

# **2024 OECD Global Roundtable on Equal Access to Justice: Building trust through people-centred justice**

## **Session Notes**

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# Session Notes

Concerted efforts are underway across the globe to achieve Sustainable Development Goal (SDG) 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all by 2030. Yet, at the halfway mark to 2030, progress is “dangerously off track”, according to the United Nations: “In the case of goal 16, we see that progress on violence reduction, access to justice, inclusive governance and peaceful societies is stagnating or in reverse” (UNODC, OHCHR, and UNDP, 2023<sup>[1]</sup>). At the same time, within OECD countries and across the globe, pressures on national institutions and a range of social and economic forces have contributed to decline in democracy and a decrease in public trust of national governments over the past years. In this context, establishing, maintaining, and enhancing people-centred justice promises to reverse these negative trends. Achieving equal access to justice for all through strengthened people-centred justice sectors is key to building trust in democratic institutions and promoting the rule of law. In turn, stronger democracies and more effective and inclusive rule of law underpin and support equal access to justice. Effective strategies to build trust operationalise this understanding of the dynamic and supportive relationship between democracy, the rule of law and people-centred justice.

Since 2015 the OECD Global Roundtables on Access to Justice (the Roundtable) have been a forum for exchange of good practices and lessons learned to close the justice gap and increase accessibility, effectiveness, and efficiency of justice. As part of the [OECD Reinforcing Democracy Initiative](#), this 2024 Roundtable in Canada seeks to support countries in advancing people-centred justice, promoting the rule of law and strengthening democracy and trust. Hosted jointly by the Department of Justice Canada and the OECD (under the purview of the OECD Public Governance Committee) and supported by the International Development Research Centre (IDRC), the meeting builds on the momentum of the 2023 Roundtable in Ljubljana, Slovenia and the OECD Council’s adoption of the [2023 OECD Recommendation on Access to Justice and People-Centred Justice Systems](#) on 12 July of that year. All OECD countries have adhered to this legal instrument and additional impetus toward implementation emanates from its adoption by the European Council on 17 July 2024.

## High-level Dialogue: People-centred justice and the rule of law to reinforce democracy and build trust

This high-level dialogue will feature two sessions on current experiences with people-centred justice initiatives and their role in strengthening the rule of law, building trust in democratic institutions and reinforcing democracy. In the first part high-level speakers from governments and civil society, will present new data, evidence and country experiences, related to democracy, rule of law and people-centred justice. The second session will focus on justice sector responses to two main global challenges: climate change and digitalisation and AI. Effective responses to these challenges are needed to ensure sustainable development, economic growth, and individual and community well-being. They are also key drivers in building trust in the rule of law and democracy.

## ***Part I – Democracy, rule of law and people-centred justice***

### ***Understanding the challenge: The rule of law and the trust deficit***

The rule of law is a central democratic commitment: ensuring the application of laws and legal rules to all regardless of status, from those who wield significant political and economic power to those who are disempowered and marginalised by their position within society and the economy, and everyone in between. The rule of law is both aspirational and practical because it embodies the promise of substantive equality and because equal access to justice is an effective strategy for making this promise a reality. The justice gap - the mismatch between the justice that people want and need and the justice our systems provide - both reflects and contributes to waning rule of law with knock on effects on democratic governance. This gap is magnified by other current challenges such as decreasing constraints on government powers and shrinking civic space. Today's pressures on democracy are reflected in diminishing trust in public institutions.

The 2024 OECD Survey of Drivers of Trust in Public Institutions report found that a higher share of people (44%) across OECD countries had low or no trust in the national government than high or moderately high trust (39%) (OECD, 2024<sup>[2]</sup>). While consecutive OECD surveys have shown that police and the judicial system are still the most trusted institutions, they continue to be trusted by only slightly more than half of the population. In the 2024 survey, only 54% of the people surveyed have high or moderately high trust in the courts and the judicial system (OECD, 2024<sup>[2]</sup>). Research studies have shown that judicial independence and judicial performance contribute to broader trust in national government (OECD, 2024<sup>[2]</sup>).

The above data also shows lower trust levels are concentrated among the socio-economically vulnerable or those who identify as belonging to a discriminated group (OECD, 2024<sup>[2]</sup>). In some countries, historical and continuing injustices result in high levels of distrust of democratic and justice institutions among members of indigenous peoples or distinct racial or ethnic groups. The justice gap means that our systems and institutions have often come to be seen as multipliers of inequality, working only for the few, not for all – and this justice gap is growing. As such, people may feel excluded from society and left behind in the economy, grievances which can lead to support for populism, which in turn may limit civic space, undermine the rule of law and threaten democratic governance.

