Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice for All
CITIZEN-CENTRED ACCESS TO LEGAL AND JUSTICE SERVICES
“Leveraging the SDGs for Inclusive Growth: Delivering Access to Justice for All”
OECD-Open Society Foundations
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HIGHLIGHTS

On the occasion of the first anniversary of the UN Sustainable Development Summit, the OECD and Open Society Foundations organised an event which aimed to discuss the role of access to justice as an enabler of sustainable development and inclusive growth. More specifically, the event sought to support the national implementation of Sustainable Development Goal (SDG) #16 on inclusive institutions and access to justice, while providing an important contribution to the OECD Inclusive Growth Agenda and the Open Society Foundations’ Legal Empowerment Initiative. It established a platform to disseminate knowledge, experience and innovation amongst its participants for the transmission of best practices across borders pertaining to the accessibility of justice.

The meeting highlighted good country practices in implementing access to justice and legal empowerment policies, and explored the impact of those policies on national development and inclusive growth, including progress towards the implementation of the SDGs. It discussed policy approaches, mechanisms and instruments that could support the implementation of SDG 16.3 at national and sub-national levels, including:

- acknowledging access to justice as a crucial element to achieving the SDGs and Inclusive Growth;
- supporting multi-stakeholder and inclusive partnerships;
- fostering effective justice communication amongst national and sub-national justice agencies;
- focusing on legal needs perspective and a “whole-of-person” approach;
- promoting exchange of practices that “work”;
- measuring what works.

The event featured keynote remarks from OECD Secretary-General, Mr Ángel Gurría, and the President of OSF, Mr Chris Stone. Additionally, high level officials from a diverse range of governments highlighted innovative country approaches to promote access to legal and justice services, including:

- Mr Wolfgang Brandstetter, Federal Minister of Justice of Austria;
- Ms Frances Fitzgerald, Tánaiste and Minister for Justice and Equality, Ireland;
- Mr Joseph Fitzgerald Kamara, Attorney General and Minister of Justice, Sierra Leone;
- Mr Tshililo Michael Masutha, Minister of Justice and Correctional Services, South Africa;
- Mr Pavlo Petrenko, Minister of Justice, Ukraine;
- Mr Bill Baer, Principal Deputy Associate Attorney General, United States;
- Mr Gabriel Cifuentes Ghidini, Director of Justice, Security and Governance, Department of National Planning, Colombia.
Acknowledging access to justice as a crucial element to achieving the SDGs and Inclusive Growth. The discussion stressed the important contribution of legal and justice institutions to sustainable development, and underlined the need for their fully-fledged participation and engagement in national and sectorial policy dialogues on development. Provision of adequate funding was considered as a necessity, which could be achieved through re-channelling funds towards access to justice (legal aid and advice centres etc.) as a means to promote other viable social outcomes such as access to housing, education and health (e.g., United States). It was also highlighted that the justice system should be accepted by citizens and that they should feel that “they do not only have access to justice but also that it is justice that they end up having access to… If you have acceptance for the justice system, then you can ensure that the rule of law is working very well and create a stable system that is the basis for investment – and this is crucial for achieving the Sustainable Development Goals” (Austria).

Supporting multi-stakeholder and inclusive partnerships. Panellists underlined the need to steer justice cooperation towards more inclusive partnerships, engaging a diversity of actors including civil society organisations (CSOs), multilaterals, the private sector and other local stakeholders. More specifically, alternative funding models and partnerships with non-governmental organisations and agencies were identified as important and underexplored areas of promoting justice and access for all. These inclusive partnerships could also include marginalised groups and be gender-responsive. “Partnerships with NGOs particularly in relation to people who are in difficulties with housing and debts, insolvency – we are conjointly delivering that through legal aid, legal advice etc., putting the citizen experience first. This way [we] are demystifying the court and the legal experience, because as my colleagues have said, there are many barriers, not only financial but psychological and isolation ones when faced with a particular difficulty” (Ireland).

