OECD Framework and Good Practice Principles for People-Centred Justice



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Foreword

Effective and efficient justice systems and access to justice are crucial pieces of the institutional foundations underpinning inclusive economic growth, sound democracies, and a thriving investment climate. Justice helps to protect the social contract, uphold the rule of law and foster citizens' trust in public institutions. Despite significant advances in justice system reform in OECD Member and partner countries in recent years, improvements have been uneven among and within countries. According to estimates by the Task Force on Justice, more than 5.1 billion people worldwide still lacked meaningful access to justice in 2020.

This gap has been exacerbated by the COVID-19 pandemic and its economic fallout. With rising legal needs and increased pressures on justice systems, waves of social movements across the globe have revealed concerns over their limited effectiveness, responsiveness and accessibility. They have also highlighted uneven trust in justice as the guarantor of people's rights, with the potential of undermining trust also in other public institutions and, ultimately, democracy. As such, rebuilding trust between institutions and the citizens they serve will be important to build back better from the crisis and deliver on Sustainable Development Goal (SDG) 16 on Peace, Justice and Strong Institutions.

In this context, the OECD Framework and Good Practice Principles for People-Centred Justice aim at supporting countries in implementing access to justice commitments under SDG 16, charting a way forward to bring justice closer to people.

The Framework and Principles are part of the OECD Reinforcing Democracy Initiative and build on nearly a decade of justice research and exchanges among governments, international actors, experts and civil society during the OECD Roundtables on Access to Justice and other forums. This work was also acknowledged in the 2018 Riga Statement "Investing in Access to Justice for All" and the 2021 Riga Justice Agenda "Transforming justice for a vibrant social contract". The document was approved by the OECD Public Governance Committee via written procedure on 3 December 2021 and prepared for publication by the OECD Secretariat.

The more people-centred a justice system is, the more responsive it will be to the legal and justice needs of individuals, contributing to fair outcomes and helping build just societies. Moving forward, shifting the focus to the people's perspective and making justice systems more accessible, effective and transparent will thus be essential for rekindling the bonds that hold our societies together, and for strengthening trust between people and public institutions.

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Abbreviations and acronyms

A2JLN	Access to Justice and Legal and justice needs, Australia
ABS	Australian Bureau of Statistics
ADR	Alternative Dispute Resolution
CALD	Culturally and Linguistically Diverse
CDAD	Conseils départementaux de l'accès au droit (County councils for legal access, France)
CEPEJ	Commission Européenne pour l'Efficacité de la Justice (European Commission for the Efficiency of Justice)
CLAC	Community Legal Advice Centre
CLAN	Community Legal Advice Network
CLSD	Co-operative Legal Service Delivery
CQFD	Court Quality Framework Design
CSO	Community Service Organisations
ECC Net	European Consumer Centres Network
ECFS	Electronic Case Filing System
ECODIR	Electronic Consumer Dispute Resolution
ELAP	Elderly Legal Assistance Programme, United States
ELSRP	Evolving Justice services Research Project
FDR	Family Dispute Resolution
GCDR	Government Centre for Dispute Resolution
GIS	Geographic Information System
HiiL	The Hague Institute for Innovation of Law
ICT	Information and Communications Technology
ISR	Integrated Safety Response
KPI	Key Performance Indicator
LAIR	White House Legal Aid Interagency Roundtable, United States
LASDD	Legal Assistance Services Data Digest
LAW Survey	Legal Australia-Wide Survey
LGA	Local Government Area

LJFNSW	Law and Justice Foundation of New South Wales
LNS	Legal Needs Survey
LSRC	Justice services Research Centre
MA2J	Measuring Access to Justice Project
MJD	Maisons de la justice et du droit (Law and justice houses), France
MSAP	Maison de services au public, France
MSCT	Most Significant Change Technique
NGO	Non-Governmental Organisation
NLAP	National Legal Assistance Partnership, Australia
NLAS	Need for Legal Assistance Services
NPA	National Partnership Agreement
ODR	Online Dispute Resolution
OECD	Organisation for Economic Co-operation and Development
OGP	Open Government Partnership
OPSI	Observatory of Public Sector Innovation
OSJI	Open Society Justice Initiative
PAD	Points d'accès au droit (Access to law points), France
PaRIS	OECD Patient-Reported Indicator Surveys
PIMMS	Points d'information et de médiation multiservices France
PLEI	Public Legal Education and Information
RAD	Relais d'accès au droit (Access to law relay points), France
RIA	Regulatory Impact Analysis
SDG	Sustainable Development Goal
SDVCs	Specialist Domestic Violence Courts, England and Wales
SEIFA	Socio-Economic Index for Areas (Australia)
SIM	Sequential Intercept Model
SME	Small and Medium-sized Enterprise ["Enterprises", given and]
SRL	Self-Represented Litigant
SST	Social Security Tribunal, Canada
UIHJ	Union internationale des huissiers de justice (International Union of Judicial Officers)
UNDP	United Nations Development Programme
WHO	World Health Organization

Executive summary

The **OECD Framework and Good Practice Principles for People-Centred Justice** outline elements for a government-wide strategy for people-centred justice, inter-agency cooperation and communication, as well as mechanisms to ensure accountability and sustainability. Building on evidence-based analysis of good practices around the world, they provide a basis for a people-centred reform of justice and aim to help countries implement their commitments enshrined in Sustainable Development Goal (SDG) 16 to provide access to justice for all. Further, in line with the OECD Reinforcing Democracy Initiative, they attempt to help build more responsive justice systems that contribute to foster citizens' trust in public institutions and strengthen democratic governance models.

Building on a people-centred purpose as its foundation, the **Framework** addresses the why, what and how of people-centred justice across four Pillars.

- **Pillar 1 "Designing and delivering people-centred services"** focuses on the design, establishment and maintenance of justice service delivery. It highlights the need to identify citizens' justice needs and what works for each group in society, as well as how to deliver accessible services, including for the most vulnerable groups.
- **Pillar 2 "Governance enablers and infrastructure"** concerns the role of government and other key justice actors in establishing justice systems that are accessible and ensure that citizens' justice needs are effectively addressed. It includes approaches to establish whole-of-government engagement, foster access to technology and data, drive justice system simplification and seamless case referrals, and maintain people-centred innovation.
- **Pillar 3 "People empowerment"** focuses on the importance of strengthening people's capabilities on both sides of the justice service delivery system. On the one hand, it considers how to empower people by raising their legal literacy and awareness and the co-design of justice services. On the other, it recognises the need to develop capabilities of those working in the justice sector.
- **Finally, Pillar 4 "Planning, monitoring and accountability"** pivots around the role of justice data to establish and maintain evidence-based mechanisms to support decision making, delivery and monitoring of people-centred justice services.

The **Good Practice Principles** similarly promote a people-centred approach to justice system performance. They mirror the structure of the Framework, setting out a series of principles that contribute to the objectives under each of the four Pillars.

Looking ahead, the Framework and Good Practice Principles serve as the foundation for the development of further analytical work on people-centred justice and the continued support to OECD Member and partner countries in this area.

1 The Framework for People-Centred Justice

This Chapter provides an introductory overview to the structure of the OECD Framework and the rationale and methodology used to develop it. It highlights the basic premises and definitions that underpin the Framework, work on which it builds, the consultation processes it has undergone before publication, and its potential to support countries as a policy tool for transformation towards people-centred justice systems. It also mentions instruments that could be developed in the future building on the Framework.

The Framework consists of four interdependent pillars with a unifying foundation. Each pillar includes a range of policy options, directions and considerations.

The foundation: Purpose and culture

Leadership should clearly establish that the purpose of justice systems and their components is to ensure equal access to justice for all and to meet the legal and justice needs of society. Moreover, it should commit to a "culture" that flows from and supports that purpose. This Framework is built on the foundation of a people-centred culture[1] with respect for the rule of law, fair treatment, the protection of fundamental rights, and the independence of the judicial power. To work towards a people-centred approach to justice, there needs to be a reference point to ensure that public institutions and reform efforts to focus on achieving that purpose. The foundation focuses on:

- the purpose and vision of the justice system
- developing a people-centred culture.

Pillar 1: Designing and delivering people-centred services

This pillar focuses on the design, establishment and maintenance of legal and justice service delivery, in line with 2019 OECD criteria for people-centred design and delivery of legal and justice services. For example, it deals with how the justice system focuses on people in identifying the legal and justice needs of society, the most vulnerable groups, the barriers they face to accessing justice, and levelling the playing field for all through the appropriate services. Sub-pillars include:

- identifying legal and justice needs and knowing what works
- providing accessible, people-centred services:
  - availability of service delivery along a continuum
  - inclusive services
  - appropriate services
  - targeted services
  - co-ordination, triage, referral and prevention.

Pillar 2: Governance enablers and infrastructure

This pillar concerns the role of government and other key justice actors and governance enablers in establishing justice systems that are accessible and ensure legal and justice needs of people are effectively addressed. This pillar incorporates approaches to establishing whole-of-government systems; systems to ensure access to technology and to justice services; justice system simplification; and people-centred reorientation of justice services. Sub-pillars include:

- partnerships and co-ordination, with an emphasis on whole-of-government and whole-of-justice system approaches
- integrating an access to justice perspective into decision-making and regulatory reform
- getting processes, technology and data governance right
- mechanisms and procedures for seamless transfer of information and for handling disputes
- financing and investing in a full range of legal and justice services.

Pillar 3: People empowerment

This pillar recognises the importance of strengthening people's capabilities on both sides of the justice service delivery system. It considers how to empower people through co-designing and contributing to legal and justice needs identification and solutions, and through increasing capacity, legal literacy and awareness. This pillar also includes developing the capabilities of those working in the justice sector to design and deliver people-centred legal and justice services, engaging with non-governmental and private providers, and communication and outreach strategies. Sub-pillars include:

- empowerment and participation of (potential) users
- justice system employee engagement and empowerment
- enhancing legal literacy and awareness.

Pillar 4: Planning, monitoring and accountability

This pillar focuses on establishing and maintaining evidence-based mechanisms to support decision making, delivery and monitoring of people-centred justice services. It covers the establishment of processes, governance and infrastructure to ensure that key data are available; that systems of ongoing evaluation exist to fill the gaps in what is known about what works cost-effectively to improve access to justice for individuals and specific groups; and to ensure accountability and progress can be monitored by governments through an appropriate range of indicators. Sub-pillars include:

- evidence-based planning and measurement
- creating clear accountability, monitoring and reporting mechanisms
- assessment and reporting on the people-centricity of justice systems
- oversight and complaint mechanisms.

Rationale and methodology[2]

The world we live in is a "law thick" world (Hadfield, 2010[1]): all aspects of life are impacted by laws, regulations, rights and responsibilities. From the moment a person is born, through education, housing, employment, transport, health, to the end of life, the law impacts their day-to-daylife and economic and social well-being. As such, legal and justice needs are common in the lives of most people[3]. Addressing legal and justice needs demands access to public justice services and other dispute resolution mechanisms in order to recognise and obtain a remedy to the legal need in question, thus giving place to justice needs. The ability of the legal and justice system to effectively respond and address those needs for all people and generate fair outcomes is critical to ensure well-being, equal opportunity and access to public services. Conversely, the inability of justice systems to prevent or resolve people's legal issues can weaken the social contract and lead to unresolved grievances, instability, or even violence.

Similarly, companies are affected by law in their daily operations, and their competitiveness can be promoted or curtailed by the extent to which their legal and justice needs are being met. A safe and thriving investment climate, vital for business development, must also be underpinned by a strong legal system able to secure contracts and property rights. Indeed, OECD research shows that accessible and effective justice has the potential to prevent the losses to GDP caused by unresolved legal issues, which are estimated to be between 0.5% and 3% of GDP in a majority of countries (OECD/WJP, 2019[2]).

Yet, despite significant advances in the efficiency of justice in many OECD and partner countries in recent years, there remain many challenges to ensuring justice systems' responsiveness and effectiveness. Globally, according to estimates by the Task Force on Justice, more than 5.1 billion people lack meaningful

access to justice (Task Force on Justice, 2019[3]). This figure has most likely increased as a result of the coronavirus (COVID-19) pandemic (Langen, 2020[4]), which has unleashed the worst health, economic and social crisis since the Second World War (Johns Hopkins University & Medicine, 2020[5]).

In addition, despite early signs of recovery from the economic shocks triggered by COVID-19, the recent wave of social protests across the globe revealed concerns over limited transparency, relevance and accessibility of justice systems. The protests also highlighted uneven trust in justice as the ultimate guarantor of people's rights[4], which can also undermine the trust in other public institutions and hence the qualities of democracies.[5] In addition, there are ongoing concerns over possible systemic (conscious or unconscious) biases in justice systems.

This puts increasing pressure on countries, to achieve justice for all by putting people at the centre of justice systems, services and policies; to enable institutions to respond effectively and credibly to the needs of all people; and to contribute to fair outcomes and just societies[6]. As such, genuine equal access to justice– to ensure fair opportunities and outcomes for all, free of bias and discrimination – is fundamental to protect the social contract, uphold the rule of law and foster public trust in public institutions (Box 1.1).

Box 1.1. The rule of law, access to justice and people-centred justice

> The term "democratic state under the rule of law" means a state where people elect their own leaders, a state where government itself is bound by the law and helps ensure that the law is respected in the relations between people. The law guarantees everyone's individual freedoms against contraventions by government or other people. This can only happen if the legislature, executive and judiciary are separate. And a crucial element is an independent court system which is truly accessible to the citizen. *(Corstens, 2017[6])*
>
> "The rule of law is a common golden thread in the fabric of every liberal democracy" *(Corstens, 2017[6])*. The rule of law serves as a "basic value and a foundation of good governance" *(OECD, 2019[7])* and protects many if not all of the core underlying values that allow for a functioning liberal society (trust, the role of police and public safety, a functioning criminal justice system rather than individuals taking the law into their own hands, political freedom, democracy, the end of corruption, enabling sound business and economic environments, etc.). These values and characteristics are the bedrock upon which a people-centred justice system can operate and, as Corstens writes, "we know of no better model than a democracy under the rule of law to achieve those aims".

Essential to the rule of law is judicial independence. Judges should not be subject to inappropriate influence, and individual judges must be free from any pressure that could affect their impartiality or the way they perform their duties.7 This judicial independence underpins the rule of law – which in turn underpins a people-centred justice system.

The rule of law has long been recognised as crucial for economic growth and prosperity. The link between rule of law, access to justice and economic development is now abundantly clear (OECD/WJP, 2019[2]) (Pathfinders, World Justice Project, OECD, 2021[8]). Efficient and non-corrupt institutions for the administration of justice, predictability of legal outcomes, protection of private property rights and maintenance of stability are absolute preconditions for stable government and a supportive investment environment; they are thus essential for growth. In terms of development in particular, there is little chance for effective reform if inefficient and corrupt governments and institutions erode achievements made through development programmes. A functioning rule-of-law justice system contributes to a thriving business environment and longer-term investment decisions. It instils confidence in the system by ensuring fair competition and protecting rights. OECD work has regularly highlighted the importance of the rule of law and an effective justice system for economic growth (OECD/WJP, 2019[2]) (Palumbo, 2013[9]).

A practically universal component of definitions of the rule of law is the requirement "for people, institutions and companies to have easy access to the courts" (Corstens, 2017[6]). Yet legal and justice needs studies have also established that the everyday legal and justice needs experienced by most people never reach a courtroom. This would imply that the rule of law – when understood as incorporating true access to justice and a people-centred approach – needs to be viewed as much broader than access to courts. In settling disputes on the basis of law, providing legal protection, and interpreting legislation, these courts can be said to constitute "the shadow of the law" by which day-to-day activities occur. Yet they are not fully sufficient for the establishment and maintenance of a people-centred justice system able to fully respond to the needs of people in a cost-effective way. Justice system reforms in many OECD member countries have therefore been establishing a range of out-of-court and/or digital pathways and solutions. The OECD Criteria for people-centred design and delivery of legal and justice services (see the Annex A) recognise a continuum of services ranging from least interventionist (provision of legal information, legal assistance or alternative dispute resolution mechanisms) to litigation in courts. This Framework thus elaborates on the people-centred justice elements by incorporating of a more comprehensive understanding of the rule of law.

With the adoption of the United Nations 2030 Agenda for Sustainable Development (2030 Agenda) and its Sustainable Development Goals in 2015, UN countries have committed to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". One of the four targets contributing to SDG 16 (UN, 2015[10]) is: "promot(ing) the rule of law at the national and international levels and ensur(ing) equal access to justice for all" (target 16.3). This target directly links the rule of law and access to justice for all.

Taken together, results of legal needs surveys suggest that in broad terms, there is a gap between the main public justice services and services that would be best suited to meet the everyday legal and justice needs of society (OECD/Open Society Foundations, 2019[11]). Research also suggests that many people face a range of barriers to access justice, such as cost, complexity, lack of language skills, remoteness and discrimination.

Justice services also often remain fragmented or inadequate. In many jurisdictions there is no fully developed continuum of options for identifying, anticipating, preventing and resolving legal issues, often owing to weak referral and triage systems among the institutions involved. The focus on court and litigation-centred "silo" models can further undermine the ability of justice systems to enable access to justice for all.

Making progress towards SDG target 16.3 requires countries to move towards ensuring that all peopleand communities have access to justice services that are of high quality, appropriate, targeted, timely and cost-effective. Historically, however, many justice pathways have been designed from a provider perspective. Codes and procedures regulating litigation, for example, are still often written from the court'sperspective. In contrast, *people-centred pathways* imply 1) understanding people's needs and 2) securing a level-playing field for access to justice through the development and implementation of policies and services that provide remedies to legal issues and remove barriers to access.

The importance of transforming justice to centre on people was acknowledged in the 2018 Riga Statement on "Investing in Access to Justice for All!", adopted by high-level participants of the 4th OECD Policy Roundtable on Equal Access to Justice.[8] The statement strongly recommended that action be taken to invest in access to justice for all to foster inclusive growth and implement the 2030 Agenda. It emphasised the importance of measuring progress in access to justice from the people's perspective and called on the international community to develop tools to support countries'efforts to better understand and address legal and justice needs. The statement also called for a deeperunderstanding of the needs of disadvantaged people who face particular barriers in accessing justice. It highlighted the importance of innovative approaches in the delivery of people-centred justice services to meet diverse legal and justice needs and empower individuals, communities and businesses. Participants called for concerted action at the local,

national and global levels to achieve equal access to justice for all, specifically for women, Indigenous communities and vulnerable groups. In parallel, the OECD criteria for people-centred design and delivery of legal and justice services (see the Annex A) underlined the importance of anchoring equality and inclusion, accessibility and availability within the foundation and underlying policy orientation of justice systems. .

These calls were echoed during high-level meetings[9] and related OECD Global Equal Access toJustice Roundtables[10] (OECD, 2021[12]), as well as other global events and declarations. The latter have included The Hague Declaration;[11] a ministerial roundtable at the Open Government Partnership Global Summit in Ottawa; the launch of the Justice for All report (Task Force on Justice, 2019[3]); and, in the context of the 2020 Global JusticeWeek, the Global Dialogue of Justice Leaders (October 2020). The chair statement, delivered by the Deputy Minister of Justice and Deputy Attorney General of Canada, underscored the commitment stated by participants during the meeting to intensify efforts to understand, solve, and prevent people's justice problems, and to using justice to help people participate fully in their societies and economies. It emphasised the importance of having strong justice systems that leave no one behind and support those who face systemic barriers (Chair of the Global Dialogue of Justice Leaders, 2020[13]).

To this end, and as part of the OECD Initiative on Reinforcing Democracies, the present People-Centred Justice Framework aims to support countries in implementing their commitments and facilitate justice transformation by outlining elements for a government-wide strategy, inter-agency co-operation and communication, and mechanisms to ensure accountability and sustainability. It also plans to provide policy advice tospecific countries to help advance people-centred justice. The Framework recognises the many challenges facing OECD members and other countries in this regard, including policy and practical implementation issues.

In particular, the Framework aims to:

- develop a comprehensive vision for justice systems that is people-centred and integrated across sectors
- highlight the key leadership role of state institutions in leading the transition to people-centred justice systems
- support countries in achieving people-centred justice transformation through identification of core principles, building on the OECD criteria for people-centred design and delivery of legal and justice services
- showcase good practice examples and highlight policy considerations for achieving equitable and people-centred justice
- provide the foundation for monitoring and accountability guides and indicators to assist governments in their transition to people-centred justice systems.

It is also relevant to highlight what the Framework is not. This Framework does not provide guidance regarding the detailed structure and governmental constraints required to ensure an independent judiciary free of external influences, nor to guarantee the rule of law. It also does not focus extensively on ensuring high quality judgments. Instead, it provides guidance for the delivery of public justice services to people in the best manner, resting on the assumption that a sound judiciary and equality before the law are required to make this possible.

The Framework is based on good practices, experience and evidence gained recently in OECD and partner countries, and informed by related global policy commitments and regional strategies and initiatives in the area of access to justice, strengthening the responsiveness and people-centricity of justice systems. The Framework is also integrating key findings and themes emerging from OECD work on justice systems since 2015. It informed by lessons from people-centred approaches in the health sector, as called for by participants of the OECD Global Roundtables on access to justice. It builds upon and complements existing international and regional standards on sound justice policy and governance (see Annex A). A wide-

ranging consultation with experts at the global, regional and national levels will serve to further refine the Framework.

Learning from the health sector

The growing attention paid to a "people-centred" approach to legal and justice needs and justice reform over the past two decades has led to wide recognition of the value of learning from other sectors – especially health (Box 1.2). In many ways, health internationally has chartered an important trajectory – focusing increasingly on the needs of people rather than "disease"; on appropriate investment in rigorous research and evaluation; and on investment in and use of data. Quantitative development of people-centred indicators in the health system aims to support the design and delivery of health services that truly involve patients in the decision-making process. The discipline of epidemiology, which uses data to study the distribution and determinants of health and disease conditions, has risen to global prominence during the current pandemic. In many if not most countries the health (and other human service) infrastructures are much larger and well established than are legal aid and legal assistance infrastructures. Legal and justice systems could benefit from similar approaches, for example providing legal care that requires prevention, education and regular check-up strategies to ensure the population's "legal health".

Box 1.2. From patient-centred to people-centred care

In 2006, OECD Health Working Paper No. 23 defined "patient-centredness" as follows:

> In the healthcare context, patient-centredness can be defined as "the degree to which a system actually functions by placing the patient/user at the centre of its delivery of healthcare and is often assessed in terms of patient's experience of their healthcare. *(Kelley and Hurst, 2006[14])*

Subsequently the World Health Organization (WHO) distinguished between patient-centred care and people-centred care:

> People-centred care … is focused and organized around the health needs and expectations of people and communities rather than on diseases. People-centred care extends the concept of patient-centred care to individuals, families, communities and society. Whereas patient-centred care is commonly understood as focusing on the individual seeking care – the patient – people-centred care encompasses these clinical encounters and also includes attention to the health of people in their communities and their crucial role in shaping health policy and health services.[12]

In 2015 the WHO issued its global strategy on people-centred and integrated health services. It defined people-centred services as follows:

> People-centred health services are an approach to care that consciously adopts the perspectives of individuals, families and communities, and sees them as participants as well as beneficiaries of a new vision for service delivery trusted health systems that respond to their needs and preferences in humane and holistic ways. People-centred care requires that people have the education and support they need to make decisions and participate in their own care. It is organized around the health needs and expectations of people rather than diseases, (…) health services that are managed and delivered in a way that ensures people receive a continuum of health promotion, disease prevention, diagnosis, treatment, disease management, rehabilitation and palliative care services, at the different levels and sites of care within the health system, and according to their needs throughout their life course. *(World Health Organization, 2015[15])*

Evolution to people-centred justice

The application of people-centred concepts to justice systems is relatively new. First appearing as 'client-centred' services in the early 2000s, a number of similar and/or related terms have been used – including citizen-centred, person-centred, human-centred and people-centred design. It is necessary to define these terms in the attempt to define "people-centred access to justice", and it is important to note that other sectors, such as health, have a longer and deeper history in the application of similar concepts (Box 1.3).

Box 1.3. From client-centred and citizen-centred to people-centred

For over 20 years, justice systems have been called upon to focus on meeting the legal and justice needs from the citizen's or person's perspective. The calls have paralleled or followed similar movements for reform in other fields.

- *Client-centred* – Early articulations often referred to a "client-centred" approach, possibly implying a focus on those who actually seek assistance (or receive assistance) from justice services. While commonly used in contexts where attention is focused on the actual clients of a particular service, there was growing recognition of the need for broader terminology, acknowledging – possibly as a result of the evolution of legal and justice needs research and legal needs surveys (LNSs) in particular – that the majority of people experiencing legal need do not use formal justice services and processes.
- *Citizen-centred* – While much wider than "client-centred", a citizen-centred scope suggested that some groupswithin the community (such as temporary residents, refugees, asylum seekers, etc.) were excluded from access to justice. Importantly, however, the concept of a "citizen" *did* convey a sense of government obligation – to its people – to provide appropriate access to justice.
- *People-centred* – "People-centred" is now widely used. The underlying intent is to promote a justice system that indeed puts people at the centre and has as its purpose and design the goal of equally meeting the needs of all people of that jurisdiction, by enabling their effective participation and engagement in the process. People-centred is sometimes used interchangeably with "person-centred" but it is important to distinguish between the two terms. Whereas "person-centred" generally reflects a justice system and processes thatare appropriate and suitable to the hypothetical individual "person", "people-centred" aims to additionally evoke the responsibility of governments and their justice systems to be designed and established to meet the needs of not only people but also diverse groups of residents, refugees and visitors to an equal standard.
- *Human-centred design* – It is also important to distinguish "people-centred" and older terms from what has come to be called "human-centred" design (for legal help). This term concerns designing processes (in this context, legal processes) and systems that are most appropriate for human beings as users or clients. A person-centred justice system must certainly include such design features for processes within that system, including taking into account insights from behavioural science. However, human-centred design can equally be applied to strategies and processes that are not necessarily in and of themselves directed towards a people-centred justice system. For example, human-centred design may be used toimprove certain formal justice system processes without first asking the question whether or not that process is appropriate for a people-centred justice system in the first place.
- In certain instances, *citizen-centred* can be interpreted more broadly to meet the needs of all people – people and others – within a jurisdiction, as with *people-centred*. In such cases, that context must be made clear.

Making change happen

The Framework recognises different historical, institutional and legal contexts across OECD member and partner countries, and that any transformation efforts would build on the existing structures and processes in justice systems. It also recognises that the commitment to leave no one behind in accessing justice, and transformation towards a people-centricity of justice, may include shifts in existing structures (e.g. merging of institutions, creation of agencies), strategies, systems, processes or policies. These changes could be political in nature and require a reform mindset. As such, the Framework aims to establish a holistic foundation that will help policy makers to think strategically and systemically to build adaptive, agile and flexible justice systems. Equally, it seeks to equip them with examples and policy options to design adaptations tailored to countries' own context, opportunities and challenges.

To provide policy makers with further practical implementation guidance in different contexts, as the next step it is envisaged to develop a practical toolkit (or a series of toolkits) with a maturity model that would recognise the diversity of experiences, stakeholders and justice system models found across OECD membership. The toolkit(s) would aim to help policy makers navigate a transformation process in a practical way by providing them with the necessary evidence, tools and suggestions. Because people-centred transformation is most often incremental and takes place overt time, the toolkit(s) would also suggest concrete actions along different ladders, rising with each level commitment to people-centricity. With each step progress would be tracked and actions selected that are most relevant and useful to the particular justice system, in order to effectively produce positive outcomes. Over time, practical tools and indicators would be added to the kit.

