

Impact of COVID-19 on Access to Justice



**Online meeting of the OECD Global Roundtable
on Equal Access to Justice**

**28 April 2020
14:00 – 17:00 hrs
Virtual Meeting – video conference**



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BACKGROUND

The COVID-19 crisis is causing large-scale loss of life and severe human suffering globally. It has also generated a major economic, social and political crisis, which touches every aspect of people's lives. Vulnerable and disadvantaged groups will be impacted more severely, especially those in precarious employment or financial conditions, those living in poor quality housing, the socially isolated and those already struggling with low subjective well-being or mental health conditions. In addition, the COVID-19 crisis puts women and children at further risk of violence as it restricts women's ability to deploy their usual safety strategies; for example, not being able to stay with relatives or send children out to play when the level of abuse is escalating. In addition, emerging evidence suggests major disruptions for the SMEs in the most affected countries and mounting concerns in others. For example, an early March survey of micro and small firms in Italy showed that 72% of the 6000 responding firms were directly affected by the situation and foresee significant revenue declines.

Increased vulnerabilities are in turn likely to lead to a surge of legal needs, especially for SMEs, entrepreneurs, middle income and disadvantaged groups, which may in turn increase the pressures on social and economic systems, thus adding to the vicious cycle. As such, any pathway for recovery must integrate accessible and people-centred justice systems as a core pillar, as legal and justice services play a major role in restoring economies, social cohesion and confidence in institutions.

Indeed, there is a need for rapid and decisive action by governments in order to ensure that the most vulnerable people and economic agents have the necessary legal support and access to channels to address their legal problems, thus highlighting the importance of a broad and coordinated policy response that includes strengthened provision of basic legal services, coordination with other social (protection, health care, housing support, etc.) and business (advice on bankruptcies, labour issues or salary-related services). Failing to do so risks deepening inequalities, possibly creating new divides and undermining the resilience of societies.

In this context, countries around the world are taking steps to provide viable access to justice and facilitate resolution of legal problems in the face of the COVID-19 pandemic. These range from online service delivery by courts, alternative mechanisms to resolve disputes and legal profession, to enhanced use of data to plan judicial workload and greater coordination of services across sectors. To this end, it is proposed a hold a virtual roundtable to enable an exchange of lessons learned and experiences in delivering legal and justice services in the face of a COVID-19 outbreak.

OBJECTIVES OF THE MEETING

Participants will have an opportunity to:

- share and discuss current and potential future impacts of COVID-19 on access to justice and justice systems more broadly
- discuss ongoing and emerging challenges and highlight the needed support for the countries to help overcome them
- exchange concrete experiences in addressing the implications of the crisis and reflect on the implications for enabling people-centered approaches and maintaining access to justice for all
- provide feedback on the current and planned OECD activities and on the future Programme of Work and Budget in the area of access to justice

FORMAT OF THE MEETING

The meeting will be held virtually using the Zoom remote conferencing tool available at the OECD, which allows participants to intervene to speak by videoconference (including a chat function or a virtual hand-raising option) and share PPT presentations where appropriate. The meeting link as well as details on how to participate remotely will be shared with Focal Points closer to the date of the meeting.

DRAFT AGENDA

**14:00 –
14:10** **Welcome Remarks**

Welcome remarks

**14:10 –
16:40** **Session 1. Impact of COVID-19 on Access to Justice**

In this session, panellists from OECD Member and partner countries and international organisations will reflect on the impacts of the COVID-19 crisis on the justice systems and access to justice from the people's perspective. They will share their initial country experiences in addressing challenges posed by the COVID-19 crisis, while exploring their implications on implementing people-centred justice approaches, in line with the OECD criteria for people-centred legal and justice services.

***Tour de table** based on issues for discussion :*

- What are the current and medium term implications of the COVID-19 crisis for **legal needs** of people and businesses (especially the disadvantaged groups and SMEs e.g., in labour, housing, family, debt, consumer related areas)?
- What are the main **challenges** for ensuring accessibility of legal and justice services during the emergency period? What adaptations¹ are taking place in courts, ADRs, legal assistance and what are their potential impacts on people-centred justice agenda? How to ensure the protection of fundamental rights and the rule of law? How are procedural rights guaranteed?
- How the **independence, quality and efficiency** of national justice systems is ensured under the emergency period? In particular, how are safeguards of judicial independence, such as judicial councils, operating during the crisis?

¹ E.g., maintaining provision of basic services, bringing legal support closer to the affected people (by phone, online), coordination across branches of power for the provision of justice services, collaboration across sectors, streamlining procedures and court processes, encouraging out-of-court solutions and transitioning to digital service delivery, and undertaking contingency planning and risk management)

- How to harness **the value of data** in order to allocate scarce resources where they are mostly needed? How can data facilitate anticipation, provision and responding to people’s legal needs during and in the post-crisis environment (e.g., pattern recognition through big data & AI)? What are the related challenges and risks?
- How to maximise **the use of technology** in facilitating access, while leaving no one behind and enabling the respect for procedural rights? What are the examples of current practices in using technology to facilitate access? How can AI be used to decrease legal fees and improve access to justice?
- How to ensure that the decisions and changes made in the justice system apply a **people-centred and access to justice lens**, both in the short-, medium- and longer- term?
- What is the role of national **justice systems as safeguards** against potential abuses of powers under the emergency period (in particular, since many of the measures adopted to face the crisis have an impact on fundamental rights, is their review by independent courts ensured?)
- What **type of support** could help countries overcome these challenges both at the OECD-wide and country-specific level?

16:40 –
16:55

Session 2. Programme of work updates

1. Update on the ongoing OECD workstreams on accessible and people-centred justice
2. Proposed OECD Programme of Work for 2021-2022 on access to justice

Issues for discussion:

- Does the preliminary OECD Programme of Work 2021-2022 adequately reflect the priorities of Members to advance accessible and people-centred justice? Are any priorities missing?

Background documents:

- Draft Programme of Work 2021-2022

16:55– 17:00 *Wrap up and next steps*

www.oecd.org/governance/global-roundtables-access-to-justice

