
5th Global OECD Roundtable on Access to Justice
27-28 March 2019, Lisbon, Portugal

A concept note

High-level roundtable¹

27 March 2019
10:00 – 13:00

Bringing justice closer to the people:
Country progress and commitments

Equal access to justice and legal empowerment are intrinsic goods and fundamental components of inclusive development and growth, good governance, effective public policy and the rule of law. These links are underscored by the inclusion of access to justice in the UN 2030 Sustainable Development Agenda (SDG target 16.3). More broadly, equal access to justice enables the achievement of all other SDGs. Access to justice and legal empowerment initiatives are necessary for achieving policy outcomes such as better health, education, gender equality employment, housing and environmental protection.

According to the Taskforce on Justice of the Pathfinders for Peaceful, Just and Inclusive Societies, an estimated 5 billion people globally have unmet justice needs. This justice gap includes people who live in contexts of systematic failure of justice institutions; people excluded from the opportunities provided by the law; and people who simply cannot obtain justice for everyday problems.

Unresolved legal problems can lead to severe consequences and can be costly to individuals, communities and societies. The OECD White Paper on the Business Case for Access to Justice estimates that direct costs generated by legal problems, and the cost of their impact on health, employment and income opportunities together exceed 0.5% of GDP in almost all countries (including in OECD countries), and in some cases can reach 3% of GDP (e.g., Lebanon).²

Investing in access to justice can help countries alleviate the burden of legal problems on citizens, contribute to more inclusive societies, reduce violence and its associated costs and lay the foundations for better governance overall.³

The need for more concerted action to provide justice for all was agreed in July 2018, when policy makers from OECD and partner countries adopted the Riga Statement on “Investing in Access to Justice for all!” (Box 1 and Annex 1). More recently, the ministerial meeting in The Hague adopted

¹ This session is co-organised with the Taskforce on Justice of the Pathfinders for Peaceful, Just and Inclusive Societies. The Task Force is co-chaired by ministers from Argentina, the Netherlands, and Sierra Leone, and the Elders. It is an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies. For more information: justice.sdg16.plus

² Estimates are based on OECD calculations, using the World Justice Project General Population Poll

³ OECD White Paper on Business Case for Access to Justice (forthcoming)

the Declaration on Equal Access to Justice for All by 2030 (Annex 2). As part of implementing these high-level commitments, this Roundtable will showcase country progress, results and commitments at the national and local levels towards providing justice for all.

Box 1. The Riga Statement - “Investing in Access to Justice for all!”

High-Level Panel, 4th OECD Roundtable on Equal Access to Justice
Riga, Latvia, 6 July 2018

On 6 July 2018, Ministers and high-level participants from OECD member and partner countries adopted the [Riga Statement](#), in which they called for greater progress in measuring and monitoring access to justice as part of implementing SDG target 16.3. They underlined the importance of understanding and meeting the legal needs of individuals (e.g., women, girls and boys, youth and older people, indigenous communities and other vulnerable communities), communities and businesses, especially small and medium-sized enterprises (SMEs), and called on the international community to develop tools and guidance to support countries’ efforts to better understand and address legal needs.

Participants also recognised that unequal access to justice generates significant costs for individuals and societies and called on international partners to continue their efforts to deepen the empirical foundations of the business case for investing in effective access to justice and legal empowerment.

The Panel – in collaboration with the Task Force on Justice of the Pathfinders for Peaceful, Just and Inclusive Societies – highlighted the importance of collaborative government and civil society efforts in OECD member and partner countries for strengthening legal empowerment and equal and people-centred access to justice. It and called for investment in access to justice for all to foster inclusive growth and implement the 2030 Agenda for Sustainable Development.

This high-level roundtable will be guided by the following questions:

- *What have been the key actions taken in your country to implement Sustainable Development Goal 16 and specifically Target 16.3 to “ensure equal access to justice for all”? What are the remaining challenges and forthcoming plans to address them? Are there some commitments that your country has made or planning to make to support the implementation of this target?*
- *How can we shape a new forward-looking and compelling vision for ensuring justice for all that puts people at the centre, guides common action across different public institutions and helps to create trust in justice institutions?*
- *What are the core elements, in your country, of the business case for investment in justice for all? Does investing in justice for all, in your country’s experience, lead to broader economic and social gains?*
- *Where we can start and what are the priorities to enable equal access to justice for all? How can we mobilise people, knowledge and evidence to foster common actions for a more inclusive justice policy? What should be the priority for action? How can we see the potential of new technologies?*