Methodology

The content of this Framework is the result of multiple information-gathering processes, involving the following:

- The 2021 OECD Global Roundtable on People-Centred and Accessible Justice (30-31 March) – attended by over a hundred ministry of justice officials, partner international organisation representatives and thematic experts – dedicated a specific session to presentation of the Framework, and several other sessions to diving deeper into topics that would form fundamental components of the Framework's pillars. Past Roundtables that have taken place annually since 2015 and related activities in member and partner countries and globally (including those organised by partner organisations) also served as foundations.
- The Technical Consultation on the OECD Framework for People-Centred Justice, open to OECD member states, representatives from partner organisations including the United Nations, the World Bank, the United Nations Development Programme (UNDP), the World Justice Project, the Pathfinders for Peaceful, Just and Inclusive Societies, and the Overseas Development Institutes among others, as well as several academic experts (February 2021). Valuable comments were also received in writing following the Consultation.
- OECD/Open Society Foundations (2019), *Legal Surveys and Access to Justice*.
- OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*.
- OECD (2019), Criteria for people-centred design and delivery of legal and justice services (see Annex A).
- OECD/WJP (2019), "Building a business case for access to justice", White Paper.
- OECD and Law and Justice Foundation of New South Wales Australia (LJFNSW) (2020), Brief on "Access to justice and the COVID-19 pandemic".
- OECD (2020) "Access to justice and the COVID-19 pandemic: Compendium of country practices".

- The extensive body of international knowledge and research developed on the legal and justice needs of people (e.g. by LJF of NSW Australia, The Hague Institute for Innovation of Law [HiiL], the Canadian Civil Justice Forum, World Justice Projects and other significant research done in Colombia, the United Kingdom, the United States and many other countries) and justice for all (e.g. Justice for All report by the Task Force on Justice).
- The Framework also takes into account lessons learned from the OECD work on public governance, service improvement (e.g. health services, policy for business and entrepreneurship) and other policy areas (e.g. inequality and well-being, inclusive growth, small and medium enterprises), building on multi-disciplinary data and analysis.

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Notes

[1] People centricity" means taking the needs and voices of people into account when designing, delivering, implementing and evaluating public policies and services. People-centred services are inclusive, tailored to people's needs and high quality (OECD, 2015[16]). This differs from justice systems whose reforms are primarily inspired by the needs or views of the service providers.

[2] The OECD is grateful for the significant contribution to this document made by Geoff Mulherin, Director, Law and Justice Foundation, New South Wales, Australia, and for comments made by representatives of OECD member countries and experts from partner institutions during the technical consultation on 26 February 2021 and the OECD Global Roundtable on Equal Access to Justice on March 30-31st 2021.

[3] This Framework for People-centred justice and the accompanying Principles focus primarily on non-criminal matters. For the purposes of these documents, a **legal need** refers to **a problem with a legal dimension** in various sectors (e.g. health, social, business, family and neighbourhood), whether or not this is recognised by those facing them. In turn, addressing legal and justice needs demands access to public justice services and other dispute resolution mechanisms in order to recognise and obtain a remedy to the legal need in question, thus giving place to **justice needs**. The laws and regulations play a vital role in driving the sound operations and legitimacy of various sectors, including health, employment, education, housing, and entrepreneurship – that people encounter on a daily basis. This means that potential needs and disputes are ubiquitous and flow from everyday life. In contrary to the conventional understanding of justice systems driven by criminal law, the majority of legal issues people face are of a civil and administrative nature. Some of the most prevalent legal and justice needs across countries globally include: disputes related to consumer issues, neighbour affairs, debts and contract enforcement, family, housing, employment, social safety net assistance and nationality. Unlike facing criminal procedure, many people do not recognise the legal dimension of their civil problems; have difficulties to precisely define it; and encounter multiple and compounded barriers in accessing justice. Furthermore, there is substantial evidence that both legal and social issues tend to trigger others, having a cascading and clustering effect. In this context, responsiveness of justice systems to those needs would include the design and delivery of services, which would enable most effective, appropriate and affordable resolution of disputes. The ability of justice systems to respond to legal and justice needs should be interpreted to provide appropriate access and quality of service to enable a timely and fair resolution of disputes (without prejudice to the actual substantive outcome of cases).

[4] https://530cfd94-d934-468b-a1c7-c67a84734064.filesusr.com/ugd/6c192f_f06d74862b5949d9b09c3f32ed45fa98.pdf (accessed 21 August 2021).

[5] www.oecd-ilibrary.org/trust-and-access-to-justice_5jg0174l4h26.pdf (accessed 21 August 2021).

[6] Access to justice concerns the ability of people to obtain just resolution of legal and justice needs and enforce their rights, in compliance with human rights standards. It extends beyond formal resolution processes to include a full spectrum of services counting informal and alternative dispute resolution methods.

[7] https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e (accessed 21 August 2021).

[8] www.oecd.org/gov/equal-access-to-justice-roundtable-latvia-riga-statement.pdf (accessed 22 August 2021).

[9] For example, the 2019 World Justice Forum and 2019 High-Level Conference on Ending Violence against Women.

[10] www.oecd.org/governance/global-roundtables-access-to-justice/events/ (accessed 22 August 2021).

[11]The Declaration on Equal Access to Justice for All by 2030 was adopted at the Ministerial Roundtable on Access to Justice, hosted by H.E. Sigrid Kaag, Minister for Foreign Trade and International Cooperation of the Netherlands, in the Peace Palace in The Hague on 7 February 2019. Available at https://bf889554-6857-4cfe-8d55-8770007b8841.filesusr.com/ugd/90b3d6_9357f6ca843f452db89b671b1675524e.pdf (accessed 22 August 2021).

[12] www.who.int/healthsystems/strategy/en/

2 Approach to the OECD People-centred Justice Framework

This Chapter describes the five components of the Framework, including explanations of how they intersect, good practice examples and proposed approaches to bring the justice system closer to people-centred standards. It starts with the unifying foundation, a people-centred vision and purpose, and aims to provide guidance on how to develop a people-centred culture in the justice sector. It then dives into Pillar 1: Designing and delivering people-centred services, where it highlights the importance of identifying legal and justice needs of people, knowing what works for different groups and providing accessible services. In relation to Pillar 2: Governance enablers and infrastructure, it covers necessary levers for transformation such as partnerships, interinstitutional coordination, integration of access to justice lens in broader decision-making processes, regulatory reforms, and sound investment in the justice system. It also covers the use of technology and data and seamless transfer of information along the justice chain. In Pillar 3: People empowerment, it highlights the importance of empowering and raising legal awareness of potential users, employees and other stakeholders of the justice system for a holistic approach. Finally in Pillar 4: Planning, monitoring and accountability, it explains the importance of evidence-based planning and measurement in order to create clear accountability and reporting mechanisms, assess progress and report on the people-centricity of the justice system.

A people-centred justice system aims to put people and their legal and justice needs at the centre of the justice system. This means that people-centred justice systems focus – as a priority – on understanding and meeting the legal and justice needs of all people as they experience them, whether or not they recognise those needs as having a legal dimension; and on generating fair outcomes and opportunities to contribute to the overall health and well-being of society, inclusive growth, and the quality of democratic governance. This requires putting people at the centre of justice system reforms and transformations, and developing people-centred justice pathways to ensure that all members of society ultimately have equal access to justice services and legal information. That in turn calls for:

- understanding what exactly people's needs and experiences are
- developing and implementing policies and services that meet those needs, and removing barriers toaccess as part of a holistic vision for a people-centred justice ecosystem (OECD, 2019[1]).

Implicitly, a people-centred justice system would be relevant to the people and trusted by the people,and therefore would have a high level of engagement by them. The more people-centred a justice system and access to justice arrangements are, the more responsive they will be to the lives of individuals. This should enable greater trust in the justice system and thus further participation and engagement. As such, genuine equal access to justice for all – to ensure fair opportunities and fair outcomes for all – is fundamental to overcoming inequality, contributing to the overall health and well-being of society, inclusive growth, and the quality of democratic governance.

Maintaining the rule of law significantly relies on judicial independence– a prerequisite for a justice system that is fair, impartial and trusted by the people. At the same time, further efforts are needed to achieve a people-centred justice system able to respond, taking into account the different needs and capabilities of different groups to reach that standard. The present Framework identifies key elements to help countries with the transformation to people-centred justice.

Since 2015, the work of the Organisation for Economic Co-operation and Development (OECD) has led to the development of criteria for people-centred design and delivery of legal and justice services (Annex A), and various lessons were learned along the way. Applying these criteria and lessons, a people-centred justice system could include, among others, the following characteristics:

- clearly stating the purpose of the justice system and its various components, prioritising a people-centred approach to meeting the legal and justice needs of all people
- ongoing and co-ordinated research and data to build and maintain a sound evidence base about what people's most common legal and justice needs are, who experiences these needs, and to what extent they are able to resolve them.
- ongoing and co-ordinated research and evaluation conducted to identify and maintain an evidence base about what strategies "work" most effectively and cost effectively, for whom, and in what circumstances to address legal and justice needs, including in the planning and delivery of legal and justice services
- clear and accessible language for users that interface with all components of the justice system and, more broadly, clear strategies for communication about justice services
- wherever possible, co-production of justice services between providers and people/users
- justice system investment and services targeted in appropriate proportion to the greatest need
- systems established for monitoring the fairness of outcomes.

Putting people at the centre of justice also implies empowering people, wherever possible, to take responsibility for engaging with and acting in response to their legal issues, and – again, wherepossible – responsibility for their solutions. This calls for a comprehensive framework of dispute resolution options that provide a consistent level of access to justice services. People-centred justice may also mean rethinking the institutions, rules and cultures of dispute resolution, starting from the perspective of a person

(actual or potential user) and making use of insights from behavioural sciences to design services and solutions and prevent problems. A people-centred justice system would constantly be seeking answers to questions such as:

- What are the legal and justice needs of the people as they experience them (whether or not they recognise alegal element within the problem)?
- What people/groups are most vulnerable and/or face the greatest barriers to achieving equal access tojustice with respect to others?
- How do people approach resolving a legal issue? What triggers their actions, and how can services that suit them be made available?
- What solutions/strategies/services work best for different people in different contexts to ensure that access to justice is effective for all?

How can the many legal and justice needs not presently captured or covered by the justice system *be* fully covered?

It is important to find a way to go beyond the present users of justice services and not overlook the "dark figure" of many societal groups not benefiting from justice at all.

Given that the legal issues of individual people are highly context-specific, as indeed are justice systems, the Framework does not propose a single model of people-centred and integrated justice services[1]. Instead, it proposes a foundation and four interdependent pillars that detail key elements, policy options, directions andconsiderations to help build effective and people-centred justice services. The foundation proposed is the *purpose and culture* of a people-centred justice system, upon which are built the four interconnected pillars:

1. designing and delivering people-centred services
2. governance enablers and infrastructure
3. people empowerment
4. planning, monitoring and accountability.

Figure 2.1. Key elements of a people-centred justice framework



Source: Author's elaboration

The foundation

Purpose and culture. The essential, underpinning foundation for a people-centred justice system and services is the adoption of, and commitment to, establishing a clear purpose of the system and their components *to provide equal access to justice for all by placing people at the centre of justice systems,* and in particular to *identify and meet the legal and justice needs of their communities as they experience them*, and commit to a "culture" that flows from and supports that people-centred purpose.

Justice systems in most countries have evolved over centuries, often away from a people-centred focus. That focus often means that engagement with the people's everyday needs and access to the justice system are less than optimal – a situation that can, among other things, create unmet legal and justice needs, generate unnecessary administrative costs, perpetuate inequality and undermine people's confidence and trust. This Framework is founded upon a people-centred justice system culture, respect for the rule of law, fair treatment, the protection of fundamental rights, and the independence of the judicial power. In addition to the clearly stated and agreed purpose, there needs to be a reference point to continually remind reform efforts to focus on achieving that purpose.

The Pillars

Pillar 1: *Designing and delivering people-centred services* – This pillar will focus on the design, establishment and maintenance of people-centred legal and justice service delivery. For example, it deals with how the justice system, using a people-centred approach, identifies the legal and justice needs of the community, the groups that are most vulnerable, the barriers they face to accessing justice, and effective and appropriate services for those priority groups to ensure fair outcomes and that they reach the same level of accessibility as others in society. It also deals with the provision and accessibility of services to those most in need, and with triage, referral and prevention mechanisms.

Pillar 2: *Governance enablers and infrastructure* – This pillar focuses on the role of government and other key justice actors, as well as governance enablers and infrastructure, in establishing and maintaining justice systems that are accessible and effective in helping people address their legal and justice needs. The pillar will incorporate approaches seeking to establish whole-of-government and whole-of-state systems, establishing clear roles and responsibilities, systems to ensure cost-effectiveness, access to technology and to justice services, system simplification, and the reorientation of services – to realise the goal of people-centred justice.

Pillar 3: *People empowerment* – This pillar recognises the importance of strengthening the capabilities of people on both sides of the justice service delivery system to the establishment and maintenance of a people-centredjustice system. It considers empowerment through building capacity, through co-design of andinputs into legal and justice needs identification and solutions, and through raising capacities through enhanced legal literacy and awareness. Crucially, this pillar also involves developing the *capabilities* of those working in the justice sector to design and deliver people-centred legal and justice services and engaging with non-governmental and private providers.

Pillar 4: *Planning, monitoring and accountability* – This pillar focuses on establishing and maintaining evidence-based mechanisms to support decision-making, planning, delivery and monitoring of people-centred justiceservices. It involves creating processes, governance and infrastructure to ensure that key data are available, that ongoing systems of evaluation exist to fill the large gaps in what is known about "what works" cost-effectively to improve access to justice for individuals and specific groups, and that progress can be monitored through an appropriate range of indicators, promoting accountability.

In the following sections the underpinning foundation and four pillars are broken down into their constituent elements, and each of these is discussed and explored.

The foundation: Purpose and culture

Purpose and vision of the justice system

While access to justice has a range of definitions, a criterion common to all of them is that it should address the *practical* ability of people to access relevant and appropriate processes and assistance in order to be able toresolve their legal and justice needs and to enforce their rights. According to the European Union Agency for Fundamental Rights, access to justice "is not only a right in itself, but an enabling right in that it allows individuals to enforce their substantive rights and obtain a remedy when these rights are violated" (EU Agency for Fundamental Rights, 2012[2]). The emphasis is therefore placed first on the exercise of rights in everyday life and the ability to address injustices, rather than merely on the principles laid down in the law and in the organisation of justice institutions. In addition, the majority of justice problems have not only rational but also relational and emotional aspects, and thus can only be effectively resolved if these are taken into account.

As a mechanism to overcome inequality and contribute to inclusive growth, access to justice should be concerned with enabling fair outcomes, promoting the resolution of legal issues, and supporting all people, including those who experience the greatest challenges in upholding their formal rights. This focus can help to create more just societies. Access to justice should work to enhance:

> the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems in compliance with human rights standards; if necessary, through impartial formal or informal institutions of justice and with appropriate legal support. *(Praia Group, 2019[3])*

This may call for reflection on the justice system structure and pathways that could risk exposing marginalised people to further disadvantage, and so effectively privilege the powerful"repeat players" (Galanter, 1974[4]) in legal disputes. This may also require reviewing systems and processes to identify (potential) biases, both conscious and unconscious, with a view of ensuring that justice works for all.

While most justice systems have evolved over time, the COVID-19 pandemic has provided justice systems globally the occasion to review and "reset" their purpose. The purpose is the key element at the heart of any system, intervention, reform or evaluation. Without clearly identifying the purpose of the justice system, it would be impossible to steer reforms, initiatives or new investment towards a desired outcome. It has been recognised that justice systems are central to establishing and maintaining a "democratic state under the rule of law". The rule of law is essential to maintain the core underlying values that allow for a functioning liberal society, and that form the bedrock upon which a people-centred justice system can operate. Importantly though, a people-centred justice system calls for a broader, more comprehensive interpretation of the rule of law – one that recognises the fundamental role of courts, but goes beyond that to provide access to justice as the people want and need that access, by identifying and meeting the legal and justice needs of the people *from their perspective*. In line with the OECDcriteria for people-centred design and delivery of legal and justice services, instilling a people-centred purpose empowers governments and legal institutions to reflect on justice system processes, and such reflection can guide decisions about present and future transformations (OECD/LJF, 2020[5]).

This also calls for the development of a holistic vision that would enable all people (including the most disadvantaged and vulnerable) to have equal access to a full range of quality legal, justice and related services. It also calls for the involvement of all justice stakeholders and levels of government; employment of sound consultation processes that go beyond electoral cycles: and ensuring that systems are free of bias and serve the whole of society.

Achievement of a people-centred purpose and this vision would require leadership from, and clear roles and mandates of, judiciaries, justice ministries, parliamentarians, central government (which often has a whole-of-government overview of all sectors and is responsible for co-ordinating SDG agendas across the country) and other institutions (NGOs, communities, etc.) (see Box 2.9 in Pillar 2). Leadership should also

be underpinned by a clear strategy in order to integrate the overarching goals and expectations in people-centred justice across different actors, and to identify key leaders who are committed to overseeing the development and implementation of policies designed for such a purpose. It should ensure the existence and implementation of the necessary legal and regulatory framework to facilitate people-centred justice, including through provision of supporting documents such as guidelines and manuals, while establishing adequate oversight mechanisms.

Importantly, as the COVID-19 crisis has shown, people-centred justice requires adjusting institutions and policies so that they are adaptable – and therefore able to respond – to new situations and challenges.[2] People-centred justice systems will need to develop resilience and have in place anticipatory and agile mechanisms to engage with the known and not-yet-known challenges to ensure that flexibility and sustainability of service delivery can be maintained. In view of the growing diversity of alternative forms of dispute resolution, implementation of this vision may present an opportunity to consider rethinking some procedural laws and principles and taking a comprehensive and inclusive approach that includes the perspective of users and broader groups of people. There might be an opportunity to incorporate crisis management plans into justice frameworks, while integrating a people-centred justice lens into national emergency management strategies.

Developing a people-centred culture

Implementation of a vision for a people-centred justice requires an ingrained culture that enables all elements of the justice system to be continuously focused on achieving (or contributing to the achievement of) people-centred purpose. This would imply a systemic process to enable all elements of the justice system to continually refer back to and align with that purpose.

A people-centred culture in relation to access to justice will therefore see a people-centred and evidence-based approach to the key elements for designing a system that delivers justice **(**Box 2.1**).**

Box 2.1. Elements of a people-centred culture in the justice sector

- *Constantly referring back to purpose* – A people-centred culture would see all elements of the justice system continually refer back to the people-centred purpose of enabling equal access to justice for all to ensure that their actions, their policies, their pathways and their reforms remain focused on achieving that purpose. Consideration could be given to identifying review processes, including the use of justice impact assessments, with indicators to ensure this constant referral.
- *Understanding legal and justice needs* – A crucial first step in establishing and maintaining a people-centred justice system is to regularly identify the legal and justice needs of the people as they experience them. Doing so requires taking into consideration all different types of people and their particular circumstances – people of all genders, ages and income levels, minorities as well as majority groups, the educated as well as illiterate population, and the disabled as well as the healthy. While administrative data can provide important insights they would not be sufficient, given that only a very small proportion of legal need is resolved through courts or formal dispute resolution processes. As such, a people-centred justice culture would look beyond the formal institutions to identify legal and justice needs of the community from the people's perspective.
- *Promoting equality and inclusion* – A people-centred justice culture would seek to overcome inequality and promote inclusive growth based on ensuring that disadvantaged people in particular are given adequate and appropriate services and pathways to recognise their legal

issues, to resolve them, and to enforce their rights. Identifying groups that are particularly vulnerable and face significant barriers to achieving access to justice is an important element.

- *Removing bias and promoting trust* – A people-centred justice system would entail constant striving to identify, analyse and eradicate bias and discrimination within the system and in the outcomes it produces. By making the system reliable for all, this culture would foster public trust not only in the justice system but also across all levels of the administration.
- *Committing to learning what works from the people's perspective* – The culture must include a commitment to learn – through rigorous evaluation research, client surveys, user feedback, deep community engagement and data monitoring – what strategies and pathways are most effective, sustainable and appropriate for meeting the legal and justice needs of different groups in the community from the people's perspective.
- *Promoting a whole-of-government and whole-of-state approach* – Legal and justice needs research has highlighted that people rarely just have justice problems or single legal and justice needs; rather, they have clusters of legal and justice needs that cover many areas of human life. These problems are often intertwined and interrelated, which suggests that the resolution of legal and justice needs may only be possible with the resolution of other service problems. Therefore, a people-centred justice system will have a culture in which all parts of government and state and non-government agencies work together to resolve holistically the problems experienced by people.
- *Ensuring appropriate capability development for actors involved in providing justice services* – There are many individuals and actors at all levels involved in providing justice services to individuals. These may include judges, lawyers, mediators, community service providers, problem solvers, trusted intermediaries, police, ombudsperson institutions, human rights institutions, complaint handlers and unions as well as court staff, interpreters and a range of other government and non-government staff working at the coalface of service delivery. These people and contacts have an important impact on people seeking to enforce their rights, seeking to receive an entitlement, or seeking to resolve a dispute. Therefore, ensuring that staff have the appropriate adequate training and development to deliver people-centred services is an important element of the culture. Such capacity should also be built up in all professions in contact with people and businesses experiencing a legal issue, so that they are well-prepared to direct them to the most appropriate channel within (or outside) the justice system to ensure their legal and related needs are met.
- *Ensuring effective and sufficient resourcing, while promoting efficiency and innovation* – Ensuring the capacity of the actors involved in addressing legal and justice needs also requires securing a sufficient level of staffing, expertise, skills, tools, equipment, and other resources, which in turn requires adequate programme funding. Actors involved in the design and provision of justice services include parliamentarians, the ministry/departments of Justice and associated agencies, legal aid institutions, courts, prosecution services and police departments. General service providers could also be involved: teachers, trade unions, libraries, doctors, nurses and immigration officials could help detect legal issues and link users with support and protection services. For justice institutions at all levels, it is critical that sufficient staffing and resources be allocated to ensure meeting the legal and justice needs of people and business efficiently and effectively. Sufficient resources should be planned in relation to policy development and implementation, co-ordination, monitoring, and evaluation. Justice institutions could enhance their capacity through the hiring of policy officials who focus on overall service provision management. Such officials and units will need to be provided with proper project management and evaluation tools, information and communication technologies, and administrative resources. It would also be necessary to carry out a critical analysis of how resources are

employed at given points in time with respect to addressing particular needs, in order to identify potential innovations that would lead to increased efficiency and cost-effectiveness.

- *Establishing an overarching narrative to support all of the above* – Finally, a people-centred justice culture would have an overarching narrative describing how each of the above elements works interconnectedly to bring about the necessary transformation. The narrative could also articulate how knowledge of what works could then be supported by effective and adequate resourcing; follow the development of strategies and services based on people-centred knowledge; and ensure that the individuals and organisations involved have the skills and capabilities to deliver justice for the community.

Pillar 1: Designing and delivering people-centred services

Having articulated the purpose of justice system, this pillar will focus on the design, establishment and maintenance of legal and justice service delivery, in line with 2019 OECD Criteria (see Annex A).

Identifying legal and justice needs and knowing 'what works'

This element first considers how countries can practically and effectively identify and understand the legal and justice needs of their community from the people's perspective. Having established a people-centred purpose, the first question to ask is, "What are the legal and justice needs of the people as they experience them and as they respond to them?" The past twenty years of legal and justice needs research – particularly through the more than 60 national-level legal needs surveys (LNSs) conducted around the globe (OECD, 2019[6]) – has cast a new and different light on what is understood to be the needs of the community. Crucially, LNSs have revealed that only a very small proportion of the legal issues and needs of the community finds its way into the formal justice system. The Legal Australia-Wide (LAW) Survey (Coumarelos et al., 2012[7]), for example, revealed that only in 16% of matters were lawyers consulted at any stage, that only around 3% of problems were finalised through a court or tribunal proceedings, and only a further 3% were finalised with a formal dispute resolution or complaint-handling process. These findings are not unique – jurisdictions elsewhere have identified similar findings. In Canada, a 2010 survey found that only 7% of people with legal and justice needs used courts and/or tribunals to resolve their legal issues (Mulherin, 2016[8]). Across countries, on average only 11% of respondents with justiciable problems have recourse to formal justice institutions, and another 4% to other processes (including mediation and arbitration) (OECD/WJP, 2019[9]).

Box 2.2. Colombia legal needs survey

Colombia has implemented one of the most comprehensive LNSs to date. Building from legal and justice needs methodologies tested by the Colombian civil society organisation Dejusticia, a national survey was carried out in a collaboration between the Department of National Planning and the National Statistical Office in 2016. The survey data can be disaggregated by geographical area, gender and other identity characteristics. Colombia developed an Effective Access to Justice Index (Índice de Acceso Efectivo a la Justicia) based on the survey results to inform their long-term justice plan. The country's index explores six dimensions of access to justice: i) a favourable environment (which is concerned with structural and institutional barriers to justice that lie outside the justice system); ii) legal capability; ii) legal assistance; iv) fair procedure; v) compliance with judicial decisions; vi) access to institutions. The legal and justice needs module of the Colombian National Quality of Life Survey contributes to 10 of 24 indicators. Availability of legal aid is a cross-cutting factor. In addition to the

index, Colombia is using the survey data to close the gaps between supply and demand, identifying the barriers to access to justice of vulnerable population; develop a ten-year justice plan; plan and design appropriate, timely, integrated and targeted justice services, sustainability reforms and indicators for monitoring evolution.

Source: National Planning Department, Colombia, www.dnp.gov.org and (OECD, 2019[6])

People's levels of action or inaction when facing a legal issue or need also vary considerably from country to country, from 71% of inaction in Indonesia, 44% in Ukraine and 41% in Colombia to 22% in Yemen. Whether people act or not, however, the vast majority of justiciable problems are resolved outside the formal justice system (OECD/WJP, 2019[9]). And most of them (or at least about half or so, depending on the country) are never resolved.

With only small proportions of legal need appearing within traditional justice systems, expert opinion, evaluations of formal justice systems, and even surveys of users can provide only a very limited and unrepresentative view of the legal and justice needs of the community. Alternative rigorous and empirical means are needed to ascertain the legal and justice needs of the communityfrom its perspective. In this context, LNSs have been identified as a key tool in moving towards a people-centred justice system (OECD, 2019[6]) (Box 2.2). The OECD, alongside its partners, has developeda series of tools to support justice systems in measuring legal and justice needs globally (Box 2.3), and to supportimplementation of the new civil justice indicator for SDG 16, indicator 16.3.3.

LNSs can be complemented by administrative data, which – if well collected and managed – can provide greater insight into understanding disadvantage and help connect knowledge across human services to better identify legal and justice needs. Such data can be collected by a range of service providers, from courts, alternative dispute resolution (ADR) agencies, community justice centres and legal aid providers to health and unemployment insurance, and could be facilitated by open justice approaches (OGP, 2020[10]). These data can be explored for an understanding of the extent of legal need through understanding who (e.g. demographic groups) experiences the need, nature and type of legal and justice needs, and pathways used to resolve the problem (or not) (OECD, 2019[6]).

Box 2.3. The OECD-OSF *Legal Needs Surveys and Access to Justice* guide

To help countries implement legal need surveys the OECD, in conjunction with the Open Society Justice Initiative (OSJI) and with the assistance of an international research and policy advisory group, produced an empirical tool to help planners, statisticians, policy makers and advocates understand people's everyday legal issues and experience with the justice system. The guide to *Legal needs Surveys and Access to Justice* was also designed to support effective implementation of target 16.3 of the 2030 Agenda ("to promote the rule of law at the national and international levels and to ensure equal access to justice for all') and the OECD Policy Framework for Policy Action on Inclusive Growth.

The guide sets out a framework for the conceptualisation, implementation and analysis of LNSs and is informed by analysis of a wide range of national surveys conducted over the past 25 years. It provides methodological guidance and model questions to capture three core components of effective access to justice:

5. the nature and extent of unmet legal and justice needs
6. the impact of unmet legal and justice needs on individuals, the community and the state
7. how specific models of legal assistance and dispute resolution are utilised to meet needs.

It outlines recommendations in a modular way, allowing application to different types of surveys. It also

outlines opportunities for legal and justice needs-based indicators that strengthen our understanding of access to civil justice.

Naturally, LNSs have their limitations. Depending on the sample size and coverage, it is often difficult to capture sufficiently detailed information on the legal and justice needs and barriers experienced by many small and vulnerable groups. LNSs therefore need to be complemented by other targeted and rigorous empirical qualitative and quantitative work to identify particular needs, groups or circumstances.