Fostering effective justice communication amongst national and sub-national justice agencies. The discussion stressed the need to close social and institutional gaps between national and subnational levels given the increasing number and diversity of justice actors. This is particularly relevant at local levels where interventions of various stakeholders converge and ultimately impact citizens. This calls for approaches and instruments fostering effective justice cooperation at vertical levels within states (regional and communal levels etc.), as well as horizontal co-operation amongst different state agencies (judiciary, executive etc.) in order to avoid fragmentation and an overlap. The discussion hence stressed the importance of the implementation of justice initiatives on local levels and of synergies between the diversity of actors and tiers of government engaged in justice cooperation.

Focusing on a legal needs perspective and a “whole-of-person” approach. Participants emphasised the need to provide effective responses to the needs of citizens in terms of service delivery by moving towards people-focused justice services. Countries shared examples of tools to support the design of legal and justice services to respond to citizen needs, such as Colombia’s Access to Justice Index, which combines measures of legal needs (from a demand perspective) and available/needed services (from a supply perspective). Countries also highlighted the importance of whole-of-person approaches which would entail enabling people to deal with their financial, justice, health and other issues through the same outreach mechanism. “It is vital that people, particularly vulnerable groups, are not just supported through legal aid but also through psychological support etc., and this makes it easier to create acceptance for the whole system” (Austria). “We need to think about whom are those people who are not able to participate and be productive in society due to problems that they are facing that could be resolved with proper access to justice. For example, domestic violence victims would be a very important group as so many families’ lives, women’s lives; are cut off because of their experiences with domestic
violence. We need to start thinking about mediation services so that we can present other alternatives to solving disputes. One of the issues we have been facing in Ireland for example is the mortgage crisis because of the recession, putting together new support packages for people who are too afraid to go and get help but making sure that they have access to financial and legal aid and court services. As such, we need to first systematically identify the people that are excluded and then think of various ways to provide them with access to justice” (Ireland).

“We need to focus on citizens’ needs and help leverage access to justice for transformative and inclusive outcomes on the ground.”

- Secretary-General of the OECD

- **Promoting exchange of practices that “work”**. The discussion underlined the need to build and transmit good practices, by learning how to make emulation work. “That does not mean replication, or just exporting from one country to another. It is about inspiring one another and learning from what works” (Chris Stone, OSF President). The discussion highlighted a range of specific examples of access to justice and legal empowerment initiatives, including the use of paralegals to bring justice services and legal awareness to remote communities, especially in the context of financial and institutional constraints, promotion of a range of legal assistance services, including community centres, local legal aid societies, and call centres for legal advice to promote the accessibility of justice, especially for the most vulnerable.

“We need to identify what works, and spread it!”

We can already see a host of best practices in OECD countries:

- The US Interagency Roundtables show how civil legal aid can advance improved access to health and housing, education and employment;
- The establishment of *Maisons de Justice et du Droit* in France is a one-stop shop service initiative for many legal, justice and social services, which also exist in Colombia, Ukraine and South Africa, among others.

- Secretary-General of the OECD

- **Measuring what works**. The need to measure what works to evaluate where to direct resources efficiently was echoed throughout the discussion. There was a universal call for a better understanding of citizen’s legal needs, legal empowerment and tools that can help lead to better informed, more balanced decisions and policies in supporting accessibility of justice. “We need to evaluate where to direct our resources based on what works and what is not productive so that we can improve what we do and share such knowledge with our colleagues around the world, making sure that success in one place has ripple effects around the globe” (United States).

“We need more measures and we need the right measures to better understand the extent to which people can access justice, and whether justice systems are capable of addressing their legal needs in a fair, cost-efficient and timely manner.”

- Secretary-General of the OECD

National governments were identified as integral to mobilising the knowledge gained in their respective territories and disseminating their findings. The exchange of national solutions and innovations can increment the effectiveness and sustainability of development globally.