- *How can the OECD and international community at large support countries in meeting the commitment to achieve equal access to justice by 2030?*

This discussion will form an integral part of the global series of events in 2019 that build momentum towards the **2019 High-level Political Forum (HLPF)**, which will focus on “empowering people and ensuring inclusiveness and equality” (see Annex 3 for a list of events). The **2019 HLPF (8-18 July)** is the final ministerial review of the first four-year cycle of the 2030 Agenda for Sustainable Development. The first week of the HLPF will include a debate on SDG16, with ministers and other senior contributors reporting on and discussing results and announcing further action. The **first SDG Summit on 24 and 25 September** will be held during opening week of the 74th session of the UN General Assembly. The world’s leaders will come to New York where they will be asked to “mobilize further actions to accelerate implementation.” UN member states are also currently debating the best way to set up a global SDG registry of voluntary commitments.

The discussion at this OECD high-level roundtable will aim to contribute to this global commitment process. It will also produce a summary of countries’ actions and commitments towards making access to justice a reality for all. Building on the 2018 Riga Statement, this concept note highlights a range of actions that could be taken by countries to close justice gaps (*see next section*). Some examples of specific commitments can be found in Box 2.

Box 2. Commitments to enabling equal access to justice

Examples of country commitments to accelerate access to justice can include:

- implementing inclusive **strategies and initiatives** to bridge the justice gap, resolve people’s justice problems and focus on prevention, including for vulnerable groups
- developing an inclusive **vision** for leaving no one behind in accessing justice, bringing together different stakeholders
- **investing in access to justice, including by optimising** existing resources centred on affordable solutions.
- creating **new partnerships** within and outside of the justice sector and bring together people and organisations around a common purpose and objective.
- investing in better and more people-centred **justice data and evidence** and using these to drive strategies and implementation, including to anticipate and prevent legal problems and develop tailored, timely and appropriate responses.
- promoting **international co-operation on access to justice** that supports national priorities and promotes innovation.

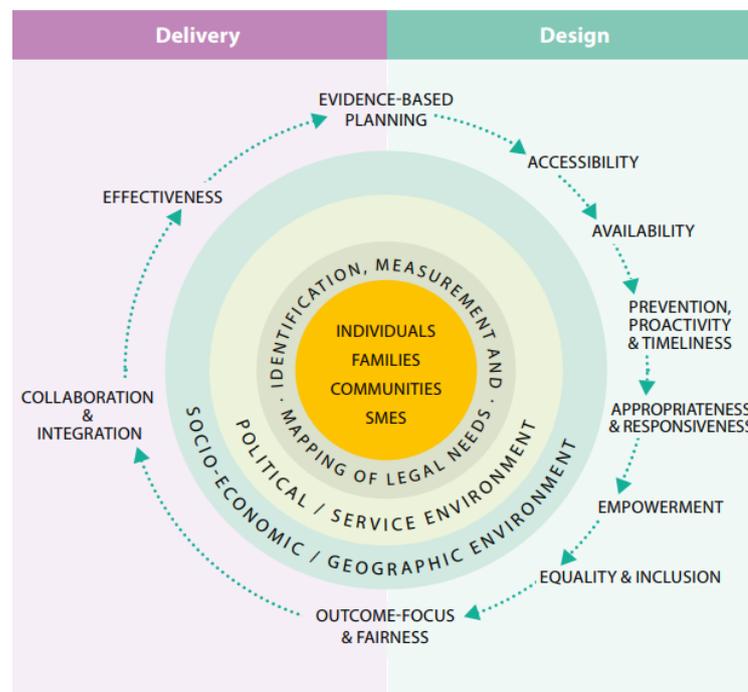
What can be done to close justice gaps?

