unstable can have everlasting effects on the child. From a young age the child experiences the stressors that the parents have to endeavor which can put pressure on the child. The younger the child is introduced to poverty the more chances the child has of being impacted because their development occurs rapidly (Polyzoi et al., 2020). Along with the link of early experience to poverty resulting in health effects in their adult lives (Gupta, Wit, & McKeown, 2007). Children from low-income households tend to be less prepared for learning which inflicts their abilities to change their lifestyle and achieve greater employment (Gupta, Wit, & McKeown, 2007). This results in a continuous cycle of not being able to break the poverty line. A study found that in order to prevent the children from experiencing homelessness, first there needs to be a focus on working towards

upcoming events that could place the child in more difficult situations (Gaetz, 2014). This includes having support and working with the families as well as ensuring their educational learning is adequate (Gaetz, 2014).

Barriers to justice that are a result of poverty, impact the individual's family in the sense that the family members such as the children or the spouse do not have the additional support provided. Children of incarcerated individuals may be placed in government care where there have been many underlying allegations of maltreatment and neglect due to the separation from their families (Richard, 2018). When children must undergo abrupt hardships that make a detrimental change to their lively habits there are many risk factors that should be made aware of. The risk factors include but are not limited to mental health issues, disruptive behaviour, substance abuse, dropping out of school, and intergenerational criminal behaviour (Richard, 2018).

Furthermore, having the main supporter of the family being incarcerated can be a very difficult situation for their family because they no longer have the ability to financially support the family which places a lot of pressure on the spouse (Tabbara, 2020). The ostracizing of families with an incarcerated member presents further dissociation and contributes to their lack of support when most needed (Tabbara, 2020). Dealing with the essence of poverty alone can create many barriers in the family's lives, not including the addition of an incarcerated family member.

Poverty and the Criminal Justice System

In many cases, poverty and criminality are in a perpetual cycle with one another. Criminal justice systems create debt through the accumulation of non-repayment of criminal offence fines, court fees, victim surcharges, restitution, and regulatory offence penalties, a phenomenon referred to as justice debt (Ben-Ishai & Nayerahmadi, 2019). Most fees, fines, and the resulting justice debt imposed by the system cannot be waived, reduced, or released, even after a declaration of bankruptcy (Ben-Ishai & Nayerahmadi, 2019). These financial ramifications present a hopeless challenge for many individuals caught up in the system who are experiencing poverty.

A study published in 2021 in partnership with Public Safety Canada, Statistics Canada, and the Correctional Service of Canada found that previously incarcerated individuals make substantially less income, filed less tax, had less participation in the labour market, and received more social assistance

payments than the general population (Babchishin et al., 2021). A majority of the previously incarcerated population is unemployed and has a median income of \$0. The reported income for the employed individuals was on average less than half of what the general population of employed Canadians earn, sitting at a mean of \$14,000 (Babchishin et al., 2021). Meaning that many previously incarcerated individuals, whether employed or not, are living below the poverty line.

With all these challenges in mind, it is clear that encountering the criminal justice system is not of benefit to vulnerable groups. The criminal justice processes entangle marginalized groups into continued contact with poverty and the justice system (Bressan & Coady, 2017). Ultimately, the intersectional nature of challenges faced by marginalized groups would impede their ability to feel empowered to overcome the barriers they face.

As a part of this discussion, it is important to consider the unique challenges faced by Indigenous persons in Canada. From experiences of extreme poverty to perpetual contact with the criminal justice system, Indigenous persons are often vulnerable to many detriments and elevated risks (Truth and Reconciliation Commission of Canada, 2015). Not only are poverty rates on Indigenous reserves considerably higher than those in less remote areas in Canada, but evading these circumstances becomes difficult as living conditions are often precarious and access to necessary resources such as health care and clean drinking water can be limited (Richard, 2018). The disproportionate levels of unemployment and poverty among Indigenous populations may also make it more difficult for them to follow court-ordered conditions, such as finding and maintaining employment or paying fines and restitution (Gutierrez & Chadwick, 2020). This creates yet another challenge for this population, especially when trying to reintegrate into the community after being in contact with the criminal justice system or trying to access justice as a victim. This is a particularly pressing issue that must be addressed, as Indigenous persons are grossly over-incarcerated in Canada (Roberts & Reid, 2017). Indigenous people in Canada face deeply entrenched economic challenges and multi-generational poverty, therefore it is vital that actions are taken to remedy these challenges and make an impact on their cycle of perpetual contact with the justice system.