Source: (OECD/Open Society Foundations, 2019[11]).

Additional, valuable information regarding people's legal and justice needs can be found in individual cases. The evidence emerging from organising and analysing individual cases can be turned into proposals and actions for structural legal change. For example, national ombudsperson institutes handle complaints, but each complaint contributes to the bigger picture of how the system works for or against people. Ombudsperson offices analyse individual complaints and, where they see a need, they can make recommendations to reform legislation and regulations, or to improve implementation (De Langen, 2018[12]).

Locating legal and justice need

Part of the task of identifying legal need is to locate that need geographically and demographically. This is an essential step in guiding the planning and delivery of justice services (including legal assistance services) to address those needs. Tracking needs can pose challenges, especially because the sample sizes from LNSs will rarely allow for small area or local mapping of the need identified. Thus, while LNSs could provide effective means for identifying representative samples of legal need of the population, they rarely can offer sufficient numbers for detailed local mapping of that need (OECD, 2019[6]).

Yet, small area modelling could help map legal and justice needs in greater detail at the regional/community level, possibly using insights from social, economic and demographic data, administrative data, and other complementary and local data sources. One example comes from Australia, where the Law and Justice Foundation of NSW applied knowledge gained from their LNSs to official datasets (such as the National Census data, social security data, criminal data) to allow for the mapping of these population variables and other indicators or proxies for legal need (Mirrlees-Black, C and Randell, 2017[13]) (Box 2.4).

Box 2.4. Legal and justice needs of specific groups

Adequately mapping the legal and justice needs of a particular community requires taking into account that groups of people with particular characteristics – such as age, ethnicity, gender, place of residence among others – experience particular legal and justice needs and barriers. Some groups with specific needs, without being exhaustive, include:

- *People with disabilities* – People with disabilities often experience unique barriers to access justice, depending on the nature of their disability. Justice procedures and facilities thus may not be adapted to their particular needs. In addition, disabled people often face cumulative disadvantage, such as social exclusion, discrimination, poverty, unemployment and homelessness. Their legal and justice needs tend to be intersectional and cluster together, heightening their vulnerability to abuse. Addressing them requires developing informed, culturally competent responses throughout the justice system.

- *Children, young people and the elderly* – Children, young people and the elderly experience needs linked to their age, often coupled with difficulties in taking action or reluctance to do so due to limited autonomy, poor awareness of the legal rights and remedies available to them, and lack of financial resources. Particular children and young people, such as those experiencing homelessness, economic disadvantage and/or family violence have heightened vulnerability to legal issues. Elder abuse and associated legal issues are a significant emerging (and little known) area of legal need that affects a growing number of older people. Thus, as the ageing population grows, the legal and justice needs of older persons are expected to rise. Both children and the elderly are sometimes subject to abuse from their guardians.

  When legal advice is needed, both young people and the elderly are generally more likely to seek the advice in person. Others with technological capability may seek online legal information and advice. Services that adopt a multi-channel delivery approach are best suited for these age groups. Especially in the case of the elderly, an older person's stage of life and socio-economic background have much to do with their ability to deal with their legal issues. The elderly often face barriers to accessing legal aid due to strict economic tests, where for example owning a house or other assets may automatically bar them from eligibility even though their actual financial means to seek justice services are very limited and rely on small pensions.

  Children and young people require tailored and wraparound support provided by accessible, child-friendly and joined-up legal assistance services. Specialist, child-friendly legal assistance services play a fundamental role in ensuring access to justice for children and young people. Similarly, specialist services are often better equipped to respond to the needs of older persons.
- *People experiencing economic disadvantage* – As identified by the OECD and many other institutions through LNSs, those from disadvantaged socio-economic backgrounds tend to experience more legal and justice needs than the rest of the population, and face a greater number of barriers to meeting them (OECD, 2019[6]). Legal fees and court costs can prevent people from obtaining legal advice and pursuing resolution of legal issues through the court system. This may compromise their safety, finances, housing, health and other welfare entitlements. In addition, people experiencing economic disadvantage may fail to recognise legal issues or may not know how to respond if they do. They may struggle with the complexity of relevant laws. They may also lack the time to deal with legal issues, particularly if they are primary caregivers.
- *Indigenous groups* – A legacy of marginalisation has often created conditions in which Indigenous peoples experience serious and multiple forms of disadvantage. The high rates of interaction with criminal justice experienced by Indigenous people stem from lifetime cycles of poverty, intergenerational trauma and grief, and experiences of systemic injustice that accumulate over time. Indigenous people thus face particular needs given their socio-economic situation, and may also face further barriers including the financial cost, lack of familiarity with court language, and living in remote regions. Reliance on community and informal justice dispute resolution mechanisms as opposed to official justice institutions can also be a factor preventing Indigenous communities from seeking certain types of assistance, protection or benefits that they would otherwise be entitled to.
- *Victims of domestic violence* – People experiencing family violence may not know what legally constitutes family violence or what legal protections are available to them. Social attitudes that shift blame to the abused victim and the threat of violent retribution create further barriers that inhibit persons from seeking help. Once they decide to take action, victims of domestic violence have immediate legal and justice needs arising from their necessity to seek physical protection from the police and acting as witnesses and victims in an eventual criminal trial against their aggressor. Leaving such a relationship also engenders legal and justice needs involving separation or divorce, as well matters involving custody of children. It may also entail severe

economic and housing issues, leading to poverty and homelessness if the victim has to leave the family home where the abuser was the main income earner, and to physical and mental health-related needs following from the violent attacks. Victims of family violence also often need to interact with areas of justice services other than criminal justice, including applications for crime victim assistance, and child protection. Additionally, engaging with the justice system can heighten trauma for victims, such as where a perpetrator pursues or prolongs justice processes as a means of maintaining control over their former partner.

- *Detainees and prisoners* – By definition, prisoners have had and continue to have criminal law needs, such as those related to bail, prison discipline and parole. Many prisoners and detainees experience ongoing civil and family law issues interconnected with their criminal law issues, without sufficient access to justice services relating to those types of procedures. The physically and digitally isolated prison environment itself can act as a significant barrier for prisoners' access to legal information, practitioners and advice. Where these issues are not resolved, they can persevere and add to the cycles of disadvantage experienced by many prisoners that may eventually lead to their return to prison. The Law Council of Australia also identified a lack of transition programmes designed to solve prisoners' legal issues to enable their positive reintegration in society as a key barrier feeding into the cycle of disadvantage. Financial difficulties, limited education and illiteracy are also often prevalent barriers.

Source: (Law Council of Austrailia, 2018[14])

Provision and accessibility of people-centred services

Knowing what works

People-centred justice services are those that are most appropriate for the particular person to address the problem or problems they face in their circumstances. These include services that are timely and delivered in a manner most useful to the person in need. Importantly, they will also be cost-effective and sustainable to ensure their long-term availability and usefulness.

Implicit in designing cost-effective and effective services for the particular context is the need to have sound knowledge in relation to what strategies, interventions and services are most effective and cost-effective at addressing particular legal and justice needs. This in turn implies understanding what works in any circumstance, including for those people with multiple disadvantages and experiencing multiple problems who may not act in the rational way that legal systems may expect them to. In other words, identifying "what works" would need to take into account people, circumstances and emotions; pathways to resolution and support must be informed by how people experience legal and justice problems, and how they engage available pathways to address them.

While there are important advancements in some OECD member countries, OECD work has identified that the existing evidence base on what works (and equally what does not, and why) in meeting the legal and justice needs is still limited and uneven, has been rather slow to develop, and faces a number of challenges (OECD, 2019[6]). How do justice services know if different justice solutions are being implemented in appropriate circumstances? How can rigorous measurement of the impact of these initiatives be promoted? As such, there could be an opportunity to develop a comprehensive, co-ordinated evidence base on what works in achieving access to justice (OECD/LJF, 2019[15]), by:

- identifying, collecting, assessing and making accessible evidence of what works, at what cost, in what circumstances and in what contexts
- identifying the key gaps in the existing knowledge base

- systematically seeking to address the evidence gaps through:
  - establishing partnerships among the community of actors involved in access to justice (including legal assistance and access to justice providers) for continued engagement and research in areas in which knowledge of what works is scarce
  - investing in the appropriate rigorous trials and evaluation of justice solutions targeting a particular legal need and particular priority group.

As countries progressively move out of the COVID-19 pandemic environment, it is important for a people-centred justice system to conduct appropriate monitoring and evaluation of the new remote, online and other "COVID-safe" processes to determine what strategies and processes work best – again, in what circumstances, for which people, and at what cost. In turn, this should inform decisions about which of the new processes might be retained, which further adapted and reformed, and which rejected. Thus, as justice systems undertake the necessary process of reflection on the suitability and people-responsiveness of its existing and new processes, there is scope to systematically introduce a people-centred lens to impact assessments of justice system processes, and to create a more rigorous evaluation culture to apply to justice and legal initiatives. Such people-centred impact assessment and evaluation should support the understanding of what works and for whom, and hence improve the responsiveness of justice systems to the needs of people (OECD/LJF, 2020[5]). Evidence has directly correlated that responsiveness to the level of people's trust in justice.

Therefore, in order to continue providing and improving people-centred access to justice for all during emergence from the pandemic, appropriate review and evaluation is needed to ensure that reform decisions are informed by sound evidence (see Pillar 4).

Availability of services along a continuum

A people-centred justice system would provide a range of justice and related services over a continuum from the most local and informal through to formal judicial processes, and these should be provided sufficiently accessible to those experiencing legal need to help them resolve their problem. In addition to formal judicial and non-judicial options, these can include ADR mechanisms (e.g.mediation, arbitration, conciliation, online dispute resolution [ODR]); paralegals; public legal assistance and education providers; community advocates; and collaborative services from legally trained and other professionals (OECD, 2019[6]) (Box 2.5).

Box 2.5. Continuum of selected public legal assistance services in France

Access to legal knowledge is a fundamental element of the *pacte social* (social pact). It is implemented through 101 *conseils départementaux de l'accès au droit* (CDADs – county councils for legal access) as well as a proximity judicial network that includes 147 Maisons de la justice et du droit (MJDs – law and justice houses), and 1 515 *points d'accès au droit* (PADs – access to law points) and *relais d'accès au droit* (RADs – access to law relay points).

Access to law points

PADs are permanent and free centres that primarily provide local information on rights and duties to people with legal difficulties, thanks to legal professionals or lawyers, and qualified stakeholders. Their main characteristics are permanence (unlike occasional services), multidisciplinary teams and services and the existence and organisation of user reception. Some PADs specialise in a particular type of audience (young or isolated people, prisoners, compulsory hospitalised patients, foreigners, etc.). Since

2016 this network is extended to jurisdictions that provide legal information or guidance prior to or as an alternative to a judge's referral.

Law and justice houses

MJDs work to prevent and deal with petty crime, facilitate the amicable settlement of disputes, and set up specialised legal consultations. RADs cover all access to law mechanisms that are co-ordinated by the CDADs and do not meet PAD criteria. These access points are available in various locations, including *Centres communaux d'action sociale* (social action municipal centres) and *Maisons du citoyen* (people' houses); there is also mobile support, e.g. "justice buses", run by Bars such as *Bus Solidarité du Barreau de Paris* or linked to associations.

Multi-service information and mediation points

Points d'information et de médiation multiservices (PIMMS) are organisations designed to stem the process of exclusion of the most vulnerable groups in urban districts and to facilitate access to public services. PIMMS are located throughout the territory.

Public service houses *Maisons de services au public* (MSAPs) are tools for equal access to public service and enable an efficient network of contact points for populations in rural areas, medium-sized towns and priority neighbourhoods in cities. They ensure free and unrestricted access to digital or computer tools, allowing people to fulfil administrative procedures online. More than 1 300 MSAPs are available in France.

Source: Ministry of Justice, France; (OECD, 2019[6]).

The scope and composition of this continuum should be linked to the assessment and locating of legal need, the prioritisation of targeted and vulnerable groups, and the proper understanding of what strategies work most effectively and cost-effectively for a given person with a given legal need in a given location/circumstance. Approaches such as triaging, upgrading and co-ordination could go a long way (see Pillar 2), and here the health sector can offer many important lessons. The principles and effectsof the different pathways would need to be transparent and consistent, and their results effectively implemented. The service continuum should be designed to take into account the nature of the right, the legal issue, individual capability, the complexity of the legal process and the overall impact of potential outcomes. Indeed, prioritised disadvantaged groups are often confronted with particular barriers to accessing legal and justice services. In order to meet the needs of these groups, a range of legal and non-justice services and forms of assistance need to be adopted.

People-centred justice would involve the availability of a differentiating framework of dispute resolution. Different groups of people have different needs, capabilities and interests in dispute resolution, which call for a set of mechanisms capable of dealing with variety. There is not one type of dispute resolution that is better than the others for addressing all problems in all circumstances. Litigation, ombudsperson services, conciliation, expert opinions, mediation, negotiation (often with assistance) and many other ways to solve disputes all have an important role to play in different contexts. The traditional choice between negotiated compromise and court litigation, at times enriched by arbitration, does not fully reflect the variety of interests that matter to people affected by conflict or facing legal need, nor does it necessarily reflect how the people themselves wish to act or approach the problems. In many countries, mediation and afterward conciliation/ombudsperson services were added to the mix of available mechanisms more recently. A truly differentiating framework of dispute resolution/justice pathways, empowering people by offering different and well-established types of dispute resolution, is still to be fully developed in many jurisdictions (OECD, 2019[1]). A study of the use of mediation in commercial and construction disputes in the United Kingdom, carried out after the introduction of the Civil Procedure Rule 166, showed that under certain circumstances

mediation was more likely to lead to a timely and cost-effective settlement than litigation.It was also found to allow parties to focus on and narrow the issues in dispute (Brooker and Lavers, 2005[16]).

Importantly, while differentiating, good dispute resolution frameworks need to be comprehensive at the same time. Information on core features of the available mechanisms for solving disputes should bemade widely available in an accessible and plain language format, as well as information on the interaction between the mechanisms and their options in case a dispute has a cross-border dimension. Access to these mechanisms could be facilitated by the “no wrong door” approach (see below), which could help navigatethe complexity of the system. Historically, the features of court litigation and arbitration, and usually also of mediation and consumer conciliation/ombudsperson services, are well established. The features of other forms of ADR, however, are often less clear. This often puts people in a difficult position as regards choosing the right way to solve their disputes. Also, less well established are the relationships among various forms of dispute resolution. This concerns the mechanics and consequences of switching procedures and the effect of the first procedure on the second. Many jurisdictions, for example, lack clear rules on the effects of switching from conciliation to mediation, or from an expert opinion to a court proceeding. The lack of certainty surrounding not only the switch itself but also all the relevant effects – on costs, limitation periods, confidentiality etc. – makes switching less likely. As a result, users face difficulties when recognising that the first choice of dispute resolution mechanism may not have been appropriate. Further, the knowledge that changing mechanisms is difficult can influence the parties’ first choice. If for example switching from a non-binding conciliation to court proceedings in case of failure is cumbersome, then some parties will opt for court litigation in the first place even though conciliation might be the better option. Nonetheless, it should be clear that the courts remain the ultimate guarantor of protection of rights (supported by appropriate legal, regulatory and institutional frameworks).

And finally, people-centric justice requires consistency within justice services/mechanisms of dispute resolution, and between services and mechanisms. If the costs of services/mechanisms, their effect on limitation periods, the relevant rules on confidentiality, enforcement of resulting solutions, etc. prove inconsistent, then parties’ choices could be distorted. Instead of choosing the service type (for example, form of dispute resolution) that best suits the particular conflict, people may opt for a form that is, for example, most subsidised by the state. Inconsistent rules and principles may well often be a result of the historic piecemeal development of frameworks of justice services/dispute resolution. This often includes the amount of and conditions for state support for certain service/dispute resolution mechanisms. At the same time, it is unlikely that different groups of users/parties who are in need of financial support would try to solve a dispute by way of mediation, if they can expect legal aid only for court litigation but not for mediation.

Appropriate incentives

In order to ensure that different stakeholders and gatekeepers are acting in the best interest of a person with a legal need, the experience of many countries highlights the importance of incentivising lawyers, judges, accountants, librarians, notaries, tax advisers, insurance companies, community services and others to facilitate access to the most appropriate type of legal service. These incentive structures would need to be accompanied by measures such as information campaigns, dispute-resolution training, clear language requirements and effective triage and referral mechanisms (Steffek et al., 2013[17]).

Supporting accessibility of services

The OECD criteria for people-centred design and delivery of legal and justice services call for services that are accessible and designed to actively overcome the range of barriers to the assistance people require. Given that cost has usually been identified among the biggest barriers to justice services, care is needed to ensure that access is not impeded by prohibitive costs. Yet, cost subsidies for certain justice services (e.g. courts) should not set incentives to favour these services only for cost reasons. Cost subsidies or

legal aid for ADR mechanisms might be considered in cases of deficient information, if certain procedures could favour certain groups, or on grounds of efficiency (Steffek et al., 2013[17]) (Commonwealth of Australia, 2020[18]). Legal assistance planning must also reflect the needs of those who, despite not falling into the lowest categories of income, would not be able to afford justice services independently. OECD analysis of the World Justice Project data showed that in several countries, the lowest income group has significantly better access to assistance than the second lowest and middle-income groups (OECD/WJP, 2019[9]).

Strategic deployment of services

Funds within justice systems may not be sufficient to provide an adequate range of justice and related services for the whole community. This can be particularly pronounced in remote areas with small populations and insufficient infrastructure. One strategy for governments would be to strategically link justice services to other human services, such as health, housing and education, to ensure that an appropriate range of service options is available – through appropriate partnerships, integration and referral – to provide for particular priority groups. For example, legal and justice services for remote Indigenous populations might be delivered in conjunction with, and sometimes rely on, the more substantial infrastructure of other human services in the relevant regions.

Inclusive services

Legal and justice needs research has brought attention to the role of legal capability (and the lack of it) in the vulnerability of people in terms of being able to resolve legal issues. The increased presence of disadvantages (disability, unemployment, living in remote areas, being a victim of domestic violence, etc.) is generally associated with a decline in legal capability.

People-centred justice systems and services tend to focus attention and service delivery on those in society who are most in need of assistance to address their legal and justice needs. Countries adopt different approaches to identify and target these groups. Legal assistance schemes (including for example legal aid and community justice services) are increasingly an essential part of many justice systems (Box 2.6).

Box 2.6. Inclusive legal aid across OECD countries

France

Access to legal aid is available if:

- a person's resources are below a capped amount
- the proposed legal action is not inadmissible or unfounded
- the person does not have insurance coverage for legal expenses.

Eligibility criteria

Immigration Status – Legal aid can be claimed by French or European nationals, foreigners whose legal and habitual residence is located in France, and asylum seekers. However, legal aid will be given to any foreigner if they i) are kept in waiting zones, ii) are temporarily detained pending verification of their right of residence, iii) were refused a temporary residence card or residence permit, iv) are the subject of an expulsion measure, v) are detained in migrant detention centres, vi) are a minor, vii) are subject to the status of *témoin assisté*, *mis en examen*, *ocuse*, *prévenu* or civil party viii) are a condemned foreigner, ix) are benefiting from a protection order against violent partners, or x) are subject to a plea bargaining procedure.

Financial Means – The essential criterion for receiving *aide juridictionnelle* is financial need. The system distinguishes between full and partial aid, depending on the claimant's financial situation. If full legal aid is granted, it will cover all the costs of the proceedings, including the fees paid directly to the attorneys or other practitioners (bailiff, notary, etc.). People who benefit from specific welfare benefits (namely the Solidarity Allowance for the Elderly, Income of Active Solidarity or the Temporary Waiting Allowance) and victims of particularly serious crimes (torture, rape, etc.) do not need to provide proof of income and can automatically benefit from the *aide juridictionnelle*.

Australia

In the National Legal Assistance Partnership (NLAP) Agreement (Commonwealth of Australia, 2020), specific national priority client groups are defined under Schedule A:

"The States will ensure that legal assistance services are focused on people experiencing financial disadvantage."

[…]

"The States will ensure that legal assistance services are planned and focused to people who fall within one or more of the following national priority client groups (in alphabetical order):

a) Aboriginal and Torres Strait Islander people;

b) children and young people (up to 24 years);

c) older people (aged over 65 years or Aboriginal and Torres Strait Islander people aged over 50 years);

d) people experiencing, or at risk of, family violence;

e) people experiencing, or at risk of, homelessness;

f) people in custody and/or prisoners;

g) people residing in rural or remote areas;

h) people who are culturally and linguistically diverse;

i) people with a disability or mental illness;

j) people with low education levels; and

k) single parents."

[…]

"The list of national priority client groups recognises that certain cohorts of vulnerable people facing disadvantage are more likely to experience legal issues, less likely to seek assistance and/or less able to access services for a range of reasons."

State-specific priority client groups

"In addition to the national priority client groups, States may identify other priority client groups that may be specific to their respective jurisdiction. The State will ensure the legal assistance sector plan and target their services to these additional client groups."

Poland

In 2019, a modification in Legal Aid services included implementing a new form of free assistance called Citizen Advice, as distinct from traditional Legal Aid. Whereas Legal Aid is focused on solving aparticular legal issue, Citizen Advice focuses on a person who experiences various life problems andrequires

overall support beyond just Legal Aid, providing professional advisory help to attempt to resolve the matter.

Legal Aid and Citizen Advice are available to any natural person who cannot afford paid legal assistance due to material status or life situation.

The list of points of Free Legal Aid and Citizen Advice in the territory of a given county is published by a *Starost* (county chief) at least once a year in the Bulletin of a Public Information, websites of county offices and commune offices, in local mass media or in the manner customarily adopted in the area. It is also available on the official website of Legal Aid. Booking an appointment is possible through the official website, by telephone, or in person at the county office.

As a rule, people are required to appear in person at the point of free legal help. However, if necessary, legal aid may be provided in the place of residence for a person with a significant degree of disability. During restrictions resulting from the pandemic regulations, Legal Aid and Citizen Advice are provided remotely. In the case of persons with communication difficulties, it is possible to provide free legal aid in a specially adapted place or with the support of a sign language interpreter.

It can be difficult for large-scale legal and justice needs assessments to distinguish particular needs of certain smaller but very vulnerable groups. The principles of equality and inclusion would thus call for targeted legal and justice needs research for these high-priority groups. The research could involve a range of quantitative, qualitative and other methodologies, as well as long-term "deep" engagement with particular communities to hear their voices.

Appropriate services for people and their particular capabilities

LNSs and other legal and justice needs research have identified that the approach and capabilities to legal issue solving varies across different people in a community. They are influenced by people's circumstances and capability as well as the nature of their problems. Notwithstanding formal equality aspired to under the rule of law, people do not resolve legal issues or come to and make use of the justice system as if it were a level playing field. Some are able to deal with legal issues more easily than others, and for them rapid and effective dealing with legal issues helps prevent issue escalation and adverse consequences. People in high-income countries increasingly experience barriers to accessing justice resulting from the complexity of the applicable legal framework, backlogs in courts, and high costs relative to the aim of the dispute. At the same time, disadvantaged people often lack sufficient legal capability to identify and take appropriate action to resolve their legal issues. Legal capability therefore has become an important focus in the development of legal service policy and practice in many countries.

A people-centred justice system would have services appropriate to the different levels of capability of the people experiencing legal problems. The challenge for governments is to provide not just a wide range of service options, but also options that are particularly appropriate to the needs of each group. Services targeting disadvantaged people have begun to be designed to target the particular capability issues of the targeted clients, using legal capability frameworks. This is translated into the language and practice of "appropriate services" that are to be delivered at the time most appropriate for the person to address their issues (Box 2.7).

Box 2.7. Appropriate services for particular capabilities and needs - Examples

Problem-solving courts

A growing number of OECD member and partner countries are establishing problem-solving courts organised around common principles: problem solving, collaboration and accountability. These courts

use their authority "to address the underlying problems of defendants, the structural problems of the justice system including jail and prison overcrowding by diverting certain offenders from incarceration and custody, and the social issues of communities". They apply a holistic view and the "judicial case processing is partnered with treatment providers and community groups to follow up and support victims and offenders alike in order to reduce recidivism" (OECD, 2016[19]).

In order to build up these problem-solving courts, countries can focus on fostering interdisciplinary collaboration among stakeholders in and outside the criminal justice system, hold individuals with justice system involvement, service providers and themselves accountable to the surrounding community; and lastly, connect participants with individualised, evidence-based treatment.

Many OECD countries have streamlined problem-solving principles in certain fields of criminal justice, i.e. without establishing a fully-fledged court. In this context the case management process or track is differentiated according to the circumstances of the case or of the defendants (e.g. juvenile offenders). These efforts constitute a problem-solving approach outside of a problem-solving court.

Family-Justice Centres

Family-Justice Centres aim to improve the position of domestic violence victims. Although not a problem-solving court, they share the ambition of domestic violence courts to help victims and hold offenders accountable. Family-Justice Centres provide co-located, one-stop, multidisciplinary services. A centre may "offer comprehensive medical and justice services, counselling to victims and children, links to the court system, as well as access to on-site professionals providing civil justice services, job training and placement assistance, public benefits assistance, advocacy, and safety planning" (OECD, 2016[19]). Family-Justice Centres aim to fill the gap between collaboration and service integration by creating collaborative service arrangements for clients through specifically created partnerships. This continuum links together various steps, e.g. co-operation, co-ordination and collaboration, leading to the creation of integrated, wrap-around services. Domestic violence courts exclusively deal with cases related to intimate abuse. Although they function under the umbrella of problem-solving courts, they are different in the sense that protection of the victim rather than treatment and recovery of the offender takes priority. Victims are provided with extensive services such as counselling, shelter and advocacy. Offenders are commonly required to participate in batterers' intervention programmes and report to the judge on compliance. Yet, most domestic violence courts still emphasise offenders' accountability over their rehabilitation. Using a "carrot and stick" approach, the offender will receive a suspended sentence (probation) depending on their treatment or protective-order compliance.

Domestic violence courts

However, domestic violence cases qualify for diversion programmes under certain court models. In England and Wales (United Kingdom), Specialist Domestic Violence Courts (SDVCs) are led by the public prosecution service. These courts' primary concern is with victims. Lay magistrates preside over court sessions. SDVCs are characterised by multi-agency information sharing, fast-tracking of cases, and the offer of comprehensive and immediate victim services. Safe courthouses and facilities are features of these innovative courts. Review hearings are not part of the court procedure. An exception to that rule is the Croydon court, where a defendant's compliance with community rehabilitation orders is reviewed after three months. There are different types of domestic violence court models, and an important distinction is made between dedicated courts and integrated court systems. In an integrated domestic violence court, one judge handles criminal cases related to domestic violence as well as the accompanying civil matters such as custody, visitation, civil protection orders and matrimonial matters. These courts work on the "one family, one judge" principle. In non-integrated courts, the family court judge might be uninformed of a protection order issued during criminal proceedings. Similarly, a criminal court judge might be unaware of relevant family court proceedings relating, for example, to divorce or child-protection. The objectives of an integrated family and domestic violence court are: "1) a more

holistic and multi-disciplinary approach to family problems; 2) more effective judicial monitoring to increase accountability for offenders and compliance with court orders; 3) improved judicial decision making as a result of the judge having more information about the family; and 4) better access to and co-ordination of support services (i.e. legal and social services) for the victims and children" (OECD, 2016[19]).

Sources: (OECD, 2016[19])

While many members of the population seeking legal and justice services might be able to rely on technological, self-help and other pathways, such solutions may not be effective for particular groups that don't have access to the Internet or digital skills, such as the elderly. Therefore, services that are appropriate to those groups should be developed and implemented. For example, Germany, Iceland, Ireland and the United Kingdom make legal information available in a number of languages or in a range of accessible formats, including audio, video and telephone lines. Spain launched a service addressed to persons with hearing and speech disabilities. Users can download the application "Texmee" which enables communication withthe Ministry of Justice via text message in real time (OECD, 2019[6]). In Japan services are available to assist foreigners, with translation provided. Most European countries provide specialised legal assistance to refugees and migrants. Australia, Canada, New Zealand and the United States all have specialised courts and other justice services such as legal assistance and legal aid dedicated to meeting the needs of Indigenous persons (OECD, 2019[6]).