- **Invest in data and evidence to measure and monitor progress.** Building on the momentum created by the Riga Statement, the 2019 Hague Declaration stressed the importance of understanding what people need and want when they seek justice, the obstacles they face, and the kind of justice they receive. One of the useful ways to both understand the state of access to justice in countries and monitor progress is through legal needs surveys, which have already been implemented across more than 30 countries. These surveys can help understand what people's legal problems are; what type of costs and impacts they incur; how they seek to resolve these problems and to what extent they succeed; and to what legal and justice services respond to their needs. They provide, therefore, the groundwork for people-centric reforms to increase access to justice. To help countries measure people's legal needs and their experiences of the justice system, the OECD and the Open Society Justice Initiative have designed a *Guide on Access to Justice and Legal Needs Surveys*.
- **Promote a strategic vision to leave no one behind.** Achieving SDG aspirations in access to justice requires joint and co-ordinated action by all state institutions - across different branches of power and levels of government - civil society, the private sector and communities, uniting all actors around a common vision. It calls for a multi-level, whole-of-state and whole-of-society commitment to breaking down the institutional, administrative, financial and cultural barriers to access. Such a vision should be underpinned by clear roles for different actors, robust mechanisms for exchanging data and information, and solid partnerships.
- **Put people in the centre of justice pathways.** Creating people-centred pathways to justice requires a shift from litigation to legal empowerment, prevention and early intervention. It also entails co-ordination within and across sectors, prioritisation of basic and community justice services and better targeting of justice services. Specific attention should be paid to the needs of vulnerable groups. The OECD criteria on people-centred legal and justice services, along with a report on *Strengthening Access to Justice for Inclusive Growth: Putting People in the Centre* can support countries in putting these approaches in place (Figure 1).
- **Enhance choice and inclusiveness by proposing a spectrum of justice services and providers** that corresponds to the capabilities, needs and interests of those facing a legal problem. In addition to formal judicial and non-judicial proceedings, these can include alternative dispute resolution mechanisms (e.g., mediation, arbitration, conciliation, online dispute resolution); paralegals; public legal assistance and education providers; community advocates; collaborative services from legally trained and other professionals. The challenge is to match the mix of services to the specific legal needs and capabilities of clients in the 'right' locations and at the 'right' time. It is crucial that the principles and effects of the different pathways are transparent and consistent, and their results are effectively implemented.
- **Strengthen co-ordination and integration** among legal, justice and other human service providers. People should be able to access all the services they need to solve the legal and related non-legal aspects of their problems holistically, regardless if they first seek assistance. "One-stop shop" solutions (e.g., problem-solving courts, justice centres) and partnerships across

sectors (e.g., medical-legal partnerships) can improve user experience and the chances that a problem will be either prevented, or identified early or successfully resolved.

- Focus on vulnerable and marginalised populations.** Vulnerable populations (e.g., elderly, children, single mother, people with disabilities, low income groups and indigenous communities) are typically more exposed to legal problems than others. They also tend to face greater difficulties in recognising and resolving legal problems. Limited legal capabilities and awareness, as well as lack of economic resources, reinforce barriers that they face to accessing justice. These populations also seldom use justice institutions and alternative settlement processes to resolve a legal problem.⁴ To be effective, solutions for vulnerable groups should help build empowerment; prioritise proactivity, prevention and timeliness; and focus on substantive outcomes and fairness.

Figure 1. Criteria for the design of people-centred legal and justice services



Source: OECD (2019), Equal access to justice services for economic and social well-being: Putting people in the centre.

- Close gender gaps in accessing justice.** While decades of progress towards equality of women before the law has helped to remove many discriminatory legal provisions, equality in opportunity and in accessing justice is far from a reality. According to the the High-level Group on Justice for Women, the vast majority of people affected by intimate partner violence are women. Ensuring diversity and gender parity in justice institutions can help improve the gender-sensitivity of justice pathways and reduce gender-related barriers. Undertaking regular gender gap analysis supported by gender-disaggregated data across a wide range of areas (such as types of legal problems, use of formal and informal legal and justice institutions, access to legal aid and

⁴ OECD White Paper on Business Case for Access to Justice (forthcoming)

assistance, case outcomes, attrition, etc.) can provide important insights for designing justice pathways that are responsive to the needs of women. Developing integrated and wrap-around services to tackle violence against women can help reduce revictimisation, increase reporting levels and support women's reintegration into communities.

- **Foster justice innovation, including through digital and data-based solutions.** Innovation is critical to achieving people-centricity and inclusiveness in justice services. Digital solutions have a strong potential to increase the reach and impact of existing services and create new pathways to justice. Importantly, data – both inside and outside of the justice sector and public institutions - can be used to anticipate, prevent, identify and address legal needs, thus reducing costs for individuals and governments.
- **Invest in access to justice, including through innovative financing and refinancing strategies.** Providing effective access to justice and legal empowerment for all will require continuous investment across a wide range of public institutions. Innovative financing and refinancing strategies, including and data-driven approaches (e.g. social impact investment; pay-by-results; public-private partnerships; justice reinvestment strategies) can support better access to justice in a cost-effective way while addressing the root causes of legal, social and economic problems and reducing recidivism.