Plea Bargaining

In Canada, most criminal convictions arise from a guilty plea by the accused. Such a plea is often the result of an agreement between the defence counsel

and the Crown (a plea bargain). Decision-making by accused individuals regarding how to plead (guilty or not guilty) is often conceptualized as a rational process involving a cost-benefit analysis. However, that cost-benefit calculation involves radically different considerations for people affected by poverty. Guilty pleas are seen as beneficial for the justice system as they can result in more lenient sentences, increase the efficiency of the justice system, and reduce costs, however, the reality is that marginalized groups face unique pressures to plead guilty (Bressan & Coady, 2017). Poverty and lack of access to legal representation can influence the decision to plead guilty, as individuals may feel like they must do so because they cannot provide a surety in court to be released on bail (Webster, 2015). Essentially, guilty pleas are incentivized by the justice system and can lead individuals who are not guilty to confess to crimes and agree with court sanctions. Indigenous people have been found particularly vulnerable to pleading guilty due to their systemic socioeconomic disadvantages such as addiction, housing, employment, and mental health, as well as language barriers, lack of trust in the system, and a cultural emphasis on cooperation. (Bressan & Coady, 2017).

Sentencing

Poverty and homelessness affect sentencing patterns. Differential sentencing patterns are observed that relate to poverty, marginalization, and exclusion. Those involved become entrenched in a "revolving door" involving corrections, health, and social welfare services. A study in New South Wales found that intensive community supervision resulted in significant reductions in recidivism compared to sentences up to six months in prison (Wang & Poynton, 2017). Unfortunately, people requiring assistance related to housing, substance dependence, and mental illness can be disproportionately excluded from community supervision due to the inadequacy of available supports.

The lack of available supports is often a familiar experience for Indigenous individuals, and the intense social and economic vulnerabilities they face may risk increased contact with the criminal justice system (Bressan, & Coady, 2017). Importantly, Gladue sentencing principles must be considered during criminal proceedings involving Indigenous individuals to ensure that sanctions are reasonable based on the circumstances of the individual (Bressan, & Coady, 2017). For many, rehabilitative sentencing alternatives are necessary to interrupt the cycle of poverty and revolving contact with the justice system.

Social Reintegration

Any criminal sanction that involves the detention of an individual has adverse socioeconomic consequences. Individuals held on remand often do not have the opportunity to continue their employment, and consequently are not able to continue to afford their living accommodations (Roebuck, 2008). This puts any detained individual, whether on remand or serving a prison sentence, at risk of losing their basic necessities, and the means to afford them. In Canada, many people exiting remand, whether they are convicted of a criminal offence or not, do not have secure housing upon release, and around one-third of offenders in Canada will have no fixed address upon their release (Roebuck, 2008). Essentially, individuals interacting with the criminal justice system, whether they are being charged, convicted, detained, or simply fined, are at an increased risk of experiencing poverty.

Having a criminal record creates significant barriers for individuals in the community, many of which make it challenging to improve economic outcomes (Harding et al., 2011). Criminal records are a substantial barrier in obtaining necessities such as employment and housing, making economic security and meeting material needs difficult (Babchishin et al., 2021; Harding et al., 2011). Even more pressing is the fact that some populations with criminal records, such as female, Indigenous, and elder individuals, have been found to have worse outcomes with employment and income than other populations (Babchishin et al., 2021). The perpetuating relationship between poverty and homelessness is complex and has a compounding impact on social reintegration.

Not surprisingly, individuals with a criminal record rely on social assistance and government support agencies ten times more than the general population (Babchishin et al., 2021). Public benefits and government support such as supplemental income for disability, housing vouchers, and food stamps are all utilized by individuals re-entering society from the system, who have little to no public or familial support. This places additional demand on these benefits that are intended for low-income families, the populations they were originally created to support (Harding et al., 2011). An inquiry into policies that can help improve the economic outcomes of individuals interacting with the criminal justice system is necessary to scratch the surface of poverty perpetuated by it and ensure that existing support services are being utilized efficiently.