In addition, in Australia there are a number of different legal assistance providers that target different segments of the population with their varied legal and cultural needs. Legal aid commissions provide the most comprehensive range of advice and representation services, while Aboriginal and Torres Strait Islander Justice services target the legal and justice needs of their community. Community legal centres focus many of their services through local community engagement, but also through specialist justice services that target specific groups (such as older people, people with a disability, women, and children and young people). Australian Family Violence Prevention Justice services target the needs of Indigenous victims of family and domestic violence, especially in remote and regional areas (Mulherin, 2016[8]).

User-friendly and culturally appropriate services that are free of bias

In addition, people-centred justice systems will seek to develop and implement services that are user-friendly to the particular users, adopting language styles and levels and using media, technologies and service models that most suit the target communities. These services would also be free of bias and discrimination towards these communities, to ensure they are able to reach timely and fair resolutions. In Sweden, an ongoing court-based project designed to increase public confidence and trust in the courts conducted both internal and external dialogue on how their court is functioning and perceived to be functioning. The initiative included interviews with people involved in a court case directly after the case was concluded. This input from the users of court services informed a number of key policy reforms, both in terms of how judges interact with parties and on common policies for reception in courthouses, information for parties, and the ways in which judgements are written (OECD, 2019[6]). In England and Wales (United Kingdom), individual service providers and justice institutions are taking active measures to develop a targeted understanding of both their clients' or users' justice needs and how they experience the justice system on an ongoing basis (OECD, 2019[6]). In some cases, such as with Indigenous communities and other culturally and linguistically diverse communities, service models and types will aim to be specifically culturally appropriate. The need for services to be culturally appropriate will likely include a combination of specific group services that are community controlled and staffed (such as in Australia with the Aboriginal and Torres Strait Islander justice services), and appropriate cultural group representation and training for generalist services, to ensure the services also provide user-friendly and appropriate access for targeted priority groups. In the context of the pandemic, the Health Ministry of Canada has translated

all key information on COVID-19 into ten Indigenous languages and has committed about $1.7 billion in specific support to Indigenous and northern communities and organisations.

Targeted services

Few people experiencing a legal issue attempt to resolve it in the courts, whether because of cost, time, complexity, or lack of legal literacy. Research findings thus show that legal service delivery would fall dramatically short of providing access to justice for all if it relied on servicing only those clients who make it through the lawyer's "front door". There is growing recognition that justice services need to be proactive in reaching the community. Proactive approaches have the potential to benefit all people, and may particularly support disadvantaged groups who experience the most legal issues and are least able to resolve these problems alone. Past OECD work revealed that there is empirical evidence showing "that legal and justice interventions directed towards vulnerable groups generate direct benefits for their recipients and contribute to more inclusive societies with long lasting impacts on social welfare" (OECD, 2019[20]).

Another way of approaching the importance of this issue is to properly situate the legal and justice needs a person may have among many other daily, pressing needs – health, housing, family, food and nutrition, etc. In this context the legal need – as perceived by the individual – may not be the most pressing issue, and therefore will not be the first issue acted upon, if it is acted upon at all. Nevertheless, legal issues can ultimately have a major impact, and failure to address them can result in escalating problems over time. Accessing services can therefore be conceived as a two- way flow: 1) the person proactively engaging with the service provider, and 2) the service provider proactively seeking out the targetgroup to engage people in need. For disadvantaged people the latter may often be the primary way for them to receive appropriate and timely services.

To successfully reach all people with legal and justice needs, justice system features would include:

- effective outreach services targeting the different priority groups in appropriate ways
- an effective triage mechanism to ensure the targeted individuals are reached, and then directed to/provided with the most appropriate and effective services
- provision of an appropriate range of services.

Many countries have established services that seek new and innovative ways to appropriately reach targeted priority groups with needed legal assistance and services. Understanding that those most at risk of experiencing legal need and unable to resolve those needs are less likely to approach justice services but rather will often be in contact with other human services, new legal outreach and engagement methods targeting these other human services have been adopted. For example, the Pennsylvania Senior Law Centre and the Centre for Elder Law & Justice of New York offered assistance through telephone during the COVID-19 pandemic, recognising the limited digital abilities of many elderly people. Taking into account the particular situation businesses have faced prompted by COVID-19, the Slovak Republic expanded the time limit to file for bankruptcy in April 2020 and introduced profound changes to insolvency proceedings (OECD/LJF, 2020[5]). In Poland the Victims' Helpline funded by the Justice Fund (governed by the Ministry of Justice) has operated since 2019. It is a 24-hour helpline for victims of crime, including domestic violence. The telephone assistance is provided by a psychologist and a lawyer, and conversations can also be conducted in English, Russian and Ukrainian using instant messaging and email. Call charges are billed as if it were a local call.

These strategies build on the knowledge that people who, as part of a cluster of problems, are experiencing legal issues may very well be in contact with for example health services, public and community housing services, disability services, refugee and immigrant services, community education services or homeless services, to name a few. A people-centred system providing access to justice for all would likely link justice services to other human services, and design the range and nature of these service models for the

particular needs of the community as driven by the particular demographic makeup of the jurisdiction (Box 2.8).

Box 2.8. Justice partnerships/outreach with other human services - Examples

Health-justice partnerships – A common example of targeting services in a number of countries has been the linking of legal assistance services to existing health services. A number of rationales underpin this strategy.

LNSs reveal that while a relatively low percentage of people experiencing legal issues approach justice services, many enquire about health services when they are visiting medical professionals for a health reason. Health services therefore (along with other human services providers), can be important problem identification and referral points for people into the justice system.

For disadvantaged people, who may struggle to access the full range of services they need, their engagement with a health service can be an opportunity to identify and address legal and other problems in parallel.

Specific health services (such as women's health services and hospital emergency room services) can be useful venues for identifying and reaching specific target groups, such as victims of domestic and family violence.

Homeless service partnerships – *Homelessness* can be considered to range from those "sleeping rough" through those "couch surfing" and relying on friends and relatives for temporary accommodation, to people in boarding house-style accommodation. All of these groups are particularly vulnerable to a variety of legal issues, ranging from the criminalisation of everyday activities simply because they are conducted in public to the inevitable problems associated with not having a fixed address, and the implications that has for provision of government and other services. A people-centred system of access to justice will seek to reach this disadvantaged group where it is most suitable for them.

In recent years there has been a growth in service models linking justice services to homeless shelters, charitable food distribution services, and similar services as a means of reaching this target group to assist in resolving their legal issues. In some countries these services have often been based around co-ordination of the private legal profession through pro bono service delivery. Regardless of who delivers the service, the models focus on the legal service providers spending extended periods in outreach to homeless services to establish trust with the homeless service staff and the homeless people who come to that service, and on being available when it is appropriate to provide the legal service. As with health justice and other human service partnership models, the role of the other service in identifying clients who may have legal and justice needs and referring them (with support) to the legal service is an important one.

Public housing outreach – Clients of community and public housing are generally people who are experiencing economic and other disadvantages. Based on legal and justice needs research, they are likely to be experiencing a range of legal issues and will need assistance to resolve them, but are unlikely to be able to afford that assistance or have the legal capability of obtaining that support or resolving the problem on their own. Thus, as with health justice and homeless justice services, service models that provide outreach to and partner with social housing services are a means of reaching those in need of legal assistance services.

For legal assistance services, reaching those most in need has become a major challenge. Adequate engagement and participation that leave no one behind requires specific efforts designed to reach particular communities and disadvantaged people who face various barriers to access. That is, justice services as

part of a people-centred justice system will include elements that proactively engage with those communities less likely to reach out to justice services themselves.

An essential part of the "accessibility dimension" of justice services (Pleasence et al., 2014[21]) (Buckley, 2010[22]), and legal assistance in particular, is therefore the provision of outreach services targeted to the community, in forms that are located within easy reach and appropriate for the target group. This will involve establishing linkages and partnership with culturally appropriate non-legal but trusted services as a conduit into the community.

Appropriate entry points

Whether targeting disadvantaged people or the community in general, justice services require *appropriate entry points* that have been designed with a people-centred perspective. Thus different entry points to justice and legal assistance services may well be required for older Indigenous women in remote communities, for young people in inner city urban environments, or for migrant communities. For example, in Australia, in recent years telephone legal helplines have been established in a number of states (Mirrlees-Black, 2020[23]) to serve as a key entry point to legal assistance or related services for the community. In general, these helplines are designed to provide initial information and referral for the client. Telephone and online information referral servicesare have proved the most appropriate for entry point for everyone all in the community and for disadvantaged people in particular.

The COVID-19 pandemic and its impact upon all services during 2020 have placed much focus on telephone and online entry points to legal assistance. For example, in Chile, France, Lithuania, Tunisia, the Slovak Republic, Spain and the United Kingdom special free helpline numbers have been established for domestic abuse victims in immediate danger, with all victims having the right to free legal advice in 52 languages through the helpline in Spain. Services are also available through e-mail in Denmark and SMS in France. In addition, some countries (e.g. Chile, Spain and France) are using the code word "Facemask 19" in pharmacies to identify women seeking assistance.

This entry point to legal assistance may well have suited many, but it may not have suited all. A people-centred system will, once again, take a people-centred approach: what are the most appropriate entry points for different parts of the community, and for the most disadvantaged groups within the community? While the general population may be targeted with more generic access points, a people-centred justice system will also provide sufficient and appropriate entry points to ensure no one is left behind (OECD, 2019[6]).

Co-ordination, triage, referral and prevention

Improved co-ordination of legal information services and advice

Merely providing the people of a jurisdiction with a wide range of options for sourcing legal advice and assistance is not always the most appropriate strategy. Too many choices for the community member with (usually) inadequate knowledge of the legal system, the law and their nuances, may not help the individual reach the service most appropriate to their needs. The "no wrong door" approach seeks to ensure that through sound co-ordination and triage, people with legal issues can be directed quickly to right service. service most appropriate for them. Co-ordination of legal information and other services is important for streamlining service delivery most appropriately and avoiding duplication and waste. Clear and transparent information about the types of dispute resolution options and when they are appropriate; their cost and duration; and likelihood of winning should be available to facilitate choices. For example, the Dutch legal aid service Jurisdisch Loket makes its services available at many legal service counters around the country and through Rechtwijzer (Signpost to Justice), an online legal guidance website which is also a virtual first stop for legal aid. The website offers a database of template legal letters so that individuals can initiate a legal process; a roadmap to justice which is a "decision tree" that helps people find solutions for their legal

issues in an interactive manner; and an ODR platform. An evaluationof this service showed that people especially dealing with serious conflicts, which are characterised by high levels of escalation and stress, seem to find their way to Rechtwijzer (Bickel, Dijk and Giebels, 2015[24]).

In every organisation within the legal and related sectors, management has a role to play since administrative and management processes must also be adapted to support people-centred justice. For example, data collection and sharing processes will need to be adapted to ensure the appropriate sharing of information (ensuring people do not have to continuously retell their stories, and ensuring a "no wrong door" approach). Other adaptation aspects include but go beyond co-ordination of legal information and provision of clear information to people (e.g. on available legal support or dispute resolution options, time frames for judicial or other decision making).

Triage, diagnosis and referral

Arguably, the most important step in the process for addressing the legal and justice needs of many people in the community is triage. A client or prospective client is "triaged" so that the service provider canget an understanding of the legal issues they face and so determine what strategies are best to address those problems and to make the appropriate referral. Effective triage could be achieved when:

- the department responsible for triage takes a nuanced and person-centred approach to the process in order to understand the particular legal and justice needs faced by the client and their circumstances
- there is a sound understanding of what strategies and interventions are most effective to address the particular need of that particular client
- appropriate services to deliver the appropriate strategy or intervention are available and accessibleto the client

People-centric justice would also require consistency within and among mechanisms for dispute resolution. Any inconsistency in the availability of mechanisms, their costs, their effect on limitation periods, therelevant rules on confidentiality, the enforcement of resulting solutions, etc. could distort the parties' choice. Instead of choosing the form of dispute resolution best suited to them, the person could opt for a form that is, for example, most subsidised by the state.

As mentioned above, inconsistent rules and principles may well be a result of the historical piecemeal development of frameworks for dispute resolution. Effective triage would also require effective information systems that would communicate to different stakeholders (potential clients of justice services, lawyers and others) the available options and associated resource implications. Establishing effective triage systems can enable jurisdictions to make the best of legal resources, including the time of judges, by focusing judicial attention only on the cases that warrant their attention (OECD, 2019[6]).

Emphasising prevention through "legal health check" approaches

An important dimension of preventing legal issues from emerging or escalating is understanding potential legal and justice needs as a matter of *legal care* that, as with physical health, requires education, prevention and follow-ups with the non-expert user. Legal health check approaches could tie together elements of prevention, resilience and increased legal capability (Canadian Bar Association, 2013[25]). Approaches such as legal health checklists could be taken by private or public legal providers, through for example community services. They are really part of a triage process, one that seeks to identify the full range of legal issues and needs experienced by the person by exploring issues that may not have been raised by the person without such in-depth exploration. Implementing legal health checks can also help to create an awareness of the people who may experiment common legal issues and suggest how to address them at both the individual and systemic levels. In addition, insights from behavioural economics can be helpful to understand what people actually do in decision-making contexts, instead of assuming they

always act rationally and in a controlled manner. Behavioural insights could facilitate ways for people to make better choices, meaning they could encourage following certain options without eliminating the alternatives (The opportunity agenda, 2015[26]). In this sense, prevention programmes or services that ensure the safety and security of people, focusing on violence, theft and fraud, can further reduce the systemic issues people face that involves them in the justice system. Prevention programmes can connect members of the community and plug the community in with local police stations for support in real time. In particular, programmes and services in the form of apps, online platforms or a combination of online and offline interventions can create greater accessibility. Behavioural economics also show the importance of communication strategies such as storytelling, offering attractive labels, and using the power of social norms to tackle attitudes towards the justice system and legal issues (The opportunity agenda, 2015[26]).

Pillar 2: Governance enablers and infrastructure

This pillar concerns the role of government and other key justice actors and governance enablers in establishing and maintaining justice systems that are accessible and effective for people in addressing their legal and justice needs. This pillar will incorporate approaches seeking to establish whole-of-government systems, systems to ensure access to technology and to justice services, justice system simplification, and the reorientation of justice services, all to carry through with the purpose of people-centred justice.

Partnerships and co-ordination

Partnerships and co-ordination across the full set of legal and dispute resolution services, as well as related non-justice services, will be required in order to provide the individual with the experience of a seamless set of services to address the individual's needs. Co-ordination of legal assistance and dispute resolution options may call for a series of different strategies that can help provide better continuity of dispute resolution, particularly when certain types of disputes will need to transfer among different resolution channels. The focus should be on continuity of support to the individual with services, advice and information co-ordinated around their needs. Within each partnership and co-ordination mechanism, there should also be a clear focus on a specific type of justice need to address – or in other words, of the objectives sought by the partnership.

Successfully co-ordinating different services to meet the legal and justice needs of the community will in large part be determined by the effectiveness of the arrangements put in place at government level to ensure whole-of-government and whole-of-justice system approaches. Effectiveness in turn would be determined by the mechanisms and policies put in place to ensure co-operation and integration among departments and among agencies.

Whole-of-state approach

A common challenge for all countries is the co-ordination of holistic and integrated services across many and varied government departments and other justice sector agencies and actors. Traditional ministerial and department responsibility approaches, and the practicalities of day-to-day management of government resources and programmes, underlies this challenge. The problem can be even more acute in federal states with jurisdictional divisions of responsibilities between the national and state governments.

Recognising the interconnectivity of people's lives and their problems of every type – all of which take place above a bedrock of laws and regulations – governments seeking to implement people-centred justice systems would need to encourage the creation of infrastructure for whole-of-government solutions and approaches (e.g. around specific needs such as homelessness), just as is sometimes done with health problems or poverty problems. For example, in the United Kingdom the 2020 review of Legal Aid,

Sentencing and Punishment of Offenders Act underlined the interconnected nature of problems people faced (e.g. immigration, education, social welfare) and highlighted the importance of a whole-of-government approach to address them (and the impacts that could be faced in sectors by changing policies in others). Indeed the OECD 2019 White Paper on "Building a business case for access to justice" showed various examples of how investments in the justice sector could generate significant savings in other sectors (e.g. social welfare or healthcare).

While countries bear the ultimate responsibility for implementing a whole-of-state approach to achieving people-centred justice, how this will be implemented, and which agencies should take the key leadership roles, may vary from country to country. In some countries, central government departments (such as prime ministerial departments) and treasury/finance departments may set key government agendas. In such countries these are the leadership institutions to bring about change. In other countries, justice departments (that have ultimate responsibility for justice services) and sometimes the superior courts play key leading roles.

Role of state actors and institutional mechanisms

Irrespective of institutional designs across countries, ensuring a coherent approach to advancing people-centred justice requires clear institutionalresponsibilities across the public sector at the relevant levels (organisational, subnational or national across branches of power) for designing, leading and implementing the elements of the people-centred justice system (Box 2.9). Importantly, as many countries incorporate non-governmental organisations (NGOs) and community service organisations as well as the private sector into their delivery mechanisms for many public services, a coherent approach to planning and delivering services will need to bring these actors into the planning and co-ordination mechanisms and processes.

Box 2.9. Defining clear roles and responsibilities

People-centred justice requires countries to create adequate systems, steering and governance structures that can implement a person-centred approach at different levels. After identifying the state actors and partnerships that people-centred justice needs in order to be implemented, it is crucial to identify and define the role and responsibility of each relevant actor. Moreover, it is key to align their approaches and service delivery strategies to create integrated responses, possibly around specific needs (OECD, 2021[27]). Justice and prevention of legal issues should increasingly be understood as a matter for all parts of government.

Centre of government

Given their unique overview of governmental processes, centres of government can play a strong role in facilitating the design and implementation of a shared vision for people-centred justice, involving multiple state actors (including via a whole-of-state, whole-of-government and whole-of-society approach). They can facilitate co-ordinated strategies that encompass different national, subnational and organisational levels, setting monitoring strategies and ensuring that a people-centred approach remains a priority in the national agenda.

Justice institutions

Justice ministries can advance a whole-of-government approach for implementing people-centred justice. As the responsible institution for legal and judicial reforms, it can co-ordinate actions to ensure common standards and guidelines with courts and judges, district attorneys, public defenders, bar associations, police, jail authorities, courts and other actors across the justice chain. Judges and other

actors trained in people-centred justice can introduce innovative practices to ensure access to justice and that no one is left behind.

Ministries and authorities in other sectors

The ministry of justice usually plays a leading role in the design and delivery of justice services in a given country. However, for people-centred transformation to fully develop, a whole-of-government, cross-sectoral collaboration integrating support from several ministries and authorities across different areas of government is also necessary (OECD, 2019[6]). At the same time, authorities across different sectors should be aware of the impact that effective justice has on their areas of influence, and own the different parts of this transformation. A co-ordinated approach can improve co-ordination among national programmes, so that programmes are more efficient; produce better outcomes by including where appropriate justice services among the range of supportive services provided; and can advance relevant evidence-based research, data collection, and analysis of people's needs in accessing justice services in different areas. This may include ministries of social affairs that can liaise with justice services to make the link for people in need of welfare and social benefits; economics ministries that can acknowledge and benefit from the key role played by the justice system in creating a thriving business and economic environment, as well as inclusive growth; finance ministries, which can support the allocation of the right amount of resources; and equality ministries that can promote access to justice for women and girls.

Co-ordination bodies

Countries such as Chile are currently establishing national bodies to coordinate an integrated approach to access to justice. These bodies that can advise the government about national policies, resource allocation and oversight can be the game-changing components that make a people-centred approach to justice possible. The location of these bodies can vary from state to state. However, what seems to be necessary, as shown by the examples of Spain, Finland, Norway and Sweden, is that they operate under the authority of a ministry, to enable whole-of-government co-ordination measures as well as co-ordination among courts and other independent justice service providers.

Parliament and parliamentary committees

The parliament and particularly parliamentary committees play a key role in ensuring the coherence of justice-related legislation as a whole with a view to promoting access to justice. Bringing together members of one or both houses of parliament, committees can ensure that the strategy set to achieve a people-centred justice remains sustainable and effective.

Subnational and local governments

Decentralisation and devolution varies across OECD member and partner countries. However, as with many other issues, justice presents itself as a local phenomenon. Therefore, verifying that national strategies are co-ordinated across different levels of government is key to ensuring the success of people-centred justice.

Statistical agencies

Statistical agencies deploy national surveys that can play a vital role in gathering the necessary information to define access to justice goals and monitor progress. Disaggregated data comprising prevalence of legal and justice needs by region can also serve as a thrust for other agencies to understand people's needs.

Key steps are to establish processes and protocols to facilitate the working together of different government departments, including those from different levels of government, and for governments to work together with

non-government community service organisations and other NGOs to deliver whole-of-government and government supported services. This may involve a range of actions, including:

- Establishing and maintaining interdepartmental and inter-governmental co-ordinating teams focusing on particular legal and justice needs or priority groups. A feature of a people-centred justice system would be stronger co-ordination across sectors such as health, social services, education, employment, migration, housing, the private sector and law enforcement. This would include co-ordination of intersectoral action, including for early detection, anticipation, prevention and rapid response to legal issues.
- Establishing appropriate financial and resource-sharing mechanisms and facilitating processes to ensure the most appropriate mix of services can be delivered to the person to suit their particular legal and justice needs, capabilities, circumstances and location. These financial distribution and sharing processes would rarely be easy to develop, and would vary from country to country to fit with jurisdictional accounting and other practices. Central governments and treasury departments may need to take the lead in developing these mechanisms. One mechanism may be the use of delegated operational and financial authority to lower levels of government (such as regional), to ensure that the local and regional realities are factored in to planning and resource sharing.
- Establishing and maintaining collaborative planning mechanisms to allow services to plan together – incorporating government and community service organisations – to achieve a co-ordinated approach.
- Creating mechanisms to facilitate the seamless sharing of appropriate information to ensure efficient (and not repetitive) needs assessment, triage, referral and service provision for the person concerned. There is also scope to develop mechanisms and guidelines for seamless transfer of disputes from one resolution mechanism to another.
- Establishing, where appropriate, integrated and co-ordinated services, such as health-justice partnerships (the integration of legal assistance services with health service providers), social housing-justice partnerships, and similar arrangements.
- Ensuring technological, IT and data-sharing mechanisms are in place to facilitate whole-of-government approaches and remove barriers to access for all in the community.

Governments have the ultimate role in facilitating better partnership and co-ordination in relation to the delivery of publicly funded services. People-centred justice systems would thus call for the proactive engagement of governments to establish and maintain key co-ordination policies and processes.

The COVID-19 pandemic has furnished some examples in this regard. Some countries (e.g. Portugal, Ireland) have established cross-functional response teams comprising senior officials from across relevant departments, in order to allow all agencies to work together to find solutions. At the federal level, Australia created a new “National Cabinet” early in the pandemic, comprising the prime minister and the premiers and first ministers of all states and territories; it subsequently became a permanent feature of Australian governance (Prime Minister of Australia (Press Conference Transcript, 2020[28]). In federal jurisdictions, it is especially important to improve co-ordination across different levels of government, especially when responsibility for legal and justice service provision is divided. This can help promote synergies and encourages coherent responses across national, regional and local justice service providers and polices to better align with and contribute to effective recovery and transformation processes.

There is scope to consider formalising various governance arrangements promoting whole-of-state co-ordination strategy, policy and service design to ensure no one is left behind in accessing justice. For example, a growing number of countries are assigning an institution to co-ordinate and manage implementation of access to justice policy. That kind of co-ordinated approach can be found in the United States with the White House Legal Aid Interagency Roundtable, a co-ordination strategy created in 2012 that brought together 20 US government agencies to discuss and deliver access to justice to vulnerable populations (White House Legal Aid Interagency Roundtable, 2016[29]).[3] The recently established Access

to Justice Secretariat in Canada (housed in the Department of Justice) also facilitates interaction with other departments to identify ways to anticipate and address the legal and justice needs across different sectors.

Such co-ordination can also facilitate provision of integrated and co-ordinated services, which can in turn help anticipate and prevent legal issues from escalating, and thus achieve more positive outcomes for clients. One example of such integrated services include medical-legal partnerships, which have been shown to reduce stress, decrease dependency on services overall and lead to greater participation in employment and education (Retkin, Brandfield and Bacich, 2007[30]) (Box 2.10). Another is integrated legal aid and labour market programmes, which can help employees secure benefits, ensure workplace safety, address discriminatory treatment and support vulnerable groups in their job searches when legal issues are involved (White House Legal Aid Interagency Roundtable, 2016[29]).

Box 2.10. Medical-legal partnerships

An illustration of effective outreach practice comes from medical-legal partnerships (e.g. in the United States and Canada), where justice services are provided in a hospital location. For example, some of the evaluation outcomes of these partnerships for children suggest an overall increase in knowledge and trust among medical providers, social workers and attorneys; greater identification and understanding of legal issues; and a high rate of referral for justice services, particularly by medical providers. The study also reported that, as a result of the project, "many more families had access to community resources to which they were entitled. Examples of the kinds of resources accessed are: special education services in public schools; disability accommodations in the schools; in-home nursing care; subsidised housing; and government benefits. Data from legal cases that have been closed to date indicate that patients are receiving legal assistance in the following areas: 20% government benefits, 18% housing, 17% education, 14% Medicaid, 11% family law, 6% consumer rights, 6% other, 4% immigration, 2% disability rights and 2% private insurance. Legal outcomes show that out of the 209 closed cases, 36 increased their income because they accessed a new benefit, increased an existing benefit or had a reduction in debt due to legal intervention. Findings from the subgroup of 24 families interviewed found that 8 of these families reduced their debt by reducing uncovered medical expenses or increasing the amount of benefits they were receiving. In addition, 35 families obtained needed educational services, 38 families improved housing conditions, prevented an eviction or obtained a housing subsidy and several families maintained custody of their children as a result of the legal intervention. Many of the families served have multiple legal and justice needs and often more than one outcome was achieved as a result of the legal intervention".

Source: (Grossman, 2011[31]).

Whole-of-justice system/chain approach

No part of a justice system stands alone. A change at one point impacts a host of other parts in a much interconnected system.

The COVID-19 pandemic again yields some useful examples of positive action. In developing a response to the crisis, some countries have engaged relevant actors across the entire justice chain (courts, alternative and ODR mechanisms, legal assistance and legal aid services, community services, etc.) in order to provide adequate support to people's and business legal and justice needs. For example, in Chile the Ministry of Economy together with the Santiago Chamber of Commerce organised online pro bono mediations for disputes arising from the crisis (Box 2.11). In Portugal, new digital channels for the ADR were created to deliver their service to people and enterprises (Ministry of Justice, Portugal, 2020[32]). The United States, United Kingdom and Australia have provided additional funding to the legal assistance

sector while Italy, for example, has engaged its judiciary and court secretaries in specialised COVID-19 case training. In the short and medium term, training provides a strong impetus and basis for the development of a people-centred justice ecosystem. This in turn could see all actors working together to reorient service delivery towards more user-centred, integrated, appropriate and preventative approaches, in line with the OECD criteria (OECD/LJF, 2020[5]). In Finland, Suomi.fi is a one-stop portal for Finnish public sector services on line for people. The portal contains links to sites that provide information and services for people.

Box 2.11. Online pro bono mediations in Chile for contractual disagreements

The Ministry of Economy in Chile identified that the COVID-19 health crisis would lead to a failure of contractual parties to comply with their obligations under multiple service contracts. To avoid an avalanche of lawsuits between parties in the short term, the Santiago Chamber of Commerce together with the Ministry of Economy launched a programme that made 1 000 pro bono mediations available to the community.