In support of implementing the 2030 agenda, the Global OECD Policy Roundtables on Equal Access to Justice and the OECD **Global Hub for the Governance of the SDGs** (Annex 4) will continue exploring ways to enable people-centred justice pathways to address the legal needs of citizens and business, including vulnerable communities.

Annex 1. Riga Statement “Investing in Access to Justice for all!” High-Level Panel, OECD Roundtable on Equal Access to Justice Riga, Latvia, July 2018

On 6 July 2018, Ministers, high-level participants from OECD member and partner countries and members of the Task Force on Justice of the Pathfinders for Peaceful, Just and Inclusive Societies, met in Riga, Latvia at the High-level Panel “*Investing in Access to Justice for all!*” as part of the OECD Policy Roundtable on Equal Access to Justice. The High-level Panel highlighted collaborative government and civil society efforts in OECD member and partner countries towards strengthening legal empowerment and equal and people-centred access to justice and called for action in investing in access to justice for all to foster inclusive growth and implement the 2030 Agenda for Sustainable Development.

1. Equal access to justice and legal empowerment are intrinsic goods and foundational components of inclusive growth, transparent and accountable institutions and sustainable development. The inability to resolve legal problems, either criminal or civil in nature, can be both a cause and a result of poverty. Lack of legal empowerment and equal access to justice narrows economic opportunities available to individuals, reinforces the poverty trap, and undermines human potential. Justice problems are not randomly distributed and poor, marginalised and vulnerable populations are disparately impacted by justice problems.
2. Target 16.3 of the Sustainable Development Goals⁵ provides a unique opportunity to accelerate the provision of justice and work toward ensuring equal access to justice for all by 2030. Justice is central for progress in many of the other Sustainable Development Goals such as eradicating poverty and hunger, supporting gender equality, reducing inequality and preserving the environment.
3. Measuring and monitoring progress in access to justice from the people’s perspective is critical to ensure that no one is left behind and as part of the implementation of SDG target 16.3. It is important to understand and meet legal needs of individuals, communities and business, especially small and medium enterprises in order to promote Inclusive Growth and positive investment climate. Participants called on the international community to develop tools and guidance to support countries’ efforts to better understand and address legal needs, including the forthcoming “[Toolkit on Measuring Legal Needs and Access to Justice](#)”.
4. Lack of equal access to justice generates significant costs for individuals and societies. Unmet legal needs create direct and indirect economic and social costs to individuals, communities and the state. These can take the form of health impacts, unemployment, lost productivity,

⁵ “Promote the rule of law at the national and international levels and ensure equal access to justice for all”

mental illness, family instability, disrupted education for children and gender-based violence, all of which can impact the public purse. A better understanding is required of the needs of women, minorities, persons with disabilities and the elderly who face particular barriers in accessing justice. Failure to provide access justice for women can have intergenerational effects on children or older people as women often take responsibility for their care. Participants called on international partners, such as the Task Force on Justice, UN Agencies, OECD, European Commission for the Efficiency of Justice, IDLO, World Bank and international Non-Governmental Organisations, to continue its efforts to deepen the empirical foundations of the business case for investing in effective access to justice and legal empowerment.

5. Innovative approaches are needed in the delivery of people-centred and tailored legal and justice services to meet diverse legal needs and empower individuals, communities and business. The use of technology, non-lawyers, sectoral partnerships and independent civil society models all offer potential in addressing justice needs. A first step is identification of success factors and understanding what works, as well as exchange of good practices and the lessons learned in enhancing access to justice from people's perspective. Participants emphasised the important role of partnerships between governments, international and civil society organisations and initiatives to identify and foster exchange of experiences, as in the present event, and provide a platform for bringing together policy- and decision makers, experts and civil society to advance people-focused access to justice and legal empowerment. Participants looked forward to the forthcoming report on *People-Centred Legal and Justice Services: Fostering Inclusive Growth through Equal Access to Justice*, which is based on good practice examples from OECD member and partner countries.
6. Participants called for concerted action at the local, national and global level to achieve equal access to justice for all, specifically for women, indigenous communities and vulnerable groups. Participants agreed to impress upon their respective governments the need to allocate sufficient justice financing, defend civic space, and implement strategies and initiatives that will bridge the justice gap. The High-level Political Forum of 2019 was seen as a meaningful opportunity to showcase success and solutions in the area of justice and to make commitments to demonstrate concrete results by the end of a second four-year cycle in 2023.