Victimization and Experiences of Victims

Living in poverty has adverse effects on individual's mental health and wellbeing. Impoverished individuals are also at an increased risk of being victimized (Cotter, 2021). The 2019 Statistics Canada report indicates that violent victimization rates for families with an income of below \$40,000 was nearly twice that of families with an income of over \$120,000. This victimization rate also included the 10% of Canadians that reported they struggled to pay a bill or make scheduled payments. Economic hardship is a known risk factor for victimization, but it can also be a consequence of prior victimization.

Risk factors that increase the likelihood victimization include homelessness and weak social cohesion. Individuals with a history of homelessness reported violent victimization rates three times higher than those who have never been homeless (Cotter, 2021). Additional research contends that there is also a link between weak social cohesion and social disorganization in lower-income neighborhoods; both social conditions that make victimization more likely (Perreault, 2015).

Victim experiences and perceived outcomes vary among individuals of different financial statuses. Theft of basic necessities, such as transportation, have greater impact on impoverished populations who cannot afford to replace them and are discouraged from pursuing a legal remedy. Victims of gender-based violence (GBV) are also at an increased risk of experiencing poverty and social exclusion (Serrano- Argüeso, 2021). Female victims of GBV have greater difficulties accessing and maintaining labour positions, providing for their families, and maintaining long-term financial stability (Serrano- Argüeso, 2021). In one study, nearly one-third of homeless females reported having experienced major violence including sexual assault and physical assault (Roebuck, 2008).

Intergenerational victimization of homeless youth is an additional area of concern in the evaluation of poverty and access to justice and demonstrates the perpetuating cycle between victimization and poverty. There is a compounding relationship between poverty, homelessness, and often abusive forms of victimization (Roebuck, 2008). However, homeless individuals may be more apprehensive about reporting victimization and interacting with police because they are fearful and mistrustful of them (Roebuck, 2008).

Also of significance is victimization experience during and after involvement with the justice system. Financially stable individuals have the means to pursue legal remedies and utilize the legal assistance in ways not accessible to

impoverished individuals; this includes the acquiring of adequate legal representation, pursuing civil matters, and taking time off if necessary.

Access to Legal Aid

Poverty and the complex need of individuals significantly impact their ability to access legal aid, navigate legal processes, and understand legal information. An inability to procure legal assistance, and the de-investment of funds from legal services, is problematic for vulnerable and disadvantaged individuals in contact with the law in several ways (Flynn & Hodgson, 2017). For instance, in the UK, victims of domestic violence require evidence from a healthcare professional to qualify for legal aid, a standard of eligibility that can be difficult to obtain, especially for those living in poverty who do not necessarily have access to medical care to obtain such evidence (Flynn & Hodgson, 2017). Cuts to government funding and lack of investment into legal aid services is further widening the gap between socioeconomic classes, fostering an environment where access to justice has devolved from a fundamental right into a “contested privilege” available only to those who can afford it (Flynn & Hodgson, 2017, p.8). Inadequate access to legal aid perpetuates the cycle of poverty and contact with the justice system by failing to provide individuals with equitable access to legal guidance, assistance, and representation. In all types of law, but specifically, cases involving criminal, debt, and family matters, the inaccessibility of legal aid due to financial, geographical or awareness reasons can impact the outcomes of the justice process and client satisfaction with the justice system.

Disempowerment and social exclusion are factors that characterize poverty and compound the effect it can have on a person and person’s family. Accessibility of external legal advice and legal awareness are obstacles that significantly impact who can successfully navigate and effectively utilize the justice system (Dandurand & Jahn, 2017, p. 11). Barriers to justice can be further complicated by the complexities of additional legal, social, and health problems that often accompany poverty. For example, the prevalence of unaddressed legal needs for individuals living in poverty is emphasized by the number of unrepresented clients in the justice system; disadvantaged individuals with numerous, complex legal problems (Dandurand & Jahn, 2017, p. 11). Society often construes welfare recipients, people in contact with the law, and those accessing legal aid as “others”, people whose complex needs and barriers to justice do not warrant sympathy (Flynn & Hodgson, 2017, p.10). Collective social perceptions like this are important to acknowledge because

they can contribute to the dismissal of legal aid resources for disadvantaged individuals.