### ***Countering the trust deficit***

The 2024 OECD Trust Survey analysis provides direction as to actions governments can take to strengthen trust (see Box 1). For example, the survey found that satisfaction with day-to-day interactions with public institutions helps maintain trust (OECD, 2024<sup>[2]</sup>). Transparent and evidence-based decision making that is well communicated to the public and trustworthy behaviour by institutions can help earn trust. The importance of better public communication is key given today's complex information environment characterised by the rise of disinformation and polarising content.

#### **Box 1. What can governments do to strengthen trust?**

- Engage better with citizens ensuring all people's voices are heard.
- Use better, transparent and verifiable evidence in decision-making.
- Balance the interests of a diverse population.
- Invest in reliable, responsive, and fair public services.

- Support a healthy information ecosystem and invest in evidence-based communication.
- Improve their reliability and preparedness for future crises, including those with global implications.
- Address questions of intra-national and inter-generational fairness.
- Strengthen checks and balances in the political system.
- Improve perceptions of integrity in daily interactions and complex decision making.

Source: (OECD, 2024<sup>[2]</sup>), OECD Survey on Drivers of Trust in Public Institutions – 2024 Results: Building Trust in a Complex Policy Environment, OECD Publishing, Paris, <https://doi.org/10.1787/9a20554b-en>

A common denominator for these strategies to build trust is centring on people's needs for public engagement, effective public services, for evidence-based policy, fairness in society and the economy, and substantive equality, long term policies that address global trends and challenges, and strong democratic institutions.

### ***The role of people-centred justice***

A people-centred justice sector can contribute to strengthening trust in public institutions. Providing meaningful access to justice for all requires public engagement, evidence-based practice and high-quality policymaking and implementation, embracing cross-sectoral, multi-disciplinary approaches. Justice actors in countries around the world are taking steps to avoid democratic decline by building people-centred justice systems to reinforce the crucial link between the rule of law and equality. Foundational strategies include introducing evidence-based practice, a focus on efficiently resolving people's justice problems, a renewed focus on empowerment of people and communities, developing services that match people's capabilities and literacy level, strengthening the capacity to prevent justice problems, ensuring inclusive justice services, and committing to collecting and publishing justice data.

At a system level, this requires an open justice sector characterised by participation by users of justice services, transparency, integrity, and accountability, including for the overall contribution of the sector to building, peaceful, just and inclusive societies as per the 2030 Agenda. This openness in turn depends upon a commitment to evidence-based practice, and rigorous monitoring and evaluation for continuous improvement. Delivering on the promise of people-centred justice will enhance legitimacy and the public trust essential to democracy.

For example, to enable people to resolve their conflicts peacefully and to stand up for their rights in the ever-increasing complexity of our societies and economies, the justice sector needs to develop effective interfaces to facilitate interactions with people. People who understand their rights and are empowered to seek assistance to resolve their justice problems and otherwise engage with the justice sector, promote the culture and effectiveness of the rule of law. Justice services need to enable people to confront injustice in their lives and to push for legal and regulatory reform to prevent further injustices. An empowered population energises the justice system and holds it to account, and through this contributes to open and effective democratic governance.

Many countries facilitate empowerment of people and communities by providing access to legal information and community-based support that help them prevent and resolve their justice problems and by funding community-based or other organisations to provide this access. In addition, many countries provide funding for such organisations and initiatives that support people to navigate different solutions and institutions and provide legal assistance and representation where required. Often this work is undertaken by paralegals and community-based justice workers and others who are better able to connect to people's daily life and provide justice services that respond to their capabilities and expectations. Legal empowerment initiatives can be designed to fill specific gaps in justice systems expanding the ambit of equal access and the rule of law. For example, in Canada, one priority has been to provide access to free, independent legal advice

and representation for victims and survivors of sexual assault and victims and survivors of intimate partner violence (Government of Canada, 2023<sup>[3]</sup>).

Importantly, in her first report to the General Assembly, the UN Special Rapporteur on the Independence of Judges and Lawyers, emphasised the importance of removing obstacles faced by community justice workers. She urged "... States to decriminalise unauthorised practice of law for community justice workers, recognise such workers as human rights defenders, and provide them with protection and security resources where necessary" (OHCHR, 2023<sup>[4]</sup>). She linked empowerment to the commitment to "democratic justice."