1. The Arbitration and Mediation Centre of the Santiago Chamber of Commerce was the entity that administered the pro bono mediation service, for conflicts whose amount did not exceed 3 000 Chilean Units of Account (equivalent to about USD 109 027.97), for 1 000 requests on a first-come, first-served basis via email. To provide this service, an agreement was signed with the Chilean Association of Mediators, so that the mediators on the association's payroll could collaborate in this initiative.
2. The request for mediation must be sent to the identified email addresses; the contract must be accompanied by the individuals' data, their telephone number, and the email of the party requesting the mediation and the party requested.
3. The Centre will assign the mediation and supervise the process, according to its quality standards and the code of ethics of the mediator.
4. The mediation will be carried out on line by duly trained mediators, giving priority to video conferencing.

Another example is integrated service provision across different providers of legal aid, advice and dispute resolution services (a whole-of-justice system approach). The strengthening of referral systems and networks and the creation of links with other sectors (e.g. health, social, employment) will also be a feature. It could encompass community-level action and engagement of the private sector. One- stop-shop approaches to dispute resolution could reduce complexity and facilitate finding a more timely solution. Besides co-ordination, integrated service delivery would require improved interoperability of data systems, information exchange, and harmonisation of processes and platforms (see below on the technology and data governance).

Developing a whole-of-justice chain approach to addressing legal issues may require reflecting on the organisation of courts and other dispute resolution channels, along with legal aid and legal assistance, to put the needs of users and potential users first. This may require unpacking, examining, and possibly redefining existing dispute resolution processes and legal support in order to fit the type, nature and complexity of disputes and the capabilities of parties. It may also require developing effective triage and referral systems and considering ways to facilitate a range of dispute resolution processes and tailored, simplified processes (either within or outside courts).Courts have a special role to play. They are the last resort in dispute resolution due to the power monopolyof the state and their role as the ultimate guarantors of the rule of law. This could give rise to important questions. Should courts be accessible to all and for all types of disputes? How can the overwhelming demand for expensive court services be avoided while meeting different legal and justice needs? Court services may be expensive twofold, for both the parties

and the state. How is it possible to enable litigant choice in procedures that is most appropriate for the case at hand, and where can cases be brought? How is it possible to ensure the parties' understanding of the available options, the control they would have in each case, the resources available, and the legal expertise required? This would also require effective information systems that would provide information to different stakeholders (potential clients of justice services, lawyers and others) of the available options and associated resource implications. If this is the right approach, what is the best way to enable people and businesses to make threshold decisions regarding whether or not and where to bring their cases? How can transparency and the understanding of court and other processes be improved so that people can make better decisions regarding where to take their legal issues and disputes?

Pursuing organisational excellence

Public institutions are under pressure to provide quality services in the most cost-effective manner, and that includes the justice system. A growing international trend signals the need to improve the quality and performance of justice services from the perspective of the people and businesses (i.e. the users), in order to increase the public's satisfaction and trust in the justice system[4]. This also calls for reinforced approaches to promote organisational excellence and continuous improvement in order to meet and exceed people's expectations. The majority of OECD member countries have been taking steps to improve the performance-oriented management of public sector organisations in the past decade. The first step is to develop an organisational culture that promotes achievement of excellence, and to establish quality standards for the justice system. Some key questions to consider relate to quality of leadership, strategic management and workforce, user engagement and satisfaction, cost-effective and quality service provision, consideration of alternative service delivery models, and leveraging technology in the best possible ways (Bakertilly, 2016[33]). An example of a framework for organisational excellence in justice is the International Framework for Court Excellence. Created by the *International Consortium for Court Excellence, it* is a quality management system designed to help courts improve their performance. It also indicates the importance of performance monitoring and communication (International Consortium for Court Excellence, 2021[34]).

Effective enforcement

An important part of effective justice systems is *implementation and enforcement of dispute resolution outcomes*, whether they be court- or tribunal-ordered outcomes, negotiated outcomes through formal ADR, or even informal agreements and arrangements that resolve a large number of day-to-day legal issues and disputes among the community. In fact, it is often the case that once decisions are made, parties to the dispute are left to comply with orders made. Thus courts may not automatically commence actions to enforce a civil debt, but rather require people to make an application to the court for it to commence such enforcement. This additional application and court process might add delay and cost, and could potentially form a barrier to effective enforcement for some.

To achieve people-centred justice, sufficient and effective implementation and enforcement provisions and practical infrastructure would need to be in place for both formal and informal parts of the justice system. Incentives to comply with and enforce decisions of courts, ADR, ODR and other dispute resolution mechanisms should be considered. This could be a key challenge for many justice systems as they seek transformation. A people-centred system of justice would be one that develops and employs a range of appropriate mechanisms to assist people in their particular circumstances to implement agreements and enforce decisions in order to meet their legal and justice needs. It is likely that legal assistance may need to be provided to ensure this outcome. As such, the various elements of the justice system and legal assistance services must combine and collaborate to ensure that dispute resolution outcomes are implemented.

In addition, some countries have set forth specific education centres for future enforcement agents (e.g. Germany, France, Hungary, Norway and the Netherlands) (CEPEJ/Payan, 2015[35]). Vocational training that responds to local context and needs can ensure enforcement agents can carry out the diverse tasks assigned to them while encouraging public trust (CEPEJ/Payan, 2015[35]). Countries like Spain (with the Ley de Enjuiciamiento Civil) or France (Code of Civil Enforcement Procedures) have advanced towards unifying the main rules of enforcement in a single document. For people and businesses subject to enforcement procedures, unified and accessible documents can enable them to understand and control the enforcement process, while ensuring competent professional authorities properly apply a clear set of norms (Box 2.12). This can also shed light on the enforcement system as a whole, making it possible to take further steps to clarify and monitor the work of bodies and agents that participate in enforcement (see for example the Portuguese Commission for the Supervision of Law Officers that supervises, monitors and disciplines enforcement agents) (Law 77/2013 of the Assembly of Portugal) (CEPEJ/Payan, 2015[35]).

Box 2.12. Good enforcement practices

The Global Code of Enforcement of the International Union of Judicial Officers (UIHJ)

Launched officially in 2015, the code aims to help improve good governance through enforcement by setting forth good practice that countries must consider in their debates about fostering better enforcement systems.

The code is a substantive text with guidelines on enforcement, provisional and enforcement measures, and enforcement officers. Providing a unified set of standards and principles that countries can follow, the code states, among others:

- A fundamental principle about the need of having judgements that are immediately enforceable, with beneficiaries not being required to have recourse to other legal procedures to obtain enforcement (Art. 4).
- The need for states to co-ordinate among different state institutions and private actors to ensure access to information about debtors' assets. This means to disclose to the enforcement professionals all information leading to these assets, and the prohibition to withhold information (Art. 9).
- Transparency, meaning that countries ensure that the people are informed about enforcement measures (Art. 14).
- Specialisation, i.e. ensuring that only officers authorised by the state are able to conduct enforcement procedures (Art. 16).
- Flexibility of the enforcement measures. In this sense, states must organise their enforcement systems so they are both compatible with the interests of creditors and the economic and social situation of debtors. In line with this, countries should be able to diversify enforcement measures depending on the circumstances.

CEPEJ good practice guide on enforcement of judicial decisions

Revolving round the idea of an "ideal enforcement system", and to inspire the Council of Europe member states to unify their enforcement systems, the guide, launched in 2015, highlights certain solutions applied in member states. Among key good practices that can have an impact in people-centred enforcement are the following:

- Partial removal of enforcement processes from the control of the courts. As a general rule, division of tasks can help to ease court congestion, speeding up enforcement. Together with

centralising the enforcement in only one agency, this can make processes easier to follow by litigants, whether they are involved as third parties, debtors or creditors.

- Ensuring that the parties fully understand the enforcement process. The guide recommends dissemination of fact sheets about national legislation, with concise and practical information – in plain language – about enforcement procedures and agents. This also involves providing written and oral information for recipients of documents, advice for creditors, standardisation of procedural documents and a clear statement of costs of enforcement procedures, all of which should be disseminated as widely as possible.
- Promotion of e-enforcement as a way to help accelerate enforcements and save time in implementing certain protective or enforcement measures.
- Protection of the privacy of debtors and their families, ensuring their involvement in enforcement procedures (so traumatic experiences, such as being suddenly forced out of the property, can be properly avoided), and adequate protection for the rights of third parties.
- Promotion of the use of common legal terminology on enforcement across countries.

Sources: (UIHJ, 2015[36]), (CEPEJ/Payan, 2015[35]).

Whole of society

Effective implementation of people-centred justice would also require promoting a whole-of--society approach to resolving legal issues, including through partnering with the private sector, legal professionals, trade unions, civil society, and individuals; through involving the community and promoting best practices in the informal justice sector; through raising awareness in society of the different ways to resolve legal issues; through engaging the private sector and civil society on the complementary benefits of access to justice; and through sharing and building on lessons learned from good practices.

Non-governmental and private sector legal and justice services

While the public sector has an important role to play in responding to legal and justice needs and in providing certain justice services, such as a well-functioning court system, non-governmental and private sector providers can also enable people-centred justice through provision of a wide range of legal, justice and related services in an innovative and cost-effective manner. These services could provide opportunities in increasing overall sector capacity and enabling more choice in meeting the legal and justice needs of people and companies. They could range from more traditional ones (including legal counsel and representation, see Box 2.13, to ADR mechanisms, legal tech, community centres and trusted intermediaries. These providers can promote justice innovation (e.g. on technology and digitalisation) and serve to address the needs of specific groups, through specialised and targeted services.

Box 2.13. Private practitioners in Canada and Australia

In Canada, legal community centres have been targeting local needs and providing user-friendly guidance and legal information. In Saskatchewan, the Métis family and community justice services programme, for example, is an initiative that promotes the use of alternative measures such as mediation, family group conferencing and traditional Métis healing practices to reduce re-incarceration and recidivism rates in the local Métis community. Community justice committees in the programme support and monitor the progress of individuals as a means of demonstrating their commitment to the communal responsibility for the Métis people.

In Australia, one area where private practitioners serve to fill gaps and/or streamline legal assistance is the provision of legal aid services. While in each state the particular degree and areas of focus differ, legal aid services are delivered both by “in house” legal aid lawyers and by private lawyers receiving grants of aid funding to support approved clients. In regional and remote areas for example, the lack of high population numbers means that sometimes no in-house legal aid providers in the relevant area of law specialisation are available, and so private practitioners need to be engaged.

As innovation and digital transformation grow in OECD member and partner countries, provision of additional services by non-governmental and private providers in the field of justice could increase significantly. Governments could stimulate the availability and accessibility of such services through appropriate financing, investment, and the enabling infrastructure and environment for private sector development, including promoting NGOs’ growth. In some cases this also would involve public financing and investment and subsidising of private intervention in order to support or scale up private sector efforts to align with public priorities and goals. This is especially the case with some NGO interventions and certain research and development efforts. Public financing can also serve to level the playing field for private sector providers and create a greater enabling environment. For example, in the United Kingdom the regulatory model under the Justice services Act aims to create this enabling environment allowing greater access to justice at a lower cost. The model focuses on regulating services, rather than people, to create flexibility in accommodating new models from the private sector while fostering healthy competition in that sector to drive prices down.

In addition, governments have a strong role in ensuring the appropriate safeguards and regulatory frameworks to mitigate the risks associated with non-governmental and private sector service provision. Indeed, the large role of the private services may provide unique challenges in pricing, quality and access. There are also specific challenges in alternative measures of justice where regulation such as licensing or certification measures may be more flexible or less developed. There are additional challenges in innovation, such as those posed by ethical data use and storage.

Appropriate regulation enables governments to maintain the proper stewardship role while encouraging innovation and services that contribute to their social objectives. This involves regulation aiming to manage costs and funding, regulation towards ensuring adequate and accessible levels of services, and regulation that seeks to improve the system as a whole through data-driven interventions. Effective regulation could set the appropriate frameworks for private service providers to deliver justice in a people-centric manner, for example by improving public-private partnerships and championing seamless public-private interfaces for users of the justice system to enable them to transition from one service provider to another without facing additional barriers or disruption for a better legal care continuum.

Similar and more advanced public-private regulatory schemes can be found in the health sector. Regulation in the health sector is often data-driven: countries must obtain data on the status of private sector operations and assess the capacity, costs and benefits involved with their current role to determine how to best engage with the private sector to develop the appropriate regulatory frameworks. This further enables the government to identify gaps in the field and determine if they are best filled by government providers or private ones to ensure that health remains accessible to all. In addition, effective regulation can help set the standards for personal data protection. This approach could be relevant for the justice sector as well (for example, as regards personal criminal records).

In healthcare, many countries aim to have regulatory bodies and legal frameworks to target personnel in the field, quality of care, pricing, information regulation (including data privacy) and public-private partnerships. Weak or inappropriate regulation of or policy dialogue concerning these factors can undermine healthcare and social objectives, and lead to barriers to access for many people. In countries where private sector regulation is limited, the WHO finds that the private health sector and mixed health systems may “not voluntarily operate in a way that is consistent with a country’s health goals and

objectives" (WHO, 2018[37]). In countries that do not have mechanisms for regulating pricing or public consultation, quality care may become inaccessible to lower-income households that cannot afford it. In the case of justice, this lack of proper regulation could lead to deficient guarantees in terms of enforcement of outside-of-court awards and procedural aspects. ADR and ODR enabled by private providers would require effective accountability frameworks to ensure fair procedures and outcomes. While these mechanisms often function according to their own sets of rules agreed by the parties and this flexibility provides various benefits, it should not entail lessened protection of fundamental rights or vulnerable groups of population.

In addition, there have been effective mechanisms for public consultation of health regulation on topics such as pricing through a number of innovative experiences in the United Kingdom, Norway, the Netherlands, and Sweden. In Sweden, citizen consultation and debate resulted in a series of guidelines on prioritising health equity (Figueras, 2005[38])

Integrating an access to justice lens into decision-making process

People-centred transformation requires political decision making that is transparent, evidence-driven, and geared towards people-centricity. Impactassessments have gained recognition as core government tools to advance evidence-based decisions responsive to the needs of people, societies and policy priorities. Many countries employ systems of environmental impact assessment as part of their development approval processes for industry, mining, etc. Such impact assessments have been introduced in other areas such as in New South Wales, Australia where an Aboriginal impact statement "ensures that Aboriginal stakeholders are consulted in the development and implementation ofprojects and actions that impact and or address the needs of Aboriginal people" (NSW Department of Communities & Justice, 2019[39]).

While most countries have put in place regulatory impact assessment, there has been limited analysis of the impacts of new legislation or new policies on people and communities from the access to justice standpoint. To close these gaps, some countries started developing justice impact assessments. For example, in the United Kingdom, in addition to general regulatory impact analysis (RIA), there is a requirement for a specific impact test, such as the impacts on justice. Thus the UK Justice Impact Test "is a mandatory specific impact test,as part of the impact assessment process that considers the impact of government policy and legislative proposals on the justice system" (e.g. legal aid, courts and tribunals, prisons and probation services and prosecuting bodies) (UK Ministry of Justice, 2016[40]). There could be scope for other countries to consider justice impact assessments or tests to ensure that different ongoing or new justice initiatives do not further disadvantage marginalised groups or reinforce barriers to access to justice, or that they even proactively seek to remove barriers to access.

Regulatory reform and increased flexibility

Legal systems and their procedural rules and regulations have generally evolved over long periods, with any reforms or modernisations largely influenced by the formal institutions themselves. Over the past few decades, however, many OECD members and other countries have made important progress in reviewing regulations and rules with the intent of improving efficiency and access to justice. There have been moves to depart from traditional judicial processes towards ADR mechanisms (such as arbitration and mediation) and to establish administrative tribunals intended to be more user-friendly and less formal than traditional courts (Box 2.14). More recent reforms have seen the regulation adapted to allow for the "unbundling" of justice services, the use of legal aid funding outside of court processes, defining the role and scope of parajustice services, and most recently – especially in response to the COVID-19 pandemic – widespread regulatory reform in relation to the conduct of legal processes on line, with all that that involves (such as witnessing and service of documents, etc.) (OECD/LJF, 2020[5]).

For example, in 2017 the Arkansas Supreme Court (United States), working jointly with the local Bar Association, adapted the Rules of Professional Conduct and Rules of Civil Procedure to make unbundled services more transparent and easier to provide while offering training to lawyers on how to provide unbundled services. After the changes, for instance, lawyers can "ghostwrite" clients' pleadings without representing them at court or even signing the documents. In Illinois, the Chicago Bar Foundation, working alongside the Illinois Supreme Court Commission on Access to Justice and other justice advocacy groups, released the Limited Scope Representation Toolkit. The toolkit is a document with rules, checklists, forms, and even a sample engagement letter to help local lawyers understand how to engage with clients to provide limited scope representation and unbundled services (Cavicchia, 2019[41]).

In Australia, responding to the COVID-19 crisis, the New South Wales Supreme Court established that no personal appearances were to be held except in exceptional circumstances. Furthermore, all documents were to be provided by electronic means, something that led to amendment of the Evidence (Audio and Audio Visual Links) Act 1998 (NSW) to authorise witnesses or legal practitioners to appear remotely (Sourdin, 2020[42]).

Regulatory reform is a powerful tool that governments and justice systems have for adjusting to a focus on people. While ensuring that fairness, independence and the rule of law are maintained, reform of regulations and procedural rules can have a significant impact in ensuring that pathways to resolving justice problems can be more people-focused and therefore appropriate for meeting the legal and justice needs of the community.

Box 2.14. People-centred transformation of the Social Security Tribunal of Canada

The Social Security Tribunal of Canada (SST) was created 1 April 2013 to review appeals of decisions relating to the Employment Insurance program, the Canada Pension Plan, and Old Age Security programmes. It combined within one structure four administrative tribunals, with the idea of having a single-window decision body and achieving the goal of CAD 25 million in annual savings, as part of the Deficit Reduction Action Plan.

That change led to substantial savings (mainly from having only one structure instead of four), but also to some problems. For instance, poor transition planning meant that the SST inherited a considerable backlog of appeal cases before they had staff, systems or processes in place. Also, the SST processes at the time reflected a “one size fits all” approach that could not differentiate between the short- and long-term nature of some programmes (e.g. the Employment Insurance benefits programme and the pensions programme). Finally, as KPMG reported, the tribunal overall failed to incorporate leading practices of a client-centric organisation. Reorienting towards a people-centred purpose, the SST took significant steps to redress these shortcomings, making it a remarkable example of people-centred transformation.

Steps towards people-centredness

The SST started their reform towards people-centredness by analysing their users. They found that 70% of appellants represented themselves, with an average Grade Reading Level of Grade 8, and had legal issues of low significance financially but of major importance in their lives.

A blueprint for change

The SST adopted a series of reforms to improve its servicing model, which included:

- shifting to a client-centric model and culture
- aligning tribunal processes with the nature of the benefit programmes, in a way that is fair and transparent

- where required, assisting clients through the process
- engaging with stakeholders
- clarifying relationships with the department (Employment and Social Development Canada)
- developing an accountability and reporting framework.

Inquisitorial justice, SST navigators and data collection processes

To advance its mission, the SST has introduced two substantial innovations. First, it introduced a number of elements from inquisitorial justice systems, providing the adjudicator with more power to craft people-centred procedures and redress the imbalance between the parties to help them navigate the system.

Secondly, the tribunal introduced the role of the SST navigators, registry officers who guide self-represented appellants through the process. Assigned from start to finish, navigators work proactively to ensure people get things "done right". They also provide neutral assistance with hearing preparation (e.g. how to present certain kinds of evidence).

In addition, a continuous and people-centred data collection process was adopted covering all SST work. This includes a continuous improvement cycle based on planning with partners; a focus on data, evaluation and open reporting of results; research and measuring; and introduction of adjustments.

For instance, by conducting surveys the SST ensures the collection of appropriate information about their users' experience. Surveys even cover elements of procedural justice, in the following areas:

- Assessments about the readability of correspondence (forms, letters, emails, notifications and decisions). This builds on external indicators, like the Flesch-Kincaid Grade Level.
- Understandability of the process (if people knew beforehand what to expect and how to prepare for hearings).
- Meaningful hearing participation (if people were able to participate fully, having questions answered and errors corrected about the facts, explaining their case).
- Navigator effectiveness (if the assigned navigator helped get people ready for the hearing).
- Timely processing (e.g. if people feel the case was handled with appropriate speed).
- The quality of Zoom hearings.
- The quality of the website in terms of finding what people were looking for.

Sources: (Canada, 2017[43]) and Tribunal Chairman Paul Aterman's Case Study presentation to the Social Security Tribunal of Canada, at the 2021 Workshop Towards People-Centred Administrative Law, carried out virtually on 1 April and organised jointly by the OECD and Justice Canada (OECD, 2021[27]).

Getting processes, technology and data governance right

Sensitive use of digital technology

Technology has been one of the main drivers of change in dispute resolution in the past decade and can serve as a powerful enabler of integrated, inclusive and people-centred justice ecosystems. It has the potential to help facilitate everyday justice, transform formal justice and reinvigorate service delivery through process automation and data collection, creating new justice pathways and providing direct access to services (e.g. ODR).

In particular, courts along with other state services are on their way to embracing digitalisation. Given the efficiency advantages of electronic administration, such change is inevitable and requires considerable

investment. From the users' perspective, technology creates new avenues to conflict resolution and can help close significant justice gaps. ODR can often mean that physical presence becomes less relevant. Access to justice could be remote. Technology also creates new opportunities, such as one-stop entry portals for dispute resolution.

On a more fundamental level, technology has the potential to strengthen the participation of many people in dispute resolution. People engage and require to be engaged as co-producers of justice. Technology has also added new types of dispute resolution mechanisms to the mix, such as ODR platforms. Such online platforms can offer a wide variety of services. They can be directed at different types of disputes (e.g. family disputes) or different types of actors (e.g. B2C or B2B). The EU Online Dispute Resolution Platform serves to direct consumers to the right institution of dispute resolution and toestablish contact with the relevant trader (Box 2.15).

Box 2.15. The EU online dispute resolution platform

The ODR platform is provided by the European Commission to allow consumers and traders in the European Union or Norway, Iceland, and Liechtenstein to resolve disputes relating to online purchases of goods and services without going to court. The ODR platform is not linked to any trader. A person can use it to send their complaint to an approved dispute resolution body. That body is an impartial organisation or individual that helps consumers and traders settle a dispute in what is known as alternative dispute resolution, a process that is usually quicker and cheaper than going to court. The ODR platform only uses dispute resolution bodies approved by their national governments for quality standards relating to fairness, transparency, effectiveness and accessibility. The ODR platform is easy to use and takes users through the process step by step. It provides translations in all EU languages and has inbuilt time limits for resolving complaints.

Source: (European Consumer Centres Network, 2021[44])

In addition, technology can contribute to the wider framework of good quality dispute resolution by improving choice and conflict management. Digitalisation can support users in making the right choice by improving triage. Both public and private service providers can offer technology-supported triage. Private providers can help analyse the conflict, prepare submissions, and then establish links to dispute resolution bodies (Resolver, 2021[45]). Another approach is to integrate triage into the existing state institutions for dispute resolution, to create a holistic system from a user perspective. One way might be to elevate the function of courts to an institution that is also responsible for screening disputes as to their suitability for different kinds of dispute resolution mechanisms (Flango, 2014[46]). The same principles could be applied to checking whether there is a need to transfer a dispute from one type of resolution mechanism to another, since it has developed in a way that it needs a different forum.

Finally, technology can also contribute to lowering the entry-barrier to justice services. As people communicate increasingly by way of mobile phones, that channel could be an effective enabler for access to justice. Such mobile and other Internet services can also facilitate access for those whose barriers are financial. Technology also offers benefits from scale effects, thereby minimising the costs of individual users. In this way, access to justice canbe provided for groups otherwise excluded from law and justice for monetary reasons. For example in New Zealand the Community Law Manual, published on an annual basis, sets out legal information relatedto many areas of community and personal life in an accessible way. People can search the manual on line by asking legal questions (New Zealand Community Law, 2021[47]). Other examples include the Justice Education Society in British Columbia (Canada) and the Illinois Legal Aid Online, which integrate a "live chat" function so that people seeking information and assistance can ask questions and be provided with tailored information that responds to their situations.

Effective use of digital technologies requires investments in interoperable digital platforms and solutions, standardisation, clear governance frameworks and data, as well as safeguards to ensure ethical application of technology and privacy. The lack of an overarching digital governance structure could hinder interoperability across systems, leading to the proliferation or duplication of data standards and strictly technical solutions for legal and justice service delivery and data storage. That could hinder data interoperability across different organisations and sectors, and affect the possibility of integrating data, processes and organisations. It could also lead to multiple requests for people to provide the same information or file their claims multiple times to different entities across the public sector unnecessarily (OECD, 2019[48]).

Further risks relate to the provision of access to digital tools for disadvantaged people. How can countries make use of the digital revolution and at the same time ensure the technology and associated policies and processes are people-centred – that is, accessible and "centred' on all the people? Importantly, despite the widespread adoption of smartphones and technology in many countries, not everyone has real access to these media, nor equal capability when it comes to navigating complex pathways (such as legal pathways) for using them. Once again, those lacking legal capability are likely to also lack (or have unequal) digital capability, whether it be simply through lack of affordable access to the Internet, or through the lack of familiarity and comfort in using such technology, such as is found in some older people, people with a range of disabilities, and others.

As such, it is important not to simply adopt a "digital-by-default strategy". While much of the community is increasingly capable in the online environment and may prefer online access to information and a range of services, if the intent is that "no one is left behind", care is needed to ensure that those who are not technologically confident or capable have equal access to justice services through pathways that are most appropriate for them and their needs. For example, many older people feel disempowered by digital-by-default strategies. The ombudsperson in the Netherlands drew attention to this to when examining the tax authorities' intent to digitise all services. The involvement of community-based services and mobile legal services to address these gaps could be considered.

New risks associated with the use of digital tools also need to be factored in when considering digital transformation of justice. Artificial intelligence-powered algorithms are not easily controlled and are fed by data that in many instances are biased, and can thus give lead to biased analysis or automated decisions. Some research carried out about online trials suggests that the use of online courts carries risks for defendants, including less engagement with the process and occasionally more likelihood of conviction and sentences (OECD/LJF, 2020[5]).

In summary, the growth of information technology and artificial intelligence hold out much hope for improving access to justice services for many people. However, there can be dangers in making too many assumptions in relation to this access, notably that access to technology and the personal capabilitiesof dealing with that technology are not equal. Thus, a people-centred justice system will seek to identify the needs and capabilities of the people, in particular of the priority vulnerable groups, and will ensure thatdigital innovations and policies are designed with the needs of these groups in mind. Equally, the system will ensure that mechanismsand supports are established so that all segments of society can effectively access and utilise digital innovations.

Simplified procedures and languages

The complexity of legal processes and institutions has long been recognised as a problem for most people. This complexity can contribute significantly to inequality in justice systems, and lead to the justice system becoming a multiplier of inequality. The legal profession and frequent users ("repeat players" (Galanter, 1974[4])) are able to utilise formal justice procedures comfortably. On the other hand, for most people engagement with the formal justice system is rare, and for many it can be a foreign and alienating experience.

In recent years efforts have been made to simplify the legal information made available to the public, to assist them in bringing their matters to formal justice institutions. Yet if these efforts are not matched by simplified language and processes when the litigant enters into the dispute resolution process and procedures, then there can hardly be any improvement in accessibility. Indeed, the high complexity of procedures can itself act as a barrier to effective access to justice. Regulatory innovation is key to tackling the barrier of complexity effectively. OECD work on administrative simplification shows that regulatory obstacles can result in significant time being lost or potentially life-saving services not being available. Application of well-known good regulatory principles – such as risk proportionality, using the lightest possible process/procedure for the desired result, and using information regulation when no major risk is present – can be particularly useful. Finally, streamlining approval procedures so that no additional steps are necessary beyond what is strictly needed to ensure safety is also a change that can help simplify procedures and make them more accessible forpeople while minimising risks. As examples, Portugal has long been incorporating procedural simplification in its justice modernisation efforts (e.g. regarding payment of court fees or court notifications) (OECD, 2020[49]). In Lithuania, following the COVID-19 pandemic, the participation of a notary hasbeen eliminated in approving some simpler mandates and electronic registration enabled for mandates for which a notarial form is not required (Ministry of Justice, Lithuania, 2020[50]). In Chile, the expiration dateof identity documents has been extended. In Ireland, suspension of civil trials has been enabled through agreements by the parties through email, which is unprecedented. In addition, several countries have promoted the use of written procedures whenever possible, which expedites judgments (Department of Justice and Equality of Ireland, 2020[51]).