Annex 2. Declaration on Equal Access to Justice for All by 2030

The Hague, February 7, 2019

On February 7, 2019, Ministers and high-level representatives from countries and international organisations convened in The Hague to come to a shared understanding of the opportunities to strengthen support and commitment for access to justice ahead of the High Level Political Forum (HLPF) and the SDG Summit in 2019.

Participants explored strategies for the achievement of SDG 16.3 “equal access to justice for all” and discussed opportunities for implementation of innovative models, identified barriers and obstacles to reform and considered recommendations and potential commitments to deliver on access to justice for all.

Participants recalled that the 2030 Agenda is based on a vision of a “just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.” The SDGs contain a pledge to leave no-one behind.

Participants considered that many people live outside the protection of the law and lack access to reliable and fair mechanisms to solve disputes. It is estimated that across the world, billions of people (men, women and children) have unresolved justice problems.

Participants further noted that unresolved legal problems impact negatively on the health, income and productivity of individuals and communities. Societies and economies bear the associated costs of having large numbers of unresolved justice problems. This affects economic growth, and may exacerbate inequality and can fuel violent conflict.

Participants recognized, that in order to make substantial progress towards “equal access to justice for all”, new approaches and additional efforts are required. In order to move from justice for the few to justice for the many, participants considered it is necessary to:

1. **Put people and their legal needs at the centre of justice systems.** Understand what people need and want when they seek justice, which obstacles they face and what kind of justice they receive.
2. **Solve justice problems.** Transform justice institutions and services through a broader range of justice providers, to ensure respect for human rights, to respond to unmet legal needs of billions of people, using high-tech as well as low-tech innovative solutions, based on data, evidence and learning, while taking into account the specificities of the context
3. **Improve the quality of justice journeys.** Empower people to understand, use and shape the law, while offering them fair informal and formal justice processes that meet their needs in terms of both procedures and outcomes.
4. **Use justice for prevention.** Make use of mediation and other methods to prevent disputes from escalating. Address legacies of human rights violations. Invest in justice systems that are trustworthy and legitimate.
5. **Provide people with means to access services and opportunities.** Break down legal, administrative and practical barriers that people face to obtain documents, access public services, and participate fully in society and the economy, while promoting gender equality.

Participants commit to take concrete steps to promote access to justice and to convince others to do the same.

Annex 3. 2019: A year of justice

Building on the momentum from Riga, a group of countries and organizations are working together to make justice a key priority in 2019:

- An unprecedented gathering of **justice leaders in The Hague** in February, around the meeting of the Pathfinders' Task Force on Justice, marked the beginning of the year of justice.
- More than 20 ministers participated in **ministerial meetings** in The Hague in February and committed to take concrete steps to promote access to justice and convince others to do the same.
- A new global report on **justice for women**, presented during CSW in March in New York, calls for urgent measures to close the justice gap for women.
- The **OECD Policy Round Table** on Access to Justice in March in Lisbon provides an opportunity to develop commitments and exchange ideas on what works to deliver on SDG 16.3.
- The **World Justice Forum** in April in The Hague will focus on spurring action and generating commitments by a wide range of organizations and institutions.
- At the **OGP Summit** in Ottawa in May, countries will be encouraged to include commitments on open justice, legal empowerment and access to justice in their national action plans.
- The **UNDP Rule of Law days** in New York in July will bring together national and international experts working for justice, including in the context of conflict prevention and fragility

Annex 4. OECD Global Hub for the Governance of the SDGs: *Supporting access to justice in SDG implementation*

The OECD **Global Hub for the Governance of the SDGs** – to be launched at the High-Level Political Forum in New York in July 2019, will provide countries, among others, with continuous learning and evolution of evidence-based best practices to ensure high-quality legal and justice services centred on people. It will work with countries to help them reorient the model of delivering justice for all towards created a people-centred justice ecosystem. Such an ecosystem could encompass a holistic and comprehensive policy and service continuum providing the right mix of legal and justice services as well as facilitating collaboration between services and among service providers.

Specifically, the Hub will promote exchanges of good practices to:

- Inform strategic planning and decision making by policy makers and providers of justice, legal assistance and dispute resolution channels
- Increase public trust in justice institutions
- Further develop capability within legal and justice institutions by helping identify, develop and promote appropriate programmes to improve staff expertise.
- Develop innovative approaches to legal assistance and service issues
- Support and strengthen both global and national dialogue with key stakeholders (including business, communities and civil society)