At the heart of providing meaningful access to justice is the capacity of justice systems to resolve justice problems effectively and fairly (Task Force on Justice, 2019<sup>[5]</sup>). As such it is a priority to understand the legal and justice problems of all people, as they themselves experience them. This implies that the vast majority of justice problems need to be resolved through meaningful justice pathways shaped by people's needs and experiences, using a variety of justice services, as underlined in the 2023 OECD Recommendation.

Enhancing justice sector responsiveness requires envisioning justice as an ecosystem comprising a range of pathways and providers. Ministries of Justice have a critical responsibility to enable and incentivise collaboration and coordination between the many actors that make up the justice sector, aiming for optimal outcomes with the necessarily limited resources that are available. Evidence shows there are effective ways to bring justice services closer to people in physical and emotional ways through community-based justice models. Justice journeys can take many forms including for example revitalising customary court models in Ethiopia or trauma-informed domestic violence legal advocates and community-based organisations who are trained to provide limited-scope legal advice about protective orders and family law in Arizona (IDLO, 2023<sup>[6]</sup>; IAALS, 2024<sup>[7]</sup>). There is a reciprocal relationship between public engagement and participation and justice sector responsiveness: participation contributes to responsiveness and enhanced responsiveness in turn leads to increased engagement. Trust is the intervening factor.

## ***Part II - Response of the justice sector to global trends and challenges, including climate change and artificial intelligence (AI)***

Governments are increasing their efforts to tackle climate change and to address the risks of artificial intelligence (AI) while harnessing its benefits. Yet, the 2024 OECD Trust Survey found that around 60% of respondents are not confident that their government will regulate AI or succeed in reducing greenhouse gas emissions nor to balance the interests of current and future generations. These global challenges are putting new demands on justice systems and call for a justice sector that delivers effective and fair public services today and anticipates tomorrow's problems. People-centred justice is expected to address these cross-border and destabilising effects because of its inherent responsiveness to emerging justice problems and its enhanced capacity for prevention and early intervention.

Responsiveness to new justice problems not only allows justice actors to remedy injustices in individual cases, but also to receive early warning signs of emerging structural problems that require systemic solutions. As countries implement the OECD Recommendation on Access to Justice and People-Centred Justice Systems, valuable insights are emerging on effective ways to enhance the capacity to protect all people from the harms caused by climate change and digitalisation, while anticipating and responding to the significant societal impacts they bring.

### ***Digital transformation and AI: Harnessing the benefits, balancing the risks***

Digital transformation can bring benefits to access to justice and people-centred justice systems - if thoughtfully applied and closely monitored for impacts. Digital technologies and data are particularly

important for improving justice administration and the generation and publication of justice data to enable this sector to become more open and accountable, including data not currently collected by institutions in the justice sector. AI has the potential to improve efficiency, responsiveness, reduce costs in the administration of justice, enhance the delivery of services tailored to people's needs, support routine tasks carried out by court clerks, and expand capabilities across several justice (CEPEJ, 2018<sup>[8]</sup>). Compared to other sectors, in the justice sector, AI is being adopted relatively slowly and very unevenly among jurisdictions. In the context of people-centred justice, AI is never value neutral – it can be good and bad. Justice institutions need to both minimise and counter the risks and harness its benefits.

For over two decades, chatbots and their predecessors have assisted people with justice problems, gather information and navigate the formal legal proceedings in some courts. More recently, a growing number of countries are exploring ways in which AI can help improve accessibility and efficiency of justice. Indeed, OECD work has identified ten ways that AI is being used in justice systems today. The categories and some examples are introduced in Box 2.

## Box 2. Examples of Current AI Applications in Justice Systems

### Recognition

1. *Recognition tasks primarily involve the identification and categorisation of data, including text, images, and audio.* Spain has implemented a natural language processing-powered system that performs multiple recognition tasks. It includes a document sorter that automatically categorises and sorts incoming documentation, a similarity analysis tool that identifies and matches the same entity across different wordings in a document, and an anonymisation tool that detects and anonymises references to specially protected subjects like minors. In Brazil, VICTOR AI analyses appeals brought to the Supreme Court, identifying cases with "repercussão geral" (general repercussion). It performs tasks such as identifying images, converting them into texts in digital processes and separating and classifying procedural documents. Austria's Anonymisation of Court Decisions project identifies metadata in court decisions for automated anonymisation, using a combination of search-based approaches and machine learning techniques.