Therefore, a people-centred justice system would seek to continuously simplify and make more accessible the processes and language of all parts of the justice system, including the formal institutions, to make them accessible for all and thus to give effect to the rule of law, while ensuring protection of fundamental rights and procedural guarantees.

Mechanisms and procedures for seamless transfer of information and disputes

A people-centred justice system functioning in an environment of multiple service providers operating in parallel or in collaboration would be one that seeks to minimise duplication in the provision and passage of information. People experiencing legal need who require access to a range of different services, and who sometimes would see their legal matters transferred to different judicial processes, should not (ideally) be burdened with having to repeatedly recount the details of their legal issues. They should be able to rely on the fact that the matter will carry forward to a new referral or provider. While issues of confidentiality and data ownership will inevitably arise, the aspiration of a people-centred justice system should be that decisions made in relation to the sharing of information will be driven by the needs of the person or client rather than the needs of the service.

A people-centred justice system will be one that seeks to reduce the burden of complexity for individuals through balancing important issues of privacy and data access with the imperative to design and implement information transfers that are appropriate to meet the needs of people as they perceive and prioritise them.

Similarly, a people-centred justice system could also allow for transfer of disputes from one mechanism to another and make clear what the rules and effects of such transfer are, if the initial choice turns out to be inappropriate or mechanisms are complementary to one and another (Box 2.16). The legal (substantive and procedural) and governance framework for such transfers wouldneed to allow for swift transfers, on an informed basis, without decision distortions, and at low transaction costs (which should not be prohibitive) (Steffek et al., 2013[17]).

Box 2.16. The national register of mediators in Poland

The National Register of Mediators is a part of the project "Dissemination of alternative dispute resolution methods by increasing the competences of mediators, establishing the National Register of Mediators and information activities", implemented by the Ministry of Justice (financed from EU funds).

The National Register of Mediators aims to serve as a public register, transparent and available to everyone. It will contain information on mediators conducting court and out of court mediations.

The register will have online functionality to enable a possibility for everyone to search for an appropriate mediator via the register's website.

The register include the catalogue with mediator names, specialisation and category of cases for mediation (along others).

Moreover the system will also serve as a tool for both common court judges and mediators since the planned functionalities of the system assume the possibility of referring cases to mediation through the system and the circulation of documents such as case files, mediation protocols, and draft mediation settlements.

Currently, the system is undergoing business analysis, with the final launch scheduled for August 2023.

Source: Ministry of Justice, Poland

Financing and investing in the full range of legal and justice services

Supporting a people-centred justice system necessarily involves significant investment, including through innovative financing and refinancing strategies.

As with many other areas of service provision, government funding in particular plays a fundamental role in providing justice services. Governments will face competing demands both between portfolios (i.e. justice, health, education, etc.) and within the “justice budget”, for justice system expenditure. They must seek to devote the necessary amount of funds to ensure the legal and justice needs of their communities are met, taking into account the positive spill over effects that accessible justice can have in other sectors such as health and housing. At the same time, governments should achieve the optimum balance in their investments – between courts, tribunals, and the lower-cost legal assistance and information advice services. As in other areas of public service, there is also scope for applying good management practices and achieving cost-effective and optimised investments. Given that a very small proportion of the day-to-day legal and justice needs of the community are resolved in courts or formal tribunals, careful reflection is needed on the optimal distribution of government funds between lower-intensity services to support everyday matters of the community and support for the formal court and tribunal institutions. This reflection would be essential to ensure that adequate resources are provided to help people resolve problems they face in ways that they find most appropriate. Investing in the right justice services that serve the majority of the population, promote a safe investment environment, and prevent legal issues from escalating can yield (OECD/WJP, 2019[9]).

A people-centred justice system will need to achieve an appropriate balance among the competing expenditure demands in order to ensure adequate resources are focused on meeting the priority needs of the community. In addition, it will draw on an evidence base to ensure that its investments are efficient, achieving the optimal cost-effectiveness.

Innovative financing and refinancing strategies, including data-driven approaches (e.g. social impact investment; pay-by-results; public-private partnerships; justice reinvestment strategies) would be important to support better access to justice in a cost-effective way while addressing the root causes of legal, social and economic problems. This would be particularly important in providing appropriate, timely and accessible legal assistance to those unable to afford their own justice services and to those other

disadvantaged members in the community who face particular barriers in accessing justice and enforcing their rights.

Pillar 3: People empowerment

This pillar focuses on the development of capabilities and empowerment of people – both inside and outside the justice system.

Empowerment and participation of (potential) users

Empowering, engaging and building legal capability

Legal systems and formal legal institutions in particular can be alienating, difficult to navigate, and in some cases intimidating for ordinary people. Empowering people to engage with the various parts of the justice system that they need to enforce their rights and resolve their problems will be multifaceted and a key challenge when seeking to establish and maintain a people-centred justice system. Key facets include:

- national education and general literacy and numeracy
- community-focused legal information and community legal education
- targeting outreach services to particular communities to promote awareness and facilitate engagement
- support services to enable all segments of society to participate
- user empowerment.

Fundamental literacy and numeracy are important elements of legal capability (Pleasence et al., 2014[21]). That is, these core skills underpin people's engagement with society and the economy, and thus impact heavily upon their vulnerability to experiencing legal issues and having legal and justice needs, as well as their ability to resolve them. Therefore, sound *national education systems* that ensure all segments of society can reasonably obtain sound levels of literacy and numeracy are a fundamental enabler of enhanced legal capability in a general sense, and thus of people-centred justice.

National education schemes could also provide the opportunity for broad ongoing education about the key elements of the nation's laws and the rights and responsibilities of its people. Nevertheless, at the same time there are limits to the level of specific legal information and knowledge that can or shouldbe imparted during schooling. This in turn calls for targeted "just in time", understandable *community information and education* that is readily found and accessed when legal and justice needs arise and could inform of the law, rights, responsibilities and potential pathways for resolution at the time most relevant and useful for the people in need.

Similarly, strong networks of readily available, understandable legal information *targeting different community groups* will play an important role in ensuring that relevant information is available when people need it and in a language and a form most suitable to them. The integration of plain language information into the network of public libraries throughout New South Wales in Australia has proved a valuable pathway for many people with at least a minimum level of capability to find the necessary information for their legal issues, and in many cases to navigate pathways to resolution as a result (State Library New South Wales, 2021[52]).

Similar to the need to proactively target engagement with disadvantaged sections of society experiencing barriers to accessing appropriate justice services, those same disadvantaged sections of the community would often need support services to assist them in their engagement with justice systems and services and to help them navigate the pathways to problem resolution. At a minimum, these services would include specifically legal assistance (such as legal aid community centres and the like), but they would crucially

also include the various other community service organisations (CSO) that are engaged with many of those disadvantaged people through the provision of other human services. For example, homeless people and victims of domestic violence are likely to be more engaged in an ongoing basis with homeless shelters, community organisations and domestic violence shelters than they would be with justice services. These other human service providers would often be providing day-to-day support in a range of ways and are likely to have much better relationships with and the trust of disadvantaged people. Therefore the resourcing and general support of these CSOs would be important.

In addition, user empowerment can go beyond effective participation in legal procedures by enabling participation in the co-design of justice services, particularly for reforms that involve new types of services, such as digital justice tools. Innovative approaches to governance can create the bridge between participative design, cutting-edge research and political decision-making. User inputs can be organised through a governance structure that effectively enables a policy dialogue among the key stakeholders and experts, including training and research bodies, and the connection of such research and dialogue with actionable policy recommendations (Piana, 2021[53]).

At the same time, the measures highlighted in this section to reinforce the empowerment and participation of potential users would need to be implemented in tandem with innovation in the applicable rules and procedures, in line with simplified procedures and language. Despite understanding them, many people may not engage in a system that is overly burdensome for the user, too lengthy or expensive.

Activating self-interest among people in solving their disputes can also facilitate more timely resolution of problems. At times, regulation and state action has led users to lose their interest in dispute resolution and perceive it as an obligation imposed by the state. Consumer dispute resolution is a good example. The emergence of consumer protection and the associated consumer/trader dispute resolution have led many traders to perceive the solution of conflicts with consumers as a burden. Associated information duties and specific consumer dispute resolution processes are seen as a cost imposed by governments. This perception has stopped businesses investigating their own genuine interest in efficient dispute resolution. Many businesses, for example, do not seem to be aware of all the effects conflicts have on their costs, profits, consumer retention, etc. For governments the question arises, how can people and businesses discover their own interest in resolving disputes? Achieving this vision will require overcoming obstacles related to sources of funding and independent and often stove-piped mandatesof different agencies and levels of government, which are resistant to change. It will also require providingfull market information to litigants about the options available to them and associated cost, time and effort implications, as well as the likelihood of success. This often engenders certain resistance from various professionals inside the system, including the legal profession (Box 2.17).

Box 2.17. Life cycles and legal and justice needs

Legal and justice needs research demonstrated that legal and non-legal issues often tend to cluster. These clusters can also be seen as coinciding with specific periods in a person's life and/or with transitions in a person's lifetime. Service delivery approaches in other sectors often incorporate life-cycle and life-event methodologies to facilitate and tailor the delivery of services to clients to ensure ready accessibility. Some examples of justice services tailored to different needs and legal issues depending on the life stage or life events are highlighted below.

Children

The Office of the Children's Lawyer in Ontario, Canada represents children under the age of 18 in court cases involving custody, access and child protection, as well as in civil, estates and trusts cases. The

office employs both lawyers and clinicians (social workers), who work on a fee-for-service basis across the province. Clinicians prepare reports for the court and help lawyers who are representing children.

Youth

In 2010 the General Secretariat for Youth in Greece launched a programme called "Youth Legal Aid" aiming to provide free legal aid to minors and socially vulnerable target groups of young people (up to 30 years old).

The elderly

In the United States, the Elderly Legal Assistance Programme (ELAP) enables Americans 60 years of age and older to receive access to lawyers and paralegals who provide representation in non-criminal legal cases, information on many issues of interest to seniors, and community education to prevent harm that may be caused by not having access to legal assistance. ELAP addresses issues regarding income; consumer protection; abuse, neglect and exploitation; healthcare; housing; long-term care, and more. Services are provided in every county. The kinds of cases and issues addressed by this programme are solely civil matters. The programme provides direct services to persons who have the greatest social and/or economic need, persons speaking limited English, and rural or low-income minorities.

Source: General Secretariat for Youth, Greece; Ministry of the Attorney, Ontario, Canada; (Department of Human Services, Georgia, US, 2021[54])

Participation in identifying legal and justice needs and priorities

A people-centred justice system is one that recognises that issues and priorities must be informed by the people themselves. In other words, the people must have a role in defining legal and justice needs and how they are identified and measured. This can be particularly challenging when engaging with disadvantaged communities.

As such, a people-centred justice system requires proactive communication on people-centred justice strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well known, to favour their uptake, and to stimulate stakeholder buy-in and awareness by potential beneficiaries. The system would grant all people equal and fair opportunities to be informed andconsulted, and actively engage them in all phases of the policy cycle and service design and delivery. Thisshould be done with adequate time and at minimal cost to individuals, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most relevant, vulnerable, underrepresented and marginalised groups in society, while avoiding undue influenceand policy capture. A people-centred justice system also promotes innovative ways to effectively involve all key stakeholders and users, including innovative solutions to engage disadvantaged communities, to source ideas and co-create solutions, and to seize the opportunities provided by digital government tools, including through the use of open data to foster transparency, accountability, auditability of decisions and social control.

Participation in law reform

Law reform occurs in a range of ways in different countries. It is often cyclical and iterative, but is also complex and multifaceted; the processes followed may differ from issue to issue, even within one jurisdiction. A key consequence of the complexity and "specialty" of law reform is that it is not uncommon for the community, and in many cases parts of the community that will be particularly affected, to be inadequately consulted if consulted at all.

A people-centred justice system is one that seeks the involvement of the people in all phases of the justice system – from the making and reforming of laws themselves, through to providing real and effective means for ordinary people to actually participate in the legal processes and to enforce their rights. As Box 2.18 highlights, empowering community participation in the law reform process may involve specificaction.

Box 2.18. Community participation in law reform processes in Australia

In Australia the Law and Justice Foundation's Access to Justice and Legal and justice needs (A2JLN) programme includes "participation in law reform processes" as an indicator of effective access to justice within the programme. Finding that for the various legal and justice needs research projects within the A2JLN programme the idea of "participation in law reform" was rarely expressed in community responses, the Foundation undertook specific research into people's participation in formal law reform processes.

Paralleling findings in relation to legal capability, the Foundation's research identified what it called "law reform capability". Underpinned by functional literacy, the research found that participation in law reform required sophisticated skills based on multiple dimensions of knowledge concerning the:

1. law reform system – how law reform occurs and who are the key players
2. specific law reform processes
3. specific law under consideration for reform
4. legal context of the issue – what the wider legal circumstances and consequences are
5. policy context – the impacts of the proposed reform on groups within society
6. political context and the constraints under which considerations for reform operate.

The research found that participation in law reform is challenging, complex and time- and resource-intensive. In relation to the participation of disadvantaged people in particular, who in many cases were the subject of or who would be impacted by the reforms concerned, participation was very limited. The personal circumstances of many disadvantaged people were found to be significant constraints limiting their capability to participate. Further, disadvantaged people were more likely to have lower levels of trust and confidence in government and its processes and thus were less likely to take up opportunities to participate in law reform.

The research identified three foundational law reform capabilities that were essential to develop in individuals if they are to participate in law reform:

- functional literacy skills
- a basic understanding of the law and law reform system
- knowledge of the political process and how it affects law reform.

Essential also to support the participation of many in the community, and particularly disadvantaged people, was the role of civil society organisations (CSOs). While these organisations vary greatly in their own law reform capability, their role and ability to act as experts in linking constituents to government and to the law reform processes are essential if disadvantaged members of the community are to participate in the law reform processes that affect them

Source: (Nheu and McDonald, 2010[55])

Towards bias-free justice systems

Achieving people-centred justice requires empowering those groups and communities that have faced heightened difficulties accessing justice due to the actual or perceived discriminatory and biased practices. Evidence shows that some cognitive phenomena can impact judicial and other legal decision making, including the compromise and contrast effects, the effect of legally irrelevant information, hindsight bias, omission bias, and the role of anchoring in converting qualitative into quantitative judgments (Teichman and Zamir, 2014[56]). Behavioural sciences thus reveal insights into potential prejudices that are embedded in justice and legal decision making (e.g. law enforcement), and that may disadvantage specific groups in a systematic way. Well-known examples include possible biases when judging women and members of racial and ethnic minorities.

Conscious or unconscious biases and discrimination can prevent individuals and communities from gaining meaningful access to justice, heighten mistrust in institutions, and result in imperfect outcomes. Understanding these biases and determining how to build equity requires recognising the lived experiences of discrimination in all its forms, and continuous reflection and engagement with stakeholders. There is a need to build an understanding of equity from the voices and people who have faced these barriers, as opposed to acting on preconceived notions of what equity means, and to work towards eliminating bias that contributes to discrimination at all levels. In this context, the justice sector can strive towards building trust, promoting fairness, creating personal agency and achieving inclusivity. The 2018 UN Human Rights Council Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance provides further recommendations to target these concerns through actively working towards dismantling systems of bias and discrimination. Domestic policy can build upon the foundations of conventions aiming to reduce these systemic disparities, including the UN International Convention on the Elimination of All Forms of Racial Discrimination.

To build trust, institutions may need to re-evaluate actions, practices and processes to challenge those that are found to enable discriminatory actions, disadvantages or outcomes. This includes implementing the appropriate training, accountability and governance mechanisms towards bias-free justice. Understanding these biases requires utilising expert advice, and lessons for training justice-service practitioners to identify and dismantle bias and discrimination are essential. It would be important for institutions to also investigate and address any allegations of (potential) discrimination. In addition, improving the collection of quality data and the transparency of AI to use data in a responsible way are critical towards ensuring that bias is not built into digitalisation processes.

Promoting fairness requires implementing specific strategies aimed at eliminating bias at every level of the system, to promote equality in a holistic and co-ordinated manner. Justice institutions can also build ownership and personal agency by enhancing the legal literacy of particular groups. The voice of stakeholders needs to be taken into account and consulted to build a bias-free system based on equity and on a real understanding of the communities involved. Incorporating these voices into justice design and reform would enable the justice sector to improve partnerships and bridge the gaps between the justice sector and these communities.

Lastly, increased diversity across the justice continuum, including in judicial and law enforcement staff, would promote inclusivity, which is essential in reducing discrimination. Systems should strive to reflect the communities they represent and work in. This requires addressing the underrepresentation of particular groups in the justice sector and taking active steps towards eliminating potential prejudice, negative stereotyping and stigmatisation that could introduce bias in justice systems.

Empowering justice system employees

People working within the justice sector have a critical role in facilitating access to justice for those with legal and justice needs in a people-centred way. At the very core of justice institutions and services are

the individuals who work to uphold and deliver justice, including judges, lawyers, administrators, community workers, those in information and communications technology (ICT), and other employees. For example, the designers/developers of ICT software and processes establish the important user interfaces that need to be not just generically "human-centric", but human-centric towards the priority groups and persons in society so they are accessible to all. Equally important, reception, administrative, community engagement and social support staff often play a crucial role as the first points of contact for everyday people engaging with this part of the justice system for the first or rare time. Enabling and empowering these individuals to participate in people-centred justice transformation and create a culture that is supportive of reform, service improvement and innovation is necessary if there is to be sustainable reform in the justice sector (OECD, 2017[57]). Similarly, their empowerment should include their engagement in the creation of policies and interventions, and in facilitating dispute resolution.

This role should be one that seeks to demystify and make understandable and accessible the part of the justice system that the potential client is seeking to utilise. These staff members can, through the quality of their engagement with the person seeking assistance, make the difference between an accessible and people-centred service, and one that is alienating and inaccessible to the potential client. In addition, employees should be actively engaged in developing and improving the service value chain of the justice system. The chain is an operating model for the creation, delivery and ongoing improvement of services. It outlines the key activities required to create value in response to demand. The model entails holding a joint purpose and vision, which can be promoted by the justice system's leadership; but it also requires the engagement of users and the appropriate design to ensure that products and services continually meet users' expectations for quality, cost, and timeliness. Finally, there must be continual improvement of services and practices across all value chain activities. As such, the teams providing the services should be made aware of their crucial role in delivering justice for people and businesses.

Encouraging empowerment and the effective participation of people in justice system processes therefore also calls for the training, development and empowerment of justice system agencies and all of their staff, including digital tools training (OECD, 2021[58]). In addition, it may prompt the creation of new teams that support the transformation process at the different levels of the justice system, integrated by experts that are sensitive to the needs of different groups and businesses. Such training in people-centred approaches could be introduced from the early stages of legal training curricula. In addition, as highlighted by the OECD Recommendation on the Council on Public Service Leadership and Capability (2019), civil service must be trained building on a long-term perspective for the design and implementation of services. The people-centred culture articulated in Pillar 1 should sit at the heart of the recruitment, training and approach of these justice system workers.

Enhancing legal literacy and awareness

Legal information in a range of formats

The rule of law, access to justice, and the general level of community understanding of and compliance with its laws and responsibilities all requires that people know and understand the laws that impact theirlives and the mechanisms that are available for them to see that law implemented. In other words, it requires to strengthen legal literacy. This is a major challengefor all jurisdictions, given the complexity of laws and legal systems and, notwithstanding national education systems, limited practical opportunities to ensure the community receives adequate education and information to understand those laws.

Provision of legal information is one important means of addressing this challenge. A people-centred approach to that provision requires, however, that the information be provided in language (including a language level) appropriate to various groups within the community; in formats and via media that are appropriate to, and used by, different groups in the community; and atthe most appropriate time for access by those in the community who need this information.

A people-centred justice system will seek to provide an appropriate range of understandable legal information for all parts of the community. In a practical sense, a large proportion of it may be targeted towards the general community, and in particular towards the more legally capable members of society. The aim might be to "arm" these groups with accessible, understandable and targeted information on common or priority issues in order that they can be equipped and empowered to resolve their legal issues with less support (or none at all). However, ensuring no one is left behind, a people-centred system will also provide that same information in a range of formats to support disadvantaged members of the community. What they need to know will come in forms andmanners most appropriate to them – including sometimes through the support of NGOs/CSOs (Forell and McDonald, 2015[59]) (Forell and McDonald, 2017[60]) (McDonald and Wei, 2019[61]) (Pleasence et al., 2014[21]) (Wilczynski, Forell and Karras, 2014[62]). Self-guided help is not appropriate or accessible for all people. In these cases, community-based services such as paralegals can play a relevant role in supporting access to legal information.

This provision would also require providing clear and transparent information about the types of dispute resolution options and when they are appropriate, their cost, duration and likelihood of winning. This could be done through a single portal, which could help triage cases and guide litigants to the most appropriate options for resolving their disputes. Creating a system of appropriate referrals from multiple (legal and other) organisations could facilitate the introduction of a principle of "no wrong door".

In addition, creating user-friendly contracts and other legal documents that can be easily understood without extensive technical knowledge can be a game-changer to make relationships easier and more secure and empower people with greater personal agency in their legal initiatives, as highlighted by The Hague Institute for Innovation in Law (HiiL) (HiiL, 2021[63]). Based on legal design principles, these documents should be adapted to the communities and contexts in which they are used. For example, they can include visual contracts, particularly in areas where literacy rates may be low. In South Africa for example, people can sign contracts that are written in the form of comics.

This challenge of providing timely, targeted and appropriate legal information is linked to the *a priori* identification of the legal and justice needs of those people from their perspective and what strategies work to assistthem in addressing those needs. Also, this challenge is linked to the use of simplified language in alljustice system environments to ensure that the people are not confronted with impenetrable language and procedural barriers when they reach the justice service.

Community legal education

Efforts to educate the community in the law and legal processes, rights and responsibilities are another important component of raising the awareness and legal capability of the community. They are also a major challenge. Laws and justice systems are extremely complex and – particularly in the formal court and tribunal environments – community legal education may only have a limited impact on people confronting such systems, especially when they are opposed to "repeat players" (Galanter, 1974[4]).

The task of community legal education also faces the same challenge of timeliness. Laws and pathways for services change over time. Some basic legal literacy education has been discussed earlier – what will usually be required to provide genuine access is "just in time" education appropriately targeted at specific issues and specific groups. Nevertheless, a people-centred justice system will need to work with other government human services, such as education, to do what is possible to progressively enhance the understanding and legal capabilities of the people in the jurisdiction.

Self and guided help

Research has shown that many in the community (and particularly those better educated and those not subject to disadvantage) benefit from self-help and guided help to improve their understanding of their rights and responsibilities and options for problem resolution. This is becoming more important as moves to

online justice processes have rapidly accelerated during the COVID-19pandemic. For these people, self-help, guided help and online help processes are empowering, preferred and effective for certain problems.

The HiiL (HiiL, 2021[63]) identifies online information, advice and representation as a game-changer offering legal information and advice for self-help with follow-up services supported by technology. This digitalisation of justice services can create greater accessibility and efficiency for users. It may include web-based information for app-based platforms and solution-focused guidance with step-by-step assistance. These types of websites often have a clear business model and are mainly implemented by the private sector, but could also be implemented publicly.

However, the weight of research makes it clear that self-help and similar resources are not the most appropriate solution – or even a solution at all – for many of the most disadvantaged people seeking to resolve legal issues (McDonald and Wei, 2019[61]).

Again linked to the identification of legal and justice needs of particular groups, identification of what works most effectively for which groups and in what context, and a sound understanding of legal capability, countries that seek people-centred justice systems will need to structure those systems and pathways to reflect reality. While self-help resources are an important tool in the justice systems total toolkit, they will not assist with the needs of many disadvantaged people; additional tools are needed.

The importance of civil society and community services

As discussed earlier in relation to participation in law reform processes, the role of community service organisations should also be understood as important in interpreting laws, rights and responsibilities for their targeted priority groups, and in supporting and facilitating disadvantaged people to enforce their legal rights and participate in justice system processes (Nheu and McDonald, 2010[55]).

CSOs are also important, for involving the local community in the way justice services, particularly in the informal justice sector, are defined and delivered close to home through local authorities, trusted members of the community, or public officials. These services are considered a game-changer by HiiL, a legal intervention that can be built up to improve people-centred justice delivery. Though the services are present in different forms in different communities, HiiL identifies them by four core values: informal justice, high quality and standardisation, recourse to or supervision by formal courts, and likely to remain donor-funded supported by the public sector (HiiL, 2021[63]). Community justice services provide an opportunity for greater user input and more accessible and affordable justice services in local regions.

Resilience building – post resolution support

> Resilience is most often defined as the ability of individuals, communities and states and their institutions to absorb and recover from shocks, whilst positively adapting and transforming their structures and means for living in the face of long-term changes and uncertainty.

Resilience is an integral part of legal capability. Legal processes and the resolution of legal issues canbe long, expensive and frustrating even for those with substantial financial resources and sound legal capability. They are much more challenging for disadvantaged people. While resilience may be difficult to formally develop, there is little doubt that the combination of appropriate support when confronted with legal issues (such as provided by a CSO), appropriate, targeted and timely legal informationand education, and more intensive legal support when required will contribute to a person's resilience in the face of legal issues.

However, what happens after the (theoretical) resolution to the problem is also relevant in contributing to the resilience of people. Resilience will be enhanced if the user experiences a justice system that is accessible, effective and trustworthy – and importantly, one that, having made a decision in relation to the person's rights, is able to enforce that decision and deliver the outcome for the person. A failure at this

step in the process will erode trust and confidence in the system and erode the expectations of disadvantaged people in particular.

If the legal processes leading up to a potential resolution of a problem (a court decision, a mediated outcome, an agreement reached with the other party, etc.) can be time-consuming and frustrating, so can the processes that follow. These processes can be beset with impenetrable legal jargon and complexity, as well as inaccessible or unavailable enforcement options.

A people-centred justice system will therefore be one where the enforcement and mechanisms following formal resolution involve the same people-centred design and targeting appropriate to the needs of people, those disadvantaged in particular.

Pillar 4: Planning, monitoring and accountability

Evidence-based planning and measurement

This pillar focuses on establishing the key **enablers** needed to support and monitor implementation of a people-centred justice system. In particular, it concerns evidence-based mechanisms to support the planning, delivery and monitoring of people-centred justice services. It deals with the establishment of processes and investment to ensure that key data are available; that there are ongoing systems of evaluation to fill the gaps in what is known about what works cost-effectively to improve access to justice for people; and that progress can be monitored by governments through an appropriate range of indicators.

Evidence-based planning, co-ordination and delivery of legal service

Legal and justice services are likely to often be facing tight fiscal constraints, and will generally attract less financial commitment from governments than areas such as health, housing and education. This is likely to be exacerbated as a result of the COVID-19 pandemic. Efficient and effective targeting of scarce resources to best meet the legal and justice needs of the community in ways most appropriate to that community will only be achieved through application of sound evidence-based planning.

Evidence-based planning is an important component for ensuring effective co-ordination and delivery of services. It may also involve co-ordination of delivery across levels of government,between private and public justice services and achieving an understanding of the role of different service providers within the public-private continuum and between formal and informal justice. This may also require defining the concepts of essential legal and justice needs and essential justice services. A definition of the former put forward by the Canadian Bar Association in 2013 included those needs that “arise from legal issues or situations that put into jeopardy a person or a person’s family’s security – including liberty, personal safety and security, health, employment, housing or ability to meet the basic necessities of life” (Canadian Bar Association, 2013[25]). Essential justice services may thus relate to the notion of meetingessential legal and justice needs.

Effective targeting and distribution of services would also call for strong co-ordination, which in turn requires sound evidence upon which to co-ordinate (see Pillars 1 and 3).