Mitigating the Impact of Poverty on Access to Justice

Legal Empowerment and Inclusion

It is vital that justice systems increase their efforts to improve inclusion and empowerment of people affected by poverty and try to facilitate their access to justice.

The most effective recommendations to address the relationship between poverty and the justice system should include community-based solutions that prioritize both the empowerment and inclusion of indigent individuals. The empowerment and inclusion of individuals is imperative to the successful implementation of these programs and resources because it promotes confidence in, and the practical utilization of, available materials. For example, to promote inclusive conversations about poverty and access to justice, some research recommends the utilization of a more comprehensive framework; one that evaluates individual's interactions with a "network of poverty government bureaucracies" as opposed to those solely with criminal justice system (Halushka, 2020, p. 247). This advocacy of a more holistic approach, one that prioritizes the social and cultural contexts of poverty over mere punitive responses, could contribute to greater empowerment among individuals.

Programs that promote community engagement and empowerment include re-integration resources, secure housing initiatives, and social protection practices that seek meaningful solutions to the complex needs associated with poverty and access to justice (Ivsins & Yake, 2020). Recommended best practices include the promotion of civil engagement and relevant programming that is led by members of marginalized communities to better address the intersectionality of poverty, the justice system, and social power dynamics (Kia et al., 2021).

The improvement of secure and stable housing is a concern to improve community empowerment and access to justice for those in poverty. A 2010 Canadian study found that approximately 20% of the incarcerated population had been homeless prior to incarceration and over 32% were expected to be homeless upon release (Tabbara, 2020). This is concerning given that many justice system processes require clients to have a stable address (bail, pre-trial

detention, etc..). Facilitating empowerment first requires the deconstruction of systemic barriers, like housing, that impede access to basic living standards and social integration. Likewise, it is important to seek meaningful solutions to external environmental stressors associated with poverty, as it is to rely on punitive deterrence measures like fines and incarceration that aggravate the circumstances of poverty (Ivins & Yake, 2020).

Recommendations across literature contend that legal services need to be more tailored to the populations that need them (Flynn & Hodgson, 2017; Selita, 2019; Skinnider & Montgomery, 2017). Accessing justice can be stress-inducing to marginalized populations because there may be a gap in experiences, knowledge, and values in the relationships between personnel in the justice system and individuals living in poverty or facing inequality that must be addressed to improve access to justice (Selita, 2019). Therefore, inclusivity training of legal personnel is necessary to bridge the disconnect and make individuals feel more empowered to navigate the justice system. Training such as this would demonstrate an appreciation and understanding of individuals with complex legal needs (Flynn & Hodgson, 2017).

It is suggested that even when individuals can afford legal assistance, their experience may be impacted by a lack of representation among legal forces (Selita, 2019). Recommendations to increase representativeness include encouraging individuals with diverse backgrounds to get involved in legal professions, as well as finding ways to provide more equal access to legal professions (Selita, 2019). Accessibility to justice can also be encouraged by the use of pro bono contributions from legal institutions. It is argued that existing law education should be enhanced by including modules based on the realities of accessing justice for impoverished individuals (Selita, 2019).

The implementation of workshops that provide opportunities for social justice actors to gain a deeper understanding on the relationship between poverty, mental health, and social justice also demonstrate promising results. Reflection on these multidirectional relationships would further prepare justice personnel to respond to clients in a way that empowers them and mitigates their existing challenges (Audet et al., 2014). Implementing agents of change, such as community-based paralegals, can work to increase the legal empowerment and inclusion of a variety of populations (Moore & Farrow, 2019). These paralegals are in tune with cultural practices, restorative justice, and traditional approaches to legal disputes, all of which can facilitate access to justice among different populations. Community-based paralegals can provide

the ability to speak in local languages, refer clients to local services that work to address complex needs, and possess a deeper understanding of the unique cultural and social challenges of their clients (Moore & Farrow, 2019). Altogether, these recommendations offer major institutions such as the justice system some insight on how they can address and improve the inclusion and empowerment of individuals seeking to access justice.