### AI in Internal Operations of Judicial Administration

2. *Machine learning, natural language processing, and predictive analytics, can be used to streamline workflows and automate routine tasks.* The internal operations of justice systems encompass a complex network of processes that are critical to the efficient and effective administration of law. These operations include case management, document handling, privacy preservation within legal documents and court record, transcription, anonymisation, and categorisation across various levels of judicial systems. AI offers the potential to enhance these internal operations.

### AI in the Design and Delivery of Services

3. *AI is being deployed to support the delivery of services by automating initial consultations through chatbots and virtual assistants.* Legal aid services provide important assistance to individuals who cannot afford legal representation. These services often face resource constraints, case backlogs, and the complexity of legal information. AI can provide preliminary legal advice in accessible language, triage cases based on urgency and relevance, and guide users through court proceedings.

Source: (OECD, Forthcoming) Governing with AI; (OECD, 2022<sup>[9]</sup>), The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance, <https://doi.org/10.1787/d234e975-en>

Yet, countries have also reported mixed results with the use of generative AI for more advanced tasks such as the preparation and submission of documents. For example, in the United States, Canada, and the United Kingdom, experiences have resulted in the expressions of concern about the accuracy and reliability of AI generated documents for legal support purposes (Hagan, 2023<sup>[10]</sup>; Byrom, 2023<sup>[11]</sup>). People who do not have the benefit of legal representation or assistance are at particular risk. While decades of evidence show that conflict-resolution may require empathy, emotional understanding, and addressing grief – to name just a few typical human characteristics –, it remains to be seen how digital technologies, including AI, can contribute to these demands.

Rigorous data-collection and a commitment to evidence-based practice is thus required to assess what works and what does not, and what impacts digital and emerging technologies (including AI), have on the ability to resolve conflicts and achieve fair outcomes for all. Guaranteeing context-specific access to justice, through effective complaints or grievance mechanisms is critical to avoid inflicting injustice on large numbers of people, as has happened for example in the Dutch childcare benefits and the UK Postmaster General cases. Importantly, in these cases where the new technology evidently produced injustice, the people who were affected tried to speak up, including through court cases, but despite all their efforts had no effective recourse until over a decade later (Ongekend Onrecht, 2020<sup>[12]</sup>).

The negative consequences of the datafication of regulations and big data systems generally fall most harshly on low-income people and can contribute to justice problems in many areas of daily life: consumer law, family law, housing, public benefits, schools and education, workers' rights and immigration surveillance. Automated decision-making can perpetuate discrimination on the basis of race, national origin, socio-economic status, disability and gender (Michele Gilman, 2020<sup>[13]</sup>). People-centred justice should proactively monitor the impact of deploying these systems and provide tools to redress the harms wrought by biased AI.

The regulatory landscape is often not well-equipped to protect individuals who rely on data-driven tools to address their justice problems when legal advice and assistance are unavailable and inaccessible (Law Society of England and Wales, n.d.<sup>[14]</sup>). Justice actors are responding to this challenge and reshaping the landscape to ensure equal access to justice. In this context, countries such as Canada and the United States, have issued practice directions to address the risks of AI within court proceedings (DLA Piper, 2023<sup>[15]</sup>). The European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe has developed ethical principles relating to the use of artificial intelligence (AI) in judicial systems in its 2018 Charter (CEPEJ, 2018<sup>[8]</sup>).

### ***Climate change: Capacity and responsiveness of justice systems***

The impact of climate change is undeniable, and we cannot ignore the connection between climate change and access to justice. Indeed, the 2023 HiiL policy brief on climate change and access to justice highlights the rise in justice problems, in response to the resulting driving forces such as loss of livelihood, displacement and migration, urbanisation, increased risks to human health, growing conflicts over dwindling resources, and the transition to a CO2 net zero economy.

To address climate change, many countries have introduced framework laws to contribute to climate governance, although their effectiveness depends on their enforcement and responsiveness of justice systems to address various disputes (Climate Change Laws of the World, n.d.<sup>[16]</sup>). One of the Grantham Research Institute on Climate Change and the Environment's initiatives is to monitor global trends in climate litigation. In 2023, at least 230 new climate litigation cases were filed, focusing on holding governments and corporations accountable for climate action. However, the rate of new cases slowed, possibly indicating a focus on high-impact strategic litigation. Climate cases expanded to new jurisdictions, including Panama and Portugal, and international courts played a key role, with only 5% of cases in these courts but with significant potential influence. Key trends included the rise in "climate-washing" cases (47



filed in 2023) with a 70% success rate for claimants, increased “polluter pays” cases, and new “corporate framework” and “transition risk” cases targeting companies' climate policies and leadership accountability.