At the same time, while the notion of access to justice has been generally accepted, OECD work increasingly demonstrates that expenditure on justice generally, and especially on legal assistance and those parts of the justice system that target the day-to-day needs of ordinary people, tends to be relatively small compared with other expenditure on human services such as housing, education, health, social security and defence. In terms of government budget, justice services often find themselves competing relatively poorly. As such, their cost-effectiveness and sustainability are critical elements if people-centred justice systems are to meet the legal and justice needs of communities.

In order to make justice spending cost-effective, and to target limited resources where and when they are needed most, the measurement, data collection and planning processes need to be sound and evidence-based.

The precise nature and details of evidence-based planning to ensure access to justice and a people-centred justice system will vary from country to country. The systems overall will look very different depending onthe infrastructure, demographics and legal frameworks of particular countries (whether the government is unitary or federal). This section will therefore only highlight several key elements, as no one approach will suit all country cases.

Planning approaches and information requirements

Building on decades of international research, in 2019 the OECD (OECD, 2019[6]) proposed a planning model for legal and justice services, focusing on the following key questions:

- What types of legal and justice problems are experienced by whom?
- Where and when are these needs experienced?
- What works in designing services that meet these needs?
- Where should services be delivered and how they should be evaluated?

Other models, such as the one developed by the Law and Justice Foundation of New South Wales in Australia, also emphasise the importance using the data to loop back as feedback and in particular to relate the outcomes: the impact of the service delivery, and whether it meets the legal and justice needs of the community and so informs future planning and service and funding decisions.

To support a people-centred justice system, information and data will be required by a number of different audiences, such as policy makers and service funders, service provider agencies (e.g. courts, tribunals, legal aid agencies, community legal centres) and individual people and potential justice system users. The level of region/government may also be a significant factor depending on the governance structure of a country. For example, the information sought for local levels would often focusmore on the availability and location of services in broad communities, the linkages to transport and other services available in the local area, and integration of the public legal assistance services with other local legal and non-justice services. This would reflect both the pathways people take when facing legal issues, and the extent, complexity and integration of those problems.

- While the information sought and questions to be answered may vary with the type of issue/legal matter, the client and the jurisdiction, there could also be many areas of commonality. Box 2.19 includes examples of the type of information that can assist decision makers in working toward the objective of people-centred access to justice. Importantly, a range of data sources would need to be used to help with the planning process. These sources range from LNS data and other tailored research data (e.g. on targeted engagement with priority communities), to official data such as relate to national census, socialsecurity, court and prison, etc., and administrative data (e.g. service provider data).

Box 2.19. Examples of questions to be asked to support the planning of people-centred services

Identifying legal and justice needs, and where they are located – When seeking to identify the legal and justice needs of the community, the questions to be answered for policy makers and service providers might include:

- What is the prevalence of legal issues across the community in a particular time period?
- What are the types or areas of law of the legal issues experienced?

- Are individuals from some demographic groups likely to experience certain types of legal issues that differ from those experienced by others?
- Are individuals from some demographic groups more likely to experience multiple legal issues? What are the priority disadvantaged groups?
- What actions do people take (including those in differing demographic groups) when faced with legal issues?
- When people seek assistance, whom do they seek assistance from? What processes lead them to specific service providers?
- Why do some people not seek assistance?
- How do people resolve, or seek to resolve, their legal issues?
- Where are the geographic areas of high legal and justice needs?
- What are the adverse consequences on other aspects of life (health, employment, housing or other areas of social engagement and protection) experienced by those expressing a legal need?

Additional information to be sought by legal assistance and other services – In addition to the legal need questions above, legal assistance services may seek information in relation to the following:

- Are legal assistance services reaching the most disadvantaged clients with the greatest legal need?
- Which areas of law account for the greatest legal need?
- In which geographical areas are legal assistance services most needed?
- What types of services are most effective (and cost-effective) to meet which needs for which groups and in what circumstances?
- What services are available to meet the identified needs of individuals in the locations that are most appropriate for the people in need?
- How can the most appropriate services be made available at the right time and place across the geographic and legal breadth of jurisdictions?
- How can changing needs and the impact of service delivery be monitored and evaluated to ensure that the legal and justice needs of the community continue to be met in the most effective and efficient way?

Formal dispute resolution processes (such as court, tribunal and ADR services) – While formal dispute resolution institutions are in many ways reactive, they – and those that fund and support them – should seek rigorous answers to key questions to inform change, funding and service provision:

- Who is using the particular court/tribunal and why? How do the users match the picture of legal need for the community?
- What proportion of the legal need in the community (by demographics but also by type of legal matter) is being resolved in full or in part through the court or tribunal?
- What types of civil claims are being litigated or mediated?
- What is the value of the claims being pursued?
- Which matters are defended, and by whom?
- Who has legal representation in these matters and who does not?
- How are matters finalised? How long does it take to reach certain outcomes in a particular court or tribunal?
- What is the cost to the state for the conduct of certain types of matters?

- What is the cost to litigants of pursuing certain types of matters?

For users and potential users of civil court and tribunal services, other questions may be important for enabling them to make decisions about the most efficient avenue for resolving their disputes or legal issues. Their questions might include:

- How long do various stages of the available justice processes take, and in particular what is the expected time frame to obtain a resolution?
- What is likely to be the personal/organisational time and effort needed (such as for example, court attendance) to obtain resolution?
- What costs are likely to be incurred?
- Based on recorded experience of similar matters (usually in relation to court or tribunal processes), what are the chances of success?

Data requirements, governance and infrastructure for evidence-based planning

Data requirements

Allocating limited resources in the most efficient way and making the most effective evidence-based decisions in the justice sector both require good data. Moreover, better access to justice data can assist governments and justice systems in recognising new patterns and anticipating new vulnerabilities. It could also help develop foresight capabilities for people-centred justice and broader people-centred public institutions over time.

Legal sectors globally trail many other sectors, especially health, in access to good-quality data. There is a discipline in health – epidemiology – that uses data to study the distribution and determinants of health and disease conditions. In other words, healthcare has systems in place to help with decision making. Legal and justice systems would strongly benefit from similar approaches. Collecting and utilising more and better data (e.g. through open justice approaches) to support the most effective and affordable delivery of justice to the community would be important for governments to meet the needs of and make progress in their global commitments. This would of course include implementation of the SDG 16 "to promote peacefuland inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels"; its target 16.3.3; and the overarching principle of the SDG Agenda, leaving no one behind. Improving data quality will likely involve increased emphasis on:

- identification of variables needed to answer the key justice questions (see also Pillar 1**)** for discussion on the types of data and measurement)
- more consistent measurement and reporting of these variables
- the use of appropriate people-centred justice system indicators to help governments, justice systems and civil society monitor and evaluate system effectiveness, and to facilitate ongoing improvement.

While there has been a major effort to improve data availability and collection related to judicial statistics, including at the international level,[5] the existing data systems in most countries likely fall short of being able to provide the full range of information necessary to support mature people-centred justice systems. This has been recognised for some time, and has been a feature of the findings arising from the OECD access to justice initiative since 2015 (OECD, 2019[6]). The recent OECD discussion paper "Grasping the Justice Gap" (Chapman, 2021[64]), co-produced with Pathfinders and the World Justice Project, proposes three data priorities to strengthen people-centred justice:

- Understand the scope, nature, and impact of justice problems. To advance access to justice for all, justice actors need to understand who has justice needs, what those needs are, where and when they are experienced, their underlying causes, and their impacts and costs.
- Design and deliver people-centred justice strategies. Justice actors need administrative and survey data to strengthen legal capability, prevent problems, and correct systemic injustices, thus ensuring that justice strategies are connected to the needs and capabilities of people.
- Measure what works, then learn and adapt. The justice sector in many places lags behind other social sectors in evaluating what works. Effective and appropriate evaluation of access to justice efforts is key to adapting strategies, allocating resources, and advancing justice for all.

Overall, in order to provide the necessary access to data to enable people-centred justice systems, it will be important for jurisdictions to establish justice data ecosystems in compliance with privacy, data protection and data security requirements that draw not only (or even primarily) on service delivery (administrative) data, but also on tailored legal need and "what works" research data such as that obtained through LNS, targeted legal and justice needs data obtained through engagement of particular communities, official data (most importantly, official disaggregated census data), and selected community service and civil society organisation data if well collected.

More specifically, to realise the better use of data at jurisdictional or national level, a range of data sources are potentially available (or might be developed to be available) to be utilised, including LNSs, targeted data from deep engagement with communities, service delivery data, evaluation data on what works and many others. Box 2.20 offers an example of efforts to operationalise the necessary data ecosystems to support people-centred justice in New South Wales, Australia.

Importantly, the responsibility and capacity for developing and providing the different data sources are distributedacross a range of government and non-government actors. Data contributing to the justice data ecosystemwould need to be provided by courts, government legal aid agencies, community legal centres, non-government human services and other community agencies, private practitioners and others. Ensuring sufficient commonality and interoperability will remain a key challenge but one that can be met by government taking a key leadership role, in particular by:

- Providing funding and IT/data support to all contributors to the justice data ecosystem for collecting, managing and reporting their data as required.
- Establishing, in co-operation with other data contributors, common standards and minimum data sets for greater consistency. A common data standards manual, such as that employed to support legal assistance in Australia, could be a useful tool.
- Establishing, in co-operation with other data providers, co-ordination and collaboration protocols and processes to facilitate the management, security and sharing of appropriate data.

Box 2.20. Data ecosystem operationalisation model: Law and Justice Foundation (Australia)

To support people-centred justice at jurisdictional or national level, a range of data sources is available (or might be developed to be available) from governments and justice organisations. This data ecosystem model links to the information requirements for planning justice services highlighted at Section 4.1.2 earlier in this Framework. It seeks to operationalise the data requirements by a) asking a number of key questions that ideally would be answered by justice systems seeking to move towards people-centredness, and then b) identifying possible data sources to be utilised to answer them:

- What are the legal and justice needs of the community? A number of information sources, ideally used in an appropriate combination, could be considered:

- Survey data from a well-conducted legal needs survey (LNS) can help obtain a representative picture of the legal and justice needs of the community.
- Targeted data from deep engagement with communities, and particularly disadvantaged communities, can help fill gaps in the understanding of the legal and justice needs of priority disadvantaged communities. This data can come from targeted research and/or the ongoing engagement of CSOs with particular disadvantaged communities.
- Criminal court data – While LNS and other data are necessary to identify legal and justice needs generally, when available and well collected, criminal court finalisation or similar data can often provide the best indicators of criminal law needs.
- Service delivery data (administrative data) can complement understandings of legal need, especially at the local level, if well collected. However, service delivery data often have limited utility as a measure of legal need, particularly when funding – and thus services – is scarce.

- Where are the legal and justice needs located? Distance can be a major impediment to access to justice, particularly in larger countries. Locating the need is important in targeting services effectively.
  - Service delivery data (administrative data) – While the utility of these data can be limited by a relative scarcity of justice services being delivered (or data being collected), they can provide insight into local demand for particular services for particular legal and justice needs.
  - Official data – LNS will rarely provide sufficient insight into legal and justice needs in small regions within a jurisdiction. However, the insights from legal need surveys in relation to particular groups or issues can be applied to official census and other population-level datasets to provide insights into the location of likely legal and justice needs.
  - Data from community service organisations and NGOs – CSOs and NGOs generally have long-term service and support relationships with targeted disadvantaged communities. If given adequate support, data from these agencies can provide useful insight into legal and justice needs and their location.
- How can legal capability be recognised and understood?
  - Legal capability refers to the personal characteristics, skills and psychological preparedness to act that impact upon a person's ability to confront and deal with legal and justice problems. A range of data sources, especially official and anonymised (census) data, provide disaggregated population-level information on key characteristics and skills, such as education level, health status, employment status and other competencies, that in turn provide insight into their legal capability.
- "What works" to address legal and justice needs for different parts of the community, sustainably?
  - Using the quality literature – Rigorous research and evaluations and rigorously conducted systematic reviews of such research can provide guidance in relation to what works to address particular legal and justice needs for particular people in particular contexts.
  - Conducting quality evaluations – Conducting targeted and strategic evidence-based evaluations can add to the evidence base about what works, for whom, in what circumstances, and at what cost.
  - Service delivery data (administrative data) – Service delivery data on its own will not identify effectiveness – but when collected as part of an appropriate methodology to determine what works, service delivery data can have a key role.
  - How can legal and justice services be best targeted where they are needed?

- Matching service delivery data with legal and justice needs data – Countries wishing to identify gaps in service delivery and monitor the delivery of relevant services to address particular needs may consider mapping service delivery data against legal/justice needs data. They would look at available approaches to monitoring service delivery data against relevant needs variables.

- What data are needed for monitoring, evaluating and planning?
  - Data from some or all of the above sources can be relevant to the monitoring, evaluation and planning for delivery of justice services.
  - Bespoke research and evaluation are necessary, but would need to be strategically co-ordinated to focus on priority knowledge gaps and to minimise cost and duplication.
  - Other court and tribunal data. – Every day, cases are heard in courts and services are delivered. Data collection of such service delivery will enable these important sources of data to contribute valuable insights into the justice data ecosystem and so allow for appropriate decision making and planning of justice services.

The OECD data gathered through country surveys indicates that only a few countries have developed data strategies that incorporate the elements outlined above. To assist countries in developing comprehensive data ecosystem and infrastructure the OECD, in collaboration with partner institutions, is increasingly creating tools, including:

- Legal Needs Surveys and Access to Justice (OECD/Open Society Foundations, 2019[11])
- Equal Access to Justice for Inclusive Growth: Putting People at the Centre (OECD, 2019[6])
- The Praia City Group Handbook on Governance Statistics (Praia Group, 2019[3])
- Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice Data Paper (Pathfinders, World Justice Project, OECD, 2021[65])

The OECD will continue developing further tools to support countries in improving their data collection and usage, and in support of implementing the present Framework. These would include, among others, a practical toolkit with actionable policy recommendations to further support countries wishing to implement the Framework in their national context. The toolkit would aim to include references to several maturity levels with different indicators on current levels of achievement, including through self-evaluation questions, associated data needs, and the steps that could help get the country closer to the next level of people-centricity of its justice system, based on good practices found in OECD member and partner countries.

Data governance

Sound and transparent governance of the data, including across the full justice chain, is important to guide access to and sharing of data across justice institutions and across different policy areas. Good data governance could prevent, anticipate and effectively respond to legal issues faced by people and businesses, while preserving privacy. It can also benefit a pool of public sector organisations that share common goals and that mandate, produce, need to access, and share or reuse common datasets (OECD, 2019[48]). This would call for co-ordination and co-operation within government and across the full justice chain in processing personal data, whether in the public or private sectors – e.g. by encouraging common data elements and formats, quality assurance, and data interoperability standards; and by encouraging common policies and procedures that minimise barriers to sharing data for justice system management, statistics, research and other related purposes that serve the public interest while protecting privacy, personal data and data security. The risk otherwise is lack of interoperability of data across different parts of the justice system and duplicated efforts on the part of institutions and people, who would be required to provide the same data to different parts of the system.

For instance, in Argentina the Ministry of Justice developed a tool to improve the sharing of personal data in the context of judicial investigations using a central common interoperability platform. The tool allows registered users (e.g. tribunals, prosecutors, courtrooms) to request data from and between those registers connected to the interoperability platform (OECD, 2019[66]), therefore speeding up data access and reducing the time necessary to respond to people.

With regard to information regulation and data privacy, sound data governance is important to ensure that data are used in a respectful way that protects people's privacy and personal data in formalised approaches, across both the public and private sectors. As discussed earlier, this may include providing the basic legal frameworks, but also engaging with people and their understanding of how their data is managed for meaningful consent. One example of this type of governance in the health sector is the OECD Council Recommendation on Health Data Governance, which seeks to bring together the privacy and health communities to collectively make progress on data governance and monitoring in this sphere.

However, the health sector has more experience in regulating private sector providers and improving public-private interfaces. This is particularly true with innovation, where public-private collaboration and financing have enabled significant development and progress. However, often these innovations occur at the granular level and there is a need for greater public intervention to scale up these pilot project for wider system integration through placing them directly in the public sector or creating an enabling environment for greater private sector reach. The COVID-19 pandemic vaccine development demonstrates a large-scale example of how government regulation and co-ordination can enable private sector innovation for the public good.

In parallel, a people-centred justice system should take into account the importance of data preparedness, particularly to face crises (e.g. how the different levels of digital maturity contributed to a better policy response); specific and purposeful data initiatives (e.g. data dashboards); and data infrastructure (data identification and sharing across different actors and jurisdictions were critical for informing effective responses). Elements related to institutional capacity, sharing of information with individuals, monitoring and evaluation mechanisms, and safeguards would also need to be reviewed.

Importantly, with the adoption of digital technologies, justice systems will face a growing volume of personal data in electronic form, which is often held in silos by the organisations that have collected them. Enabling the secure transfer, linkage and analysis of data across the justice chain and sectors can significantly increase the value of the data in meeting legal and justice needs in an effective and efficient manner while protecting privacy, personal data and data security. As such, reflecting on the suitability, coherence and integration of current digital governance and data strategies across the justice sector (and related sectors) will be crucial in the transformation to people-centred justice.

Moving toward that transformation, policy dialogue on regulation will need to include user voices. Empowering people through integrating user voices into regulation and care requires data and measurement indicators, as for example is done through the OECD Patient-Reported Indicator Surveys (Box 2.21).

Box 2.21. People-centred innovation in the health sector

OECD Patient-Reported Indicator Surveys (PaRIS)

The OECD Patient-Reported Indicator Surveys (PaRIS) serve as a cross-country instrument on developing, standardising and implementing a new generation of indicators that measure the outcomes and experiences of healthcare that matter most to people. PaRIS seeks to extend the healthcare measuring and indicators beyond rates of mortality and the incidence and prevalence of disease to include data on the user experience of healthcare and its added value, thereby addressing some of the

gaps in people-centred healthcare and measurement (PaRIS 2019 survey, p. 4). The indicators provide better information that improves the abilities of policy makers to set priorities and allocate finding appropriately, creates a people-centred focus in healthcare through concentrating on the experiences of patients, and allows healthcare providers to better understand ways in which they can improve the quality of care they provide.

The International Survey of People Living with Chronic Conditions will be the first of its kind to assess the outcomes and experiences of patients managed in primary care across countries. The PaRIS survey aims to fill a critical gap in primary healthcare, by asking about aspects such as access to healthcare and waiting times, as well as quality of life, pain, physical functioning & psychological well-being.

Creating clear accountability, monitoring, and reporting mechanisms

A people-centred justice system is one that seeks to provide effective services to address the legal and justice needsof people as they experience them. A people-centred justice system will also be one that monitors and evaluates its services and systems to ensure their effectiveness from a people-centred perspective. Importantly, that perspective is one that implicitly aspires to equality and inclusiveness. In other words, systems will be evaluated against standards of fairness, procedural fairness, and the avoidance of bias (structural or otherwise) that has often been found in traditional justice systems that focus on formal and complex processes that favour those with most resources and those most familiar with them.

All aspects of legal and justice service delivery should be accompanied by regular monitoring processes. This calls for developing and putting in place evaluation, measurement and accountability mechanisms to collect data and regularly assess and report on progress.

Measurement and evaluation frameworks can differ depending on the state. A holistic approach however would integrate elements of fairness standards, evaluation of procedural fairness, processes and outcomes (individual and systemic). Attracting high levels of trust from the community requires justice systems to be relevant to individuals in the community, but also to enable individuals to have the confidence, ability and opportunity to participate and have their voices heard. In turn, the levels of trust and engagement necessary will only be possible if the legal system and access to justice processes are equitable and contribute towards positive outcomes.

The elements of a monitoring and evaluation infrastructure necessary to support a people-centred justice system could include:

- *A clear purpose statement* that links directly to the overall people-centred justice system purpose, and includes appropriate indicators for evaluating both the coherence of the sub-level purpose with the overall purpose, and performance towards that purpose. The purpose statement is accompanied by *strategic objectives and priorities* based on evidence and identification of risksto access to justice, and identification of the institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data on the progress of such strategic objectives. Evaluation of individual services would need to be directed towards these people-centred purposes and objectives, and would form part of the overall continuous information feedback loop within a people-centred justice system.
- *Appropriate standards* in relation to procedural fairness, adequate representation, adequate service levels for non-representation legal service and assistance and overall system fairness.
- *Processes to monitor, evaluate and report* on progress 1) towards and/or against these standards and 2) towards achieving key outcomes (individual and systemic).
- *Fostering a culture of monitoring, evaluation and learning among public officials* by increasing their capacity to regularly conduct exercises for these purposes in collaboration with relevant

stakeholders. This includes developing benchmarks and indicators and gathering credible and relevant data on the level of implementation, performance and overall effectiveness of the people-centricity of the justice system.

The institutional framework for assessing justice measures can differ across countries, ranging from the involvement of cross-sectoral access to commissions to the involvement of supreme audit institutions. Departments of justice may also play an important role in promoting the evaluation of access to justice programmes. Other sectors have made significant advances, embedding people-centred initiatives that could be relevant and applicable in the justice sector. Box 2.21 provides an example of people-centred innovation in the health sector through the inclusion of patient experiences in planning, an initiative that could be paralleled in the justice sector – asking legal service users about their needs and perspectives while in contact with the justice system.

Outcomes assessment – The need for research programmes

In most cases, the effectiveness of legal advice, assistance or information needs to be measured through research programmes that start at the beginning of a user's justice journey, follow them throughout the different procedures, and finally follow up on the outcome and degree of satisfaction experienced. This is usually the case provided that much legal advice and assistance may be given at a specific time and the primary effective way of determining whether or not that advice, information or service was useful is through follow-up research. Following a period after delivery of the service that research could aim at identifying whether the recipient of the service has acted upon the advice or made use of the information obtained, and if so what outcomes were obtained. A people-centred justice system could be supported by having in place systems of evaluation from the beginning until the resolution of legal issues, focusing on the achievement of the specific objects or purposes of the programme from the person's perspective – that is, did they act upon the service or advice or not, and if not why not, etc. From this type of evaluative research, real lessons can be learned about the effectiveness of legal assistance strategies.

Assessment and reporting on the people-centricity of justice systems

An important element of the Framework for people-centred access to justice is regular assessment of the people-centricity of justice systems. Building on existing data collection exercises, such as CEPEJ annual Evaluation Cycles and the EU Justice Scoreboard across Europe, regularly published reports on the performance of people-centred justice policy and reform programmes could enhance visibility and enable continuous engagement of all actors in the promotion of people-centred justice. These reports could also include information on the usefulness of tools such as justice impact assessment and public consultation practices.

Establishment of relevant indicators and measures can assist countries in monitoring their progress towards more people-centred justice processes and services. The number of indicators will likely grow over time; however, to commence, two key indicators could be considered:

- *Means of identifying legal need from the people's perspective* – Linking back to Pillar 1, probably the foundational step in the progress towards a people-centred justice system is a commitment to obtaining a sound picture of legal need from the people's perspective. This may also include measurement of legal awareness and capabilities to access justice effectively. The indicator will be designed to assist countries in moving towards most effective methods.
- *SDG 16.3.3* – This indicator builds upon an LNS assessment of legal need but adds to it importantly by aiming to identify the proportion of those people with legal and justice needs obtaining appropriate assistance and resolution (Box 2.22).

In addition, it could be relevant to develop metrics of change that recognise the diversity of country contexts and systems; these could help measure countries' progress against their baselines.

Box 2.22. Assessing the people- centricity of justice systems and approaches

Means of identifying legal need

Legal Needs Surveys, conducted now in over 50 jurisdictions, have generally revealed that the numbers of people experiencing legal need far exceeds those that seek assistance from legal service providers or engage in the forma justice system. Identifying the legal and justice needs of the community in ways that do not rely solely upon those who approach and use justice services and the justice system is a fundamental enabler for establishing a people-centred justice system. It may therefore be a useful and straightforward indicator to note the method employed by each jurisdiction in identifying the legal and justice needs of the community (OECD/Open Society Foundations, 2019[11]). At the most elementary level, this indicator could simply represent whether or not a particular country or jurisdiction had undertaken an adequate LNS able to give a reasonably representative picture. However, LNSs need to be supplemented by targeted studies of particular groups that are likely to be missed in such surveys. Further, LNSs are expensive and take some political will, and while an impressive number of countries have undertaken at least one major LNS (some like Canada undertaken several), many others have not been able to at this time.

Therefore, it is proposed that to implement this indicator, a succinct but effective reporting mechanism be created that includes the question about whether or not the LNS has been undertaken, but otherwise asks countries to report on how they went about determining the legal and justice needs of the community are broadly without relying simply on court and tribunal data?

SGD indicator 16.3.3

The United Nations Sustainable Development Goal 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. It is elaborated on by target 16.3, which aims to "Promote the rule of law at the national and international levels and ensure equal access to justice for all".

Importantly, 16.3.3 aims to measure the "proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism (UN Stats, 2020[67]). This is only possible through conducting a legal needs survey (possibly related to service delivery data).

SDG indicator 16.3.3:

- Is people-centred, as it measures the experience of legal issues from the perspective of those who face them.
- Provides a broad assessment of public justice needs by capturing legal issues that occur inside and outside formal institutions.
- Captures an important dimension of unmet legal need and access to justice that is measurable, actionable, and policy-relevant.
- Focuses on some of the most important barriers to accessing justice and resolving legal issues – legal aid and legal capability – that disproportionately affect the poor.
- It may be that the widespread adoption of reporting under 16.3.3 may simultaneously address the first proposed indicator of the method of obtaining an assessment of legal need.

These indicators may also support the development of indicators to track global progress on people-centred justice services. That would be similar to the work done on implementing the WHO framework on integrated, people-centred health services, which proposed "performing research and development on

indicators to track global progress on integrated people-centred health services" (World Health Organisation, 2016[68]).

Countries could develop broader approaches to measuring the people-centricity of justice systems. These could include for example the types and volumes of legal inquiries, disputes and legal and justice needs; access to legal assistance services and ADR processes; the resources or workload of courts or quasi-judicial bodies; the cost of or access to criminal, civil or other justice branches as a whole.

Oversight and complaint mechanisms

Effective people-centred justice would require establishing mechanisms and institutions to actively provide oversight of justice procedures and goals, support and implement policy on people-centred justice, and (thereby) facilitate closing justice gaps. Internal and external oversight mechanisms may also outline benchmarks and indicators for gathering credible and relevant data on the level of implementation, performance, and overall effectiveness of the people-centred justice initiatives. Internal mechanisms may include parliamentary committees, ombudsperson offices, and internal audit institutions, while external ones could include non-governmental organisations, expert advisory committees, human rights mechanisms, citizen oversight of the police, and complaints mechanisms.

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Notes

[1] While the accompanying Good Practice Principles build on the Framework, they were adjusted for the flow and coherence of the text and approach.

[2] www.justice.sdg16.plus/justice-in-a-pandemic (accessed 24 August 2021).

[3] The White House Legal Aid Interagency Roundtable (LAIR) gathers fourteen state-level agencies and departments to work together and co-ordinate efforts towards increased access to justice for all people, including the Departments of State, Treasury, Defense, Interior, Agriculture, Labor, Health, Environmental Protection, Education, Veteran Affairs, Homeland Security, the Domestic Policy Council, USAID, etc. The LAIR reports annually to the president on its progress in fulfilling its mission (The White House, 2021[69]).

[4] The understanding of access to justice and resolved legal and justice need goes beyond the process utilised and manner of conclusion. Important factors shaping trust in institutions and satisfaction with services are the quality of resolution process and outcome. The perception of process from the user's perspective considers its various aspects - fairness features, such as: "voice, neutrality, trustworthiness, consistency, and accuracy" (procedural justice); treatment in the process, including "politeness, dignity, and respect by authorities and third parties involved in executing procedures or determining outcomes" (interpersonal justice); provision of information, for instance why "procedures were used in a certain way or why outcomes were distributed in a certain fashion" (informational justice). Measuring perception of outcome addresses "the fair distribution of benefits and burdens" (distributive justice); the extent to which "the outcome which rectifies the damage or loss suffered as a result of the problem" (restorative justice); the level to which the outcome solves the problem (functionality); "explanations for outcomes and the ability to compare the outcomes of similar problems" (transparency) (OECD/Open Society Foundations, 2019[11]).See also the concept of therapeutic justice.