Access to Legal Information and Assistance

As Canada has become more aware of issues surrounding poverty and access to justice, there has been a recent push to create awareness of existing services and the implementation of new legal aid services. Unfortunately, the individuals who require this assistance often remain uninformed and hesitant to utilize these services (Sit & Stermac, 2021). Hesitation may be due to the inaccessibility of technology to locate and navigate legal aid services, transportation to services, and lack of confidence in the justice system in its entirety. Improving legal aid services to make them more accessible will help individuals address their issues with the justice system and hopefully improve their overall financial standing.

Individuals with complex and compounding legal issues often face even greater difficulties navigating the justice system and acquiring legal assistance. This can breed feelings of frustration and result in small legal problems evolving into more serious matters that are more likely to result in incarceration. Misinformation and apprehension to utilize legal services therefore often contributes to future involvement with the justice system. It is thus important to prioritize the awareness of, and confidence in, legal information and services available to impoverished individuals (Sit & Stermac, 2021).

Technological Improvements to Access to Justice

Legal software provides individuals, especially those living in poverty, the ability to consult with well-founded resources and gain insightful answers related to the legal problems they may encounter. Preliminary efforts have been made to create new pathways to justice using simple artificial intelligence and digital delivery of legal services (Thompson, 2015). Recently introduced are "chatbots", a question and answer-based software created to enhance individual accessibility to legal services (Queudot et al., 2020). Mobile courts can serve as an effective way to provide individuals in poverty with legal help and enhanced accessibility to justice (Carmona, 2014). For individuals in remote

and rural areas, the lack of justice infrastructure affects accessibility in such a way that virtual measures are becoming a necessary feature of accessing justice (Skinnider & Montgomery, 2017).

New Investments

Investing in civil justice may reduce poverty, evictions, domestic violence, and homelessness. Notwithstanding the prevalence of legal problems in everyday life, people do not have adequate access to the justice information, resources, and mechanisms that they need to navigate the complexities of law. This gap in access to justice negatively impacts everyone. It also comes with significant costs to individuals and societies (Moore & Farrow, 2019).

The United Nations Sustainable Development Goals, in particular SDG 16, situates the threat of inadequate access to justice as an issue directly related to development poverty reduction.

Failure to invest in effective means and strategies to eradicate poverty and ensure access to justice is full of consequences for all Canadians. Overall, that failure contributes to a damaging cycle that escalates costs to individuals and denies effective national economic growth (Lee & Briggs, 2019). Broadly, these costs include increased expenditures related to lost opportunity, damage control efforts, and cumulative entrapment in the poverty cycle (Saulnier & Plante, 2021). The social and economic costs of poor access to justice, as well as its indirect and intangible costs have deep and lasting social consequences.

Significantly, both criminal and civil justice issues are consequences of the lack of investment in alleviating poverty (Moore & Farrow, 2019). The failure to invest in justice issues acts as a major contributor to poverty and consequently impacts the welfare of both individuals and the greater community (Moore & Farrow, 2019). In association with the perpetual costs of criminality and justice, many undesirable consequences must also be considered. Broadly, these may include pain, suffering, fear, stolen goods, damaged goods, health related costs, medical expenses, lost productivity, business losses, costs to personal security, and even costs to human life (Easton et al., 2014). Additionally, there are costs associated with unresolved legal issues and delays in accessing legal services that impact public confidence in the justice system, social institutions, and people's rights (Dandurand & Jahn, 2017). With over eleven million people in Canada susceptible to experiencing some type of legal problem (Farrow et al., 2016), making proper investments in the appropriate means to alleviate poverty

and improve access to justice becomes critical in avoiding these collateral consequences.

Understanding how investments can be made in access to justice is an important step in preventing and eradicating poverty. By investing in means to proactively respond to poverty and barriers to accessing justice, various costs can be avoided. In their report, Saulnier and Plante (2021) identify the costs that can be avoided through these investments, including opportunity costs, remedial costs, and intergenerational costs. The return on investing in means to avoid opportunity costs would allow for direct economic benefit as there would be more opportunities for persons to secure income (Saulnier & Plante, 2021). This means making investments that will increase people's opportunities to secure work, investments in proper training to enhance work productivity, ensuring equal access to education, and providing opportunities to have qualifications recognized (Saulnier & Plante, 2021).