With the majority of justice problems and their resolution typically occurring far from the courts, a broader question is how the justice sector can prepare to be responsive to the increase in justice problems that will likely arise from climate change in coming years. Indeed, the OECD 2022 report on Building Trust and Reinforcing Democracy highlights the critical need to bolster justice systems for better management of environmental disputes and enforcement of ecological commitments (OECD, 2022<sup>[17]</sup>). Recommended strategies for enhancing justice systems capacity to help address legal needs related to climate change can be found in the [2023 OECD Recommendation on Access to Justice and People-centred Justice Systems](#). This effort encompasses tackling both direct and indirect legal challenges related to natural resource management and environmental degradation. Innovations in judicial practices can be seen across OECD countries, with Belgium, for example, inaugurating a specialised chamber in 2022 to handle environmental cases, which mirrors earlier initiatives by countries such as Australia and Sweden that established environmental courts over two decades ago (OECD, 2023<sup>[18]</sup>). The development of specialised alternative dispute resolution (ADR) mechanisms specifically for environmental cases is another area of focus. These mechanisms aim to alleviate the judicial burden by providing expert mediation and arbitration services, thus ensuring more efficient case handling. Countries like Germany and New Zealand have been pioneers in incorporating environmental ADR mechanisms within their legal frameworks, offering models of effective integration that enhance judicial responsiveness to environmental cases (OECD, 2023<sup>[18]</sup>).

In addition, enhancing expertise in environmental law among judicial and governmental personnel is essential. In response to this need, several countries have initiated targeted training programmes. For example, the U.S. Department of Justice launched a Comprehensive Environmental Justice Enforcement Strategy in 2022, integrating environmental justice into its training modules. Similarly, the European Union reports ongoing efforts to improve environmental law knowledge among judges, highlighting a broader commitment to judicial proficiency in environmental matters (OECD, 2023<sup>[18]</sup>). Moreover, supporting justice reform with financial and institutional resources is crucial for maintaining momentum in environmental justice. For instance, the Environmental Dispute Resolution Fund in British Columbia, which allocates grants to support legal engagements on environmental issues, exemplifies how jurisdictions are facilitating greater public participation and access to justice in environmental matters (OECD, 2023<sup>[18]</sup>). This is part of a broader movement to make legal systems more responsive and adapted to the unique challenges posed by environmental disputes.

More broadly, people-centred justice systems can ensure that the rule of law applies to the justice problems resulting from the harm and dislocation of environmental changes and disasters and can contribute to the rebuilding of this essential trust. An example of this is in Fiji, where the Pacific Centre for Peacebuilding collaborates with communities to create conflict-sensitive responses to climate change. Their work includes peacebuilding, restorative justice, and conflict resolution services tailored to community needs. Current projects include building resilience in communities for better stakeholder negotiations, conducting action research in diverse communities affected by climate change, and strengthening civil society organisations' (CSOs) involvement in policy development across various governance levels (University of Queensland, n.d.<sup>[19]</sup>). Similarly, youth-led movements have played a pivotal role in reinvigorating climate justice debates, emphasising the impact of environmental degradation on future generations. This youth influence is reflected in landmark legal outcomes, such as the 2023 Montana case where young plaintiffs succeeded in their climate lawsuit, pointing to a growing trend of courts considering intergenerational equity in their rulings (University of Queensland, n.d.<sup>[19]</sup>).



## Session 3 - People-centred justice in the context of pressures on democracy under threat and declines in the rule of law

As recognised by the OECD Reinforcing Democracy Initiative, countries are grappling with the interconnected global trends of pressures on democracy and decline in the rule of law. Global democracy levels have regressed to 1986 standards, with only 8% of the world's population currently living in full democracies (OECD, 2022<sup>[17]</sup>; V-Dem Institute, 2023<sup>[20]</sup>; EIU Democracy Index, 2023<sup>[21]</sup>). These trends suggest a stagnation and reversal of the democratic progress made over the past 35 years, with countries once seen as champions of democracy now facing democratic backsliding.