[5] For example, the European Commission for the Efficiency of Justice (CEPEJ) has been carrying out significant data collection exercises in European countries for two decades, leading to evaluation reports.

Annex A. OECD criteria for people-centred design and delivery of legal and justice services

Evidence-based planning	People-centred legal and justice services are based on and respond to an empirical understanding of legal and justice needs and legal capabilities of those who require or seek assistance.
Equality and inclusion	People-centred legal and justice services are inclusive and targetedat those most in need. They are responsive to the specific access needs of particular groups likely to suffer from social and economic disadvantage or that are otherwise marginalised or vulnerable, and those with complex needs. They are designed to contribute to equality, poverty reduction and social inclusion.
Accessibility	People-centred legal and justice services are accessible and designed to actively overcome the range of barriers to the assistance people require.
Availability	People-centred legal and justice services are available across the justice chain and provided in a range of formats and programme and services types.
Prevention, proactivity,and timeliness	People-centred legal and justice services are proactive and contribute to preventing legal issues and to timely resolution. Recurring legal issues are addressed on a systemic basis to address underlying causes, thereby preventing reoccurrences.
Appropriateness andresponsiveness	People-centred legal and justice services are appropriate andresponsive to the individual, the issues they face, and their situation. They are tailored, proportionate, efficient, and flexible to accommodate local circumstances.
Empowerment	People-centred legal and justice services are empowering, enable people's meaningful participation in the justice system, and build people's legal capabilities.
Collaboration andintegration	People-centred legal and justice services are part of a coherent system that provides seamless referrals and integrated services through collaboration among legal, justice and other human service providers. People obtain access to all the services they need to solve thelegal and related non-legal aspects of their problems holistically, regardless of the entry point for assistance.
Outcome-focus and fairness	People-centred legal and justice services contribute to fair process and fair outcomes and to better and more sustainable procedural, substantive and systemic outcomes – including increased trust and confidence in the justice system and better performance of that system – and to the attainment of societal objectives such as social inclusion.
Effectiveness	People-centred legal and justice services are effective and continually improved through evaluation, evidence-based learning and the development and sharing of best practices.

Annex B. OECD Good Practice Principles for People-Centred Justice

Context

In recent years, access to justice[1] has moved to the forefront of international efforts to achieve sustainable development. It was included in the United Nations 2030 Agenda for Sustainable Development (SDG 16), in a commitment to "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

To secure equal access to justice services, the legal and justice needs of the population should be effectively understood and addressed by the justice system[2]. However, legal needs surveys completed in the last three decades globally show that there is a significant gap between the main services provided by justice systems and the services best suited to meeting the everyday legal and justice needs of society. The majority of them show that less than 10% of legal needs are resolved by the formal justice system (OECD/Open Society Foundations, 2019[1]). Research also shows that many people face a range of barriers to accessing justice, such as cost, complexity, lack of language skills, remoteness and discrimination.

The COVID-19 health crisis, coupled with the ensuing social and economic crises, has dramatically altered societies around the globe, exposing and exacerbating inequalities. It has also prompted strengthened calls for increased respect for human rights, democracy and the rule of law, including greater dignity, equality and justice around the world (Pathfinders for Peaceful, Just and Inclusive Societies, 2020[2]). Growing public discontent has also called for justice systems to be more effective, responsive and transparent in addressing injustices and people's legal and justice needs. As such, genuine equal access to justice for all – to ensure fair opportunities and outcomes for all, free of bias and discrimination – is fundamental to overcoming inequality, securing people's trust, and protecting the quality and resilience of democratic institutions. In line with the OECD Serving Citizens Framework[3], the more people-centred[4] a justice system and access to justice arrangements are, (as opposed to being designed only from the perspective of the service providers), the more relevant they will be to the lives of individuals and the more they will contribute to just outcomes. The people-centred justice system offers a broad range of processes and procedures in addition to formal judicial and non-judicial proceedings. The full spectrum of services to obtain remedy to a legal need includes alternative mechanisms for dispute resolution (e.g. mediation, ODR), paralegals, public legal education, community-based justice initiatives, integrated service provision, pre- and post-resolution support, specialised courts and broader court systems (OECD, 2019[3]). The wide range of options and entry points can help provide appropriate and timely assistance that can be tailored to meet the specific legal and justice needs of an individual, at a given time and in particular circumstances.

Making progress towards SDG 16 thus requires countries to recalibrate their lens toward people-centred design and delivery of legal and justice services, ensuring that all people have access to services that are of high quality, appropriate, targeted, timely and cost-effective. This approach also flows from and reinforces the concept of justice as a public service, guiding the modernisation efforts of the justice systems in many OECD countries. It highlights governments' responsibility to provide public services designed to meet the expectation and needs of their people in terms of access[5].

The importance of people-centred justice transformation was already acknowledged in the 2018 Riga Statement on "Investing in Access to Justice for All!", adopted by high-level participants of the 4th OECD Global Roundtable on Access to Justice, and were echoed during OECD high-level meetings and subsequent annual Global Equal Access to Justice Roundtables (OECD, 2021[4]). The OECD criteria for people-centred design and delivery of legal and justice services underlined the importance of anchoring the foundation and underlying policy orientation of justice systems in equality and inclusion, accessibility and availability. Added to these calls were other global events and declarations including The Hague Declaration (Ministerial Roundtable on Access to Justice, 2019[5]), a ministerial Roundtable at the Open Government Partnership (OGP) Global Summit in Ottawa, the launch of the Justice for All report (Task Force on Justice, 2019[6]), and the Global Dialogue of Justice Leaders (October 2020) in the context of the 2020 Global Justice Week (Chair of the Global Dialogue of Justice Leaders, 2020[7]).

Objectives

The proposed Good Practice Principles for People-centred Justice are intended to help policy makers evaluate and improve the legal and institutional framework for improving access to justice, with a view to supporting inclusive economic growth, a thriving investment climate, and quality democracies. Cumulative knowledge arising from justice research around the world shows that this is primarily achieved by putting people and their legal and justice needs at the centre of the justice system. Building on the *OECD Framework for People-Centred Justice* and nearly a decade of OECD and international research[6], the Principles are intended to be concise and accessible to the international community. They could provide a basis for governments, judicial branches and other justice stakeholders to develop more detailed provisions that can take into account country-specific differences and reflect the legal and justice needs of different population groups. It is also relevant to highlight what the Principles are not. These Principles do not aim to provide guidance regarding the detailed structure and governmental constraints required to ensure an independent judiciary free of external influences, nor to guarantee the rule of law. They also do not focus extensively on ensuring high quality judgments. Instead, they provide guidance for the delivery of public justice services to people in the best manner, resting on the assumption that a sound judiciary and equality before the law are required to make this possible.

The Principles promote a people-centred approach to justice system performance, which would focus primarily on *identifying and meeting the legal and justice needs of the people as they experience them*, whether or not they recognise them as being a legal problem or having a legal dimension; and on generating *fair outcomes* to move towards more *just societies*. This calls for:

- understanding people's needs and experiences with legal and justice services from their perspective
- developing and implementing policies and services that meet those needs, and removing barriers to access as part of a holistic vision for a people-centred justice ecosystem.

A people-centred justice system could include the following characteristics:

- a clear and stated purpose of justice systems and of their various components, giving priority to a people-centred approach to meeting the legal and justice needs of all people[7].
- ongoing and co-ordinated research and data to build and maintain a sound evidence base that contains what people's most common legal problems are, who experiences these problems, and to what extent they are able to resolve them
- ongoing and co-ordinated research and evaluation conducted to identify and maintain an evidence base about what strategies "work" most effectively and cost effectively, for whom and in what circumstances, to address legal and justice needs, including in the planning and delivery of legal and justice services

- clear and accessible language for users that interfaces with all justice system components and more broadly, clear communication strategies about justice services
- wherever appropriate, co-design of legal and justice services between providers and potential users[8] to consider user's needs and experiences.
- investment and service organisation in the justice system appropriately reflecting legal and justice needs of the population, including the areas of greatest need in order to ensure efficient resource allocation and access to services for all.
- systems established for monitoring fair outcomes.

The Principles are presented in five sections: the Foundation, a leadership committed to a people-centred purpose and culture; Pillar 1: Designing and delivering people-centred legal and justice services; Pillar 2: Governance enablers and infrastructure; Pillar 3: Empowering people to make people-centred transformation happen; and Pillar 4: Evidence-based planning, monitoring and evaluation. Each pillar is composed of a list of principles that contribute to its objectives.

As part of the next steps and to support implementation of the principles and the associated Framework, the OECD proposes to develop a series of implementation support tools, including a practical toolkit, based on a maturity model and accompanied by core indicators for people-centred justice.

FOUNDATION: A leadership committed to a people-centred purpose and culture:

A clear purpose, shared vision and supporting culture: establishing a clear purpose and culture of justice systems that place people at the centre as the essential underpinning for the people-centred justice system and justice services. This should include in particular identifying and meeting the legal and justice needs of people as they experience them, as well as committing to the overarching purpose and vision to focus on meeting these needs. That commitment should facilitate a whole-of-state and whole-of-society approach, with a view to empowering public institutions across the branches of power and levels of government to guide decisions about present and future justice transformations.

Respect for the rule of law and fundamental rights: ensuring respect for the rule of law underpins notions of equal access to justice and fair treatment, the protection of fundamental rights, and the independence of the judicial power. It is a basic principle and a foundation of good governance. It is the essential bedrock of a people-centred justice system and culture, and of public trust both in the justice system and in public institutions more broadly.

Leadership, implementation and culture development: putting in place the conditions, and thus creating the culture, to enable the implementation of a people-centred purpose and vision through:

- *fostering commitment* from all politicians, members of parliament, the judiciary, public officials, legal professionals and interested parties/institutions to ensure successful implementation of people-centred strategies and prevent or overcome obstacles related to resistance to change, while recognising the roles, prerogatives, and overall independence of all concerned parties according to their existing institutional mandates;
- developing *whole-of-government* and whole-of-state *national strategies* for people-centred justice accompanied by clear action plans, objectives, expected outcomes and/or targets, and effective policy planning;
- *connecting policy agendas across branches of power, levels of government and independent stakeholders* through multidisciplinary and interagency approaches and enabling co-operation between public and non-governmental entities;
- continuously striving toward *improving the quality and performance of justice services* from the perspective of the people and businesses, in order to increase satisfaction with the public services

from the user perspective (e.g. access, responsiveness, timeliness, ease of use, perceived fairness of the process and quality of services)[9], and thus public trust in the justice system[10]. This includes considering whether the organisation is providing services that are responsive to the needs of the users in a cost-efficient manner, and whether alternative service delivery models can and should be considered;

- constantly striving *to identify, analyse and eradicate possible explicit or implicit bias and discrimination* (e.g. based on gender, ethnicity or other identity factors) within the system and in the outcomes it produces. Ensuring *all people*, including disadvantaged groups, receive adequate and appropriate justice services and pathways.

PILLAR 1. Designing and delivering people-centred legal and justice services

The legal needs of people: the first step to enable people-centred transformation is identifying, understanding and locating legal and hence justice needs through both a *representative picture* of those needs within a jurisdiction (such as through legal need surveys) and recognising the *legal needs of priority groups* (such as people with disabilities, victims of domestic violence, Indigenous people and others), through targeted research and ongoing engagement.

Identifying "what works": deepening understanding of what strategies "work" to meet the diverse legal and justice needs of people and businesses in an affordable and sustainable way through identifying existing available evidence of what works and establishing evaluative processes to address the evidence gaps.

Service availability and accessibility: ensuring a continuum of legal and justice services across the legal and justice chain, provided in a range of formats, programmes and service types. The services should correspond to an empirical understanding of the legal needs (including most frequent ones) and legal capabilities of those who require or seek assistance (including most disadvantaged groups) and should strive to actively overcome the range of barriers to the assistance they require.

Design with people at the centre: putting in place mechanisms and strategies to ensure that legal and justice services are:

- *appropriate and responsive* to the individual, the issues they face, and their situation and are tailored, proportionate, efficient and sufficiently flexible to accommodate local circumstances, including availability of services along a continuum;
- *inclusive and targeted* to specific access needs of particular groups. Depending on the national country context, particular strategies may need to be developed, for example, for youth and children, women, elderly people, migrants and refugees, people with disabilities, and other minorities to address the legal and justice needs they may be experiencing during specific stages of life cycles;
- *helping to prevent legal and justice needs and contributing to timely resolution,* including through legal health and legal care approaches. Recurring legal problems are addressed on a systemic basis to address underlying causes, thereby preventing any further reoccurrences.

Fair outcomes: developing safeguards and procedures to ensure that legal and justice services contribute to fair process and fair outcomes, and enhanced and more sustainable procedural, substantive and systemic outcomes (e.g. increased trust in the justice system, better justice system performance, social inclusion, greater equality and poverty reduction).

PILLAR 2. Governance enablers and infrastructure

Appropriate framework: ensuring the existence and implementation of the *legal and policy frameworks necessary to facilitate people-centred justice*, including through integration of people-centred justice solutions across different providers (as appropriate), key triage and referral mechanisms, and the enabling seamless resolution of legal issues across justice pathways:

- *Establishing clear roles, responsibilities, mandates and accountability* of key public stakeholders in designing, leading and implementing people-centred justice initiatives.
- *Strengthening horizontal and vertical co-ordination and co-operation mechanisms across all levels of government, across public service sectors and across the justice chain* – through formal or informal means to ensure the alignment, interconnection and implementation of people-centred justice initiatives; to support coherence and avoid overlap and gaps; and to share and build on lessons learned from good practices.
- *Striving for sufficient and effective enforcement provisions and practical infrastructure in both the formal and informal parts of the justice system.* Incentives towards compliance with and enforcement of the decisions of courts, alternative dispute resolution mechanisms (ADR), online dispute resolution mechanisms (ODR) and other dispute resolution mechanisms should be considered.
- *Enabling seamless transfer by putting in place mechanisms to ensure that legal and justice services are part of a coherent system* that enables integrated justice pathways. This includes triage, seamless referrals, transfers of legal problems and disputes across the service continuum, and collaboration among legal, justice and other human service providers. People obtain access to all the services they need to solve the legal and related non-legal aspects of their problems holistically regardless of entry point for assistance.

Using technology for better access to justice: taking active steps to ensure that technology and data are used in the best possible way to enhance equal and inclusive justice, while ensuring that technological innovations preserve traditional access for people challenged by technology, including access to a service provider.

Investment and resources: making adequate and continual investments across a wide range of public institutions to facilitate the implementation of people-centred justice, while ensuring cost-effectiveness. Financing options include innovative financing and refinancing strategies to promote cost-effectiveness while addressing the root causes of legal, social and economic problems. This includes applying good managerial practices to achieve optimised investments.

PILLAR 3. Empowering people to make people-centred transformation happen

Promoting a whole-of-society approach: granting all stakeholders – individuals, households, businesses, legal professionals, trade unions, civil society – equal and fair opportunities to be informed and consulted in the policy design of justice services. Actively engage them in the policy cycle to enable them to take greater responsibility for resolving legal problems and achieving better outcomes to create more resilient communities, and to source ideas, co-create solutions and seize opportunities to support the achievement of the objectives of people-centred justice strategies. This should be done with adequate time and at minimal cost, while avoiding duplication to minimise consultation fatigue. Further, specific efforts should be dedicated to reaching out to the most vulnerable, underrepresented, or marginalised groups in society, while avoiding undue influence and policy capture.

Legally empowering people: fostering legal capacity of people to participate, manage their own matters and have a voice in the design and delivery of services (and not substantive outcomes), where

appropriate[11], through a wide range of means. These can include the provision of legal and justice information in a range of formats; promoting legal education, self-help and guided help; integrating law as a life skill in public education curricula; developing legal capability-building programmes/modules targeting specific groups during life transitions; and building resilience through post-resolution support. Fostering empowerment and participation of the most disadvantaged will involve providing appropriate support mechanisms, such as community service organisations, to reinforce their participation.

Engaging legal and justice service providers: empowering and promoting effective engagement of people working in the justice system (public or non-governmental (e.g. community-based, private sector-provided) in designing and delivering services that are responsive to legal and justice needs and understanding what works[12]. It would also need integration of a people-centred justice lens in the recruitment and career development of justice system employees, all the while promoting a diverse workforce free of bias and discrimination.

Engaging non-governmental and private providers: stimulating the availability and accessibility of non-governmental and private legal, justice and related services through appropriate financing, investment, creation of the enabling infrastructure and environment for private and non-governmental sector development, and regulation that encourages innovation and better service delivery[13]. This should be accompanied by proper regulation to mitigate potential risks with a view to protecting core values and policy objectives such as basic fundamental rights, privacy and effective enforcement of resolutions.

Communication and outreach: actively communicating on people-centred justice strategies and initiatives, as well as on their outputs, outcomes and impacts, in order to ensure that they are well known, to favour their uptake, and to stimulate stakeholder buy-in.

PILLAR 4. Evidence-based planning, monitoring and evaluation

Evidence-based decision making: building and *promoting the role of evidence* for planning, policy and decision-making purposes, with a view to creating a people-centred justice culture across various providers by means of:

- Improving *data availability, quality and comprehensiveness* to inform decision making, planning, innovation, investment and reforms in legal and justice services and policies, through: 1) identifying and mapping the nature, scope and impact of legal needs and capabilities of people, businesses and other stakeholders; 2) understanding user experiences and justice pathways; 3) measuring what works, for whom and under what circumstances, in order to learn and adapt; 4) assessing service quality, accessibility, and responsiveness to legal needs, including from the perspective of potential users.
- Developing a *comprehensive range of data sources and data collection strategies*, including through the use of dedicated national surveys (e.g. legal needs surveys); user satisfaction and journey mapping surveys; targeted studies to engage deeply with particular vulnerable groups and their legal or justice needs; and administrative data from justice, legal and other (social, human and economic) sources, including open data.
- *Developing a sound data ecosystem interoperable across all levels of the justice system*, supported by appropriate data security and privacy safeguards, governance, evaluation and feedback mechanisms.
- Putting in place mechanisms to support systematic and regular planning for people-centred justice strategies, policy solutions and service delivery based on existing data and analysis, in order to determine policy priorities and objectives, to ensure the ability to respond to legal needs of people, and to facilitate legal empowerment and capability.

- Integrating justice impact assessment into the early stages of the policy, budget and service delivery process for the formulation of new proposals, possibly as part of the broader regulatory impact assessment (RIA), with a view to promoting evidence-based decision making. Such impacts could include, but are not be limited to, the types and volumes of legal inquiries, disputes and legal needs; access to legal assistance and other justice services (e.g. alternative dispute resolution processes); the resources or workload of courts or quasi-judicial bodies; and the cost of, and access to, criminal and civil jurisdictions, or the justice system as a whole.

Monitoring and evaluation: Developing and implementing monitoring and evaluation mechanisms for people-centred justice strategies and initiatives by:

- Fostering a culture of learning what works for people-centred justice by increasing the public justice system's capacity to regularly conduct robust evaluation and assessment of its programmes, policies and services;
- Regularly assessing and reporting on the level of people-centricity, implementation, performance and overall effectiveness of legal and justice strategies, initiatives, public policies and programmes – including at the systemic level and based on identifiable indicators – to assist countries in monitoring their progress towards more people-centred justice processes. These could additionally provide information on the use of tools such as justice impact assessment, legal empowerment and people participation practices, and be supported by developing benchmarks and core indicators of the people-centricity of justice systems;
- Identifying and empowering institutional actors to be in charge of collecting and disseminating up-to-date and reliable information and data (in the justice and related sectors) and putting in place necessary co-ordination and governance mechanisms, infrastructure, processes, technological tools and protocols to facilitate data collection, exchange and use.

Accountability and oversight: establishing mechanisms and institutions to enable accountability and actively provide oversight of people-centred justice service procedures and goals, in order to support policy implementation. Internal mechanisms may include parliamentary committees, ombudsperson offices, and internal audit institutions, while external ones could include non-governmental organisations and expert advisory committees, among others.

Notes

[1] Access to justice concerns the ability of people to obtain just resolution of legal needs and enforce their rights, in compliance with human rights standards. It extends beyond formal resolution processes to include a full spectrum of services counting informal and alternative dispute resolution methods.

[2] These Principles and the accompanying Framework for People-centred justice focus primarily on non-criminal matters. For the purposes of these documents, a **legal need** refers to **a problem with a legal dimension** in various sectors (e.g. health, social, business, family, and neighbourhood), whether or not this is recognised by those facing them. In turn, addressing legal needs demands access to public justice services and other dispute resolution mechanisms in order to recognise and obtain a remedy to the legal need in question, thus giving place to **justice needs**. The laws and regulations play a vital role in driving the sound operations and legitimacy of various sectors, including health, employment, education, housing, and entrepreneurship – that people encounter on a daily basis. This means that potential needs and disputes are ubiquitous and flow from everyday life. In contrary to the conventional understanding of justice systems driven by criminal law, the majority of legal issues people face are of a civil and administrative nature. Some of the most prevalent legal needs across countries globally include: disputes related to consumer issues, neighbour affairs, debts and contract enforcement, family, housing, employment, social safety net assistance and nationality. Unlike facing criminal procedure, many people do not recognise the legal dimension of their civil problems; have difficulties to precisely define it; and encounter multiple and compounded barriers in accessing justice. Furthermore, there is substantial evidence that both legal and social issues tend to trigger others, having a cascading and clustering effect. In this context, responsiveness of justice systems to those needs would include the design and delivery of services, which would enable most effective, appropriate and affordable resolution of disputes. The ability of justice systems to respond to legal and justice needs should be interpreted to provide appropriate access and quality of service to enable a timely and fair resolution of disputes (without prejudice to the actual substantive outcome of cases).

[3] The Serving Citizens Framework was created by the OECD to provide a comprehensive structure that displays the key dimensions of public service performance that need to be evaluated from a people-centric point of view, irrespective of the nature of the service (OECD, 2015[8]).

[4] “People centricity” means taking the needs and voices of people into account when designing, delivering, implementing and evaluating public policies and services. People-centred services are inclusive, tailored to people’s needs and high quality (OECD, 2015[8]). People-centred justice thus refers to a justice system that puts people at the centre and has as its purpose and its design the goal of equally meeting the needs of all people of that jurisdiction, by enabling their effective participation and engagement in the process. This differs from justice systems whose reforms are primarily inspired by the needs or views of the service providers.

[5] OECD Serving Citizen Framework *in* OECD (2021) Government at a glance (OECD, 2021[9]).

[6] The proposed Good Practice Principles and associated Framework for People-centred Justice are the result of multiple information gathering processes, including the following: the 2021 OECD Global Roundtable on People-Centred and Accessible Justice (March 30-31st), attended by over a hundred Ministry of Justice officials, partner international organisation representatives and thematic experts, dedicated a specific session to the presentation of the Framework, and several sessions to dive deeper into several topics that form fundamental parts of the Framework's Pillars. Past OECD Global Roundtables on Access to Justice that have taken place annually since 2015, related activities in member and partner countries and globally (including those organised by partner organisations) also served as foundations; the Technical Consultation, open to OECD Member States, representatives from partner organisations including the United Nations, the World Bank, the UNDP, World Justice Project, the Pathfinders for Peaceful, Just and Inclusive Societies, the Overseas Development Institutes, among other, and several academic experts (February 2021); OECD/Open Society Foundations (2019), Legal Needs Surveys and Access to Justice; OECD (2019), Equal Access to Justice for Inclusive Growth: Putting People at the Centre; OECD (2019) Criteria for people-centred design and delivery of legal and justice services; OECD/WJP (2019), Building a Business Case for Access to Justice; OECD and LJF NSW (2020) Brief on Access to justice and the COVID-19 pandemic; OECD (2020) Compendium of Country Practices: Access to justice and the COVID-19 pandemic; extensive body of international knowledge and research developed on legal and justice needs of people and specific groups (e.g., by Law and Justice Foundation NSW Australia, HiiL, Canadian Civil Justice Forum, WorldJustice Projects and significant other research done in Colombia, United Kingdom, United States and many other countries) and justice for all (e.g., Justice for all report by Pathfinders of Inclusive, Just and Peaceful Societies); as well as lessons learned from the OECD work on public governance, service improvement (e.g., health services, policy for business and entrepreneurship) and other policy areas (e.g., inequality and well-being, inclusive growth, small and medium enterprises), building on multi-disciplinary data and analysis. While these Good Practice Principles derive from the Framework, they are adjusted for the flow and coherence of the text and approach.

[7] See n. 2; Legal and justice needs are not randomly distributed across populations. Particular needs are associated with particular social groups or stages of life. Surveys have repeatedly demonstrated associations between disadvantage and legal and justice needs (OECD/Open Society Foundations, 2019[1]).

[8] A key consequence of the complexity and 'specialty' of justice system reform is that it is common for the population to be inadequately consulted or not consulted at all. A people-centred justice system is one that seeks the involvement of people in the design and delivery of relevant justice services, as appropriate, with a view to providing effective means for ordinary people to participate in legal processes and to enforce their rights, without affecting the ultimate ruling / outcome of the case.

[9] Cf OECD Serving Citizens Framework *in* OECD (2021) Government at a glance. Satisfaction with legal and justice services does not necessarily imply that users will be satisfied with the ultimate substantive outcome of resolving the case.

[10] The understanding of access to justice and resolved legal and justice need goes beyond the process utilised and manner of conclusion. Important factors shaping trust in institutions and satisfaction with services are the quality of resolution process and outcome. The perception of process from the user's perspective considers its various aspects - fairness features, such as: "voice, neutrality, trustworthiness, consistency, and accuracy" (procedural justice); treatment in the process, including "politeness, dignity, and respect by authorities and third parties involved in executing procedures or determining outcomes" (interpersonal justice); provision of information, for instance why "procedures were used in a certain way or why outcomes were distributed in a certain fashion" (informational justice). Measuring perception of outcome addresses "the fair distribution of benefits and burdens" (distributive justice); the extent to which "the outcome which rectifies the damage or loss suffered as a result of the problem" (restorative justice); the level to which the outcome solves the problem (functionality); "explanations for outcomes and the ability to compare the outcomes of similar problems" (transparency) (OECD/Open Society Foundations, 2019[1]).See also the concept of therapeutic justice.

[11] Having a voice in the system is key for legal empowerment. Such user engagement, developed through access to information and education, organisation and representation, can influence legal and institutional reforms, inform policy-making and service design and delivery. Consecutively, it will allow placing everyone equally before the law; support people to secure and enjoy their rights and freedoms; participate effectively in justice processes (judicial procedures and beyond) without prejudice to institution and judicial independence; and have improved access to justice and the rule of law (UNDP, 2008[10]).

[12] The engagement of people working in the justice system seeks to improve user's experience when navigating the justice systems, regardless of the outcome. It will support the existence of quality services accommodating people's needs through, e.g. having dedicated front-desk agents that redirect people to the right legal procedure; encouraging a judge to speak to a child with simplified legal language; or mobilising a private firm that engages in pro bono legal aid.

[13] Non-governmental and private service providers are an integral part of the full chain of legal and justice services. The delivery of people-centred realises the wide range of responsibilities across state and non-state bodies and calls for collaboration to timely and more effectively address people's legal and justice needs. It is key to understand the overlap and opportunities between different service providers and to leverage their collaborative nature to achieve the desired outcomes. It provides for a collation of perspectives and experiences of people facing legal and justice needs and creates space for listening to users of the justice systems. It also allows breaking down policy and service fragmentation, and building up a systematic vigilance to ensure equal access to justice.

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OECD Framework and Good Practice Principles for People-Centred Justice

Access to justice for all is a global objective enshrined in SDG 16. To help countries achieve this objective, the OECD People-Centred Justice Framework and Principles sets out elements of a government-wide strategy for people-centred justice, inter-agency cooperation and communication, as well as mechanisms to ensure accountability and sustainability. The Framework building on a people-centred purpose as its foundation is structured around four pillars: 1) designing and delivering people-centred services, 2) governance enablers and infrastructure, 3) people empowerment, and 4) planning, monitoring and accountability.

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