Unfortunately, these economic benefits of various poverty alleviation measures can be countered by factors such as health and crime-related expenses which are often a direct result of living in poverty (Saulnier & Plante, 2021). In terms of justice and health-related costs, investments should be made to support physical and mental healthcare and primary public health services (Saulnier & Plante, 2021).

We need to better understand and measure the social return on these investments on access to justice and how such investments contribute to more productive earning and tax contribution, increased economic security, and overall wellbeing to people and the systems (Saulnier & Plante, 2021). As Moore and Farrow (2019) point out, similar investments would be suitable for positive justice system returns. The return on investing in justice programs and services is profitable to individual and collective personal and economic welfare (Moore & Farrow, 2019). For example, in Ontario the return on investment from Pro Bono legal services enhanced court system functioning and allowed clients to better understand and appreciate their experience with the justice system (Moore & Farrow, 2019). While this impact was significant to individuals and their personal lives, the return on this investment was also economically beneficial to the justice system (Moore & Farrow, 2019).

In terms of costs related to access to justice and the social return on investment (SROI), the Access to Justice BC (A2JBC) Measurement Working Group inspired a guide for all users engaged with justice system programming.

As a part of this guide, Roberts and Dandurand (2020) have outlined the Triple-Aim measurement framework of:

- Improving population access to justice
- Improving user experience of access to justice; and
- Improving costs

The authors contend that defining these factors become important for organizations and stakeholders to consider when aiming to measure and analyze the SROI of certain legal services and programs. Conducting such analyses outlines the potential outcomes, quantities, values, and impacts associated with certain inputs and outputs of legal services that are to be invested in. When determining if legal service investments will have the desired outcomes, organizations must accumulate the associated data to understand how outcomes of investments could present the necessary social benefits. Further, as a part of such analyses it is beneficial to focus on how the desired service investment could support a specific legal area. In the case of poverty, the most effective way to determine how certain programs will benefit poverty and justice related issues would be for those working in these areas to collaborate in narrowing the scope of the SROI analysis to those specific legal areas (Roberts & Dandurand, 2020).

Conclusion

Undeniably, there is a tight connection between poverty, criminal justice, criminalization, victimization and access to justice. Understanding the implications of disempowerment, social exclusion, and the barriers that impede access to justice are crucial in working to address the issue of poverty in Canada. Based on the research, it can be understood that legal problems are prevalent for many individuals living in poverty, and barriers engrained within the justice system, institutions, and communities continue to facilitate a revolving cycle of poverty and unequal opportunity to access justice for many Canadians. Addressing the exclusion and marginalizing barriers that affect housing, employment, and financial stability while prioritizing inclusive and rehabilitative reintegration programs for those in contact with the justice system will advance poverty eradication. Actively opening opportunities for impoverished individuals with legal needs to learn about the justice system, their legal rights, and the legal services available to them is an important step in addressing the cycle of poverty.

The experiences, social and economic statuses, and legal needs of both the victims of crime and all others in contact with the Canadian justice system varies deeply. That being so, education, policies, services, investments, and resources must all be considerate of the range of needs presented by these diverse range of voices within the Canadian public. As emphasized, effectively mitigating the impact of poverty on access to justice requires legal services to be tailored to the populations that need them. The commonalities between poverty and the justice system are *people*, and the most impactful investments to be made are those that invest in the people (Lee & Briggs, 2019). With this lens, it can be understood that eradicating the barriers to accessing justice and eliminating poverty are not as much about removal as they are about growth. Promoting inclusive growth by investing in ways to facilitate active participation in access to justice will reap influential social and economic benefits (Dandurand & Jahn, 2017). Monetarily, it is important to invest in increasing the accessibility of legal, health, educational, and culturally appropriate resources. To maximize both the social and economic returns of these investments, energy and funds must be utilized to amplify the voices of those with economic and legal needs and prioritize empowerment over power. Further research is also required into how the justice system not only fails to help alleviate poverty or mitigate its effects, but also aggravates them.

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