Even in countries traditionally viewed as models of democracy, particularly within the OECD, democracy has been declining since 2012, following nearly seven decades of uninterrupted progress. The erosion of democracy in OECD countries is accompanied by decreasing levels of trust in government, which manifests differently in specific country contexts as well as between different groups and geographic-defined communities within a single state (OECD, 2024<sup>[2]</sup>). Low levels of trust can hinder the ability of government to address critical social and economic issues.

The rule of law is a cornerstone of any democratic society. Democracy cannot function without an effective rule of law that ensures the peaceful transfer of power, protects citizens from the arbitrary exercise of authority, and guarantees accountability for those in power. The rule of law is also essential to establishing trustworthy institutions and providing legitimacy to government action and it plays a crucial role in promoting economic opportunity, protecting fundamental rights, and ensuring justice for all. Institutional capacities are also critical to sustaining public trust. Democratic institutions must demonstrate the capacity to manage complex economic and social challenges, such as climate change and artificial intelligence (AI). Trust is linked to people's perceptions of how the rule of law functions in society, including whether those with economic or political power are being held to account. Public institutions, especially those charged with upholding justice, have struggled to keep pace with modern societal challenges.

People's trust is also built or diminished by their everyday interactions with public institutions, including justice sector entities and actors. Each of these interactions is an opportunity to build trust, or to diminish it. The rule of law is nourished through people-centred justice, when institutions are responsive and inclusive. The ability of institutions to provide meaningful solutions to people's everyday justice problems, whether related to housing, employment, or domestic safety, is critical for their basic legitimacy. Without effective and responsive institutions, public trust erodes, leaving democracies vulnerable. In the face of these challenges, governments must take steps to restore trust by focusing on creating more inclusive, responsive, and transparent institutions. Meaningful support to and engagement with community-based justice organisations can empower people and by giving people a voice and addressing their concerns, democracies may begin to build people's trust.

Justice sectors around the world are taking active measures to become people-centred and to counter growing pressures on democracy, immediate crises in society and the economy, as well as adapting to longer terms transformations. Work is underway to ensure that justice problems are addressed inclusively and effectively while focusing on preventing future injustices. By effectively addressing the everyday legal needs of individuals and communities, justice systems can restore public confidence and promote the rule of law as a critical component of democracy.

### ***Strategies to enhance the rule of law***

The rule of law is more than a set of legal norms; it is an aspiration that shapes society's sense of fairness and accountability. People's interactions with the rule of law— how they experience justice and fairness—are central to their trust in democratic institutions. To enhance the rule of law, governments must ensure that justice systems are responsive, fair, and able to resolve people's legal issues efficiently. In practice,

many justice systems fall short in meeting people's needs. Unresolved justice problems, such as disputes between renters and landlords or cases of domestic violence, can undermine public trust and fuel discontent. These justice problems create a perception that institutions are unresponsive, further chipping away at the credibility of democratic governance.

There are various country initiatives aiming to advance rule of law. One example is the Netherlands State Commission on the Rule of Law (*Staatscommissie Rechtstaat*), which was established in February 2023 and tasked with the responsibility to analyse the rule of law in the Netherlands and to make recommendations on promoting it (ENNHRI, 2023<sup>[22]</sup>). In July 2024, the Commission published its report titled *The Broken Promise of the Rule of Law*, which it includes ten concrete proposals for improvement (Staatscommissie Rechtstaat, 2024<sup>[23]</sup>) (see Box 2).

### Box 3. Netherlands, State Commission on the Rule of Law: Proposals to Fulfil the Promise of Rule of Law

1. Show leadership based on rule of law and actively promote principles of the rule of law! Also strengthen the culture of the rule of law with a Planning Agency for the Rule of Law and an independent budget chapter for the justice sector.
2. Strengthen the compass of the rule of law within all parts of government: increasing the ability of public officials to navigate situations in which their loyalty to political leaders may come into conflict with their commitment to uphold the rule of law.
3. Give implementing organisations the ability to “pull a red card” for policy or regulation when they are unenforceable and/or anti-rule of law, and when citizens in vulnerable situations are compromised by them.
4. Improve contact with citizens: in a constitutional state governed by the rule of law, citizens are entitled to understandable communication and adequate information. Make full use of experiential knowledge in new policies.
5. Abolish the prohibition of judicial constitutional review.
6. Give long-term political priority to simplifying socio-economic security schemes.
7. Establish a legal framework for data sharing among government organisations to enable proactive government action in the interest of the citizen.
8. Invest heavily in improving legal protection, by addressing the growing shortage of legal aid lawyers, supporting front-line services and informal legal assistance, and ground strategies to improve access to justice in data and evidence as well as citizen feedback.
9. Design the administrative decision-making and appeals process in such a way that citizens feel seen and heard.
10. The administrative law judge must broaden their review by actively testing not only against the law but also legal principles, such as proportionality.

Source: (Staatscommissie Rechtstaat, 2024<sup>[23]</sup>), *The broken promise of the rule of law: Ten improvement proposals with a focus on the citizen* (English translation of the Dutch-language document: *De gebroken belofte van de rechtsstaat. Tien verbetervoorstellen met oog voor de burger*).

### A responsive rule of law

To meet the demands of modern society and address the growing pressures on democracy, justice systems must adapt to contemporary challenges. A responsive rule of law is essential for addressing both

immediate crises and long-term transformations in areas such as climate change, technological advancement, and economic inequality. Additionally, by ensuring access to justice and reducing poverty and exclusion, the justice sector can address polarisation, a key source of democratic instability.

A well-functioning justice sector ensures that those who hold political and economic power are accountable. This includes updating governance within the justice sector to reduce corruption, protect judicial independence, and ensure that power is exercised fairly. It also protects citizens from abuses of power, whether through political corruption, economic exploitation, or rights violations. A focus on updating the governance of justice institutions—ensuring a balance between independence and accountability—will reduce corruption and foster trust. Countries are undertaking reforms to recalibrate this balance including by amending judicial discipline proceedings to make them more effective and transparent,<sup>1</sup> and through outreach events, such as open court days and law weeks, that help to demystify courts and empower people.<sup>2</sup>

To close the widening justice gap, governments need to invest in making justice systems more accessible and responsive. This involves prioritising solutions that effectively address people's everyday justice problems, managing disputes and conflicts and reducing grievances. Administrative justice systems, which handle disputes between individuals and public authorities, should also be reformed to ensure that people feel they are treated fairly in their interactions with government institutions. Legal needs surveys have shown that the vast majority of people do not turn to the formal justice system for assistance to deal with justice problems, with people either taking no action or turning to informal systems for assistance. Governments are responding to this data by bringing justice closer to people through community justice centres and other initiatives to increase accessibility both through geographic proximity and ease of navigating intake and resolution processes.<sup>3</sup>

Connecting informal and formal justice systems strengthens the rule of law. These connections are forged through new or reformed governance structures that promote collaboration between all justice processes and providers to create an effective system and seamless justice journeys. People-centred justice incorporates “no wrong door” approaches, triaging, and clear and simple justice pathways that empower individuals, families, SMEs, and communities. Conversely, complex procedures dissuade people from seeking help and can result in distrust, reinforcing the persuasive attitude that justice is only available to the rich and entitled, to the detriment of the rule of law.

As societies become more interconnected, justice systems must adapt to new forms of legal disputes, be they related to data privacy and digital rights, or societal transitions and environmental justice. By fostering collaboration across sectors, governments can ensure that their justice systems are prepared to meet these challenges and maintain public trust. Effective justice systems are essential to ensuring that governments can both anticipate and resolve these emerging issues in ways that are equitable and just.

In an increasingly uncertain world, the rule of law must be responsive, inclusive, and capable of addressing the evolving challenges facing democracies today. By adopting people-centred approaches to justice, governments can bridge the gap between the justice people need and the justice systems currently provide. Only by making these systems work for everyone can the promise of democratic equality—one person, one vote—be realised. In doing so, they can reinforce democracy, promote equal access to justice, and ensure that the rule of law remains fit for purpose in a rapidly changing world.

## **Session 4 - Inclusive justice strategies to reconnect with people and communities**

Strengthening democracy and promoting the rule of law requires focused strategies to ensure equal access to justice for all, in particular for excluded or under-served people and communities. This requires reconnecting to all those that do not have meaningful access to justice, and who are unable to resolve their

justice problems, because of the mismatch between the justice they want and need and the justice our institutions currently provide.

Indeed, justice systems, intentionally or inadvertently, may systematically exclude people and communities. This form of exclusion often results from and reinforces broader historic or contemporary political, social, and economic exclusion. In these situations, people-centred justice requires strategies that take into account and remedy systemic exclusion as a first step toward ensuring access to justice. In other cases, unequal access to justice results not from exclusionary policies and structures but from failures or limitations in understanding the justice problems of individuals, families, communities and businesses. In these situations, people-centred justice strategies aim at the creation or adaptation of institutions, processes, policies and training to ensure all these parts of the justice system match the justice problems as experienced by people and provide people in all their diversity with what they need to resolve them effectively, fairly and peacefully.

Canada is in the process of undertaking two major initiatives with First Nations, Inuit and Métis (Indigenous peoples of Canada) and Black people and communities to address the historic and ongoing discrimination against these two groups. The nature of this system discrimination has been recognised by Canadian courts, well-documented through government-initiated public inquiries, and acknowledged by national, and provincial and territorial governments who jointly share the responsibility for the administration of justice. The challenge is to translate this knowledge into effective strategies to ensure equal access to justice for members of these groups (as well as enable their full and equal participation in Canadian life).

Since 2021, Justice Canada has been working with Indigenous communities, in the spirit of reconciliation and based on earlier learnings,<sup>4</sup> to develop an Indigenous Justice Strategy for criminal justice matters (Government of Canada, 2024<sup>[25]</sup>). To ensure an Indigenous perspective, this initiative is centred on meaningful collaboration with Indigenous communities and scholars, with a focus on gathering community knowledge about what is needed and what works. The objective is to identify concrete actions that could be undertaken in the areas of crime prevention, policing and diversion, courts, corrections, and reintegration. Following three years of consultation, the process resulted in a draft of the key elements of an Indigenous Justice Strategy published in June 2024 (Government of Canada, 2024<sup>[26]</sup>). Further consultation is underway on the implementation of this draft strategy (see Box 4).

#### Box 4. Canada's Indigenous Justice Strategy Proposed Vision and Goals

##### Vision

Acknowledging that Indigenous understandings of justice are rooted in healing, wellness, balance and community, the Indigenous Justice Strategy is a framework to revitalise Indigenous laws and legal systems and implement reforms to meaningfully address systemic discrimination and to reduce the overrepresentation of Indigenous people in contact with the Canadian justice system through ongoing cooperation and collaboration.

##### Goals of the Draft Canadian Indigenous Justice Strategy

- Self-determination: to support Indigenous peoples' exercise and full enjoyment of their rights to self-determination and self-government, including increasing their involvement in developing, maintaining and implementing their own jurisdiction, laws, governing bodies, programmes, and services in the areas of justice and public safety.
- Access to justice: to reduce barriers to justice and provide more Indigenous-led, culturally safe, trauma-informed, justice supports for Indigenous persons navigating the Canadian justice system.
- Justice as wellness: to recognise and reflect Indigenous understandings of justice, such as the need to restore individual and collective wellness.
- Administration of justice: to advance the priorities of Indigenous communities to reclaim jurisdiction over the administration of justice in collaboration with the provinces and territories, and support and fund the revitalisation of Indigenous laws, legal systems and traditions.
- Collaborative relationship: to recognise and reflect that regular, meaningful, good-faith, and ongoing collaboration between Indigenous, provincial, territorial, and federal governments and justice practitioners is necessary to effect long-term and sustainable positive change.
- Long-term, and predictable funding: the IJS acknowledges that Indigenous communities require access to ongoing, long-term, and stable financial resources to fulfil their roles and responsibilities as governments and ensure their citizens' wellbeing and ability to thrive.
- Accountability: the Indigenous Justice Strategy recognizes that Indigenous peoples have the right to hold the Government of Canada to account in meeting the goals of the Indigenous Justice Strategy.

Source: (Government of Canada, 2024<sup>[26]</sup>), Department of Justice Canada, Indigenous Justice Strategy: Key Elements Consultation Draft, (June 2024), [https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/cd-dc/pdf/IJS\\_Consultation\\_Draft\\_EN.pdf](https://www.justice.gc.ca/eng/csj-sjc/ijr-dja/ijr-sja/cd-dc/pdf/IJS_Consultation_Draft_EN.pdf)

Several other OECD members are currently undertaking investigatory or truth and reconciliation processes with indigenous peoples who were the first inhabitants in their territories. Norway's Truth and Reconciliation commission reported to Parliament in 2023 on the outcomes of its investigation of the policy and activities of the Norwegian government towards the Sami and Kvens and Norwegian Finns (Sannhets- og forsoningskommisjonen, 2023<sup>[27]</sup>). Finland appointed the Truth and Reconciliation Commission Concerning the Sámi People in 2021, to gather Sámi people's experiences of the actions of the Finnish state and authorities and their effects on the Sámi people, and to make this information visible (Truth and Reconciliation Commission Concerning the Sámi People, n.d.<sup>[28]</sup>). And following a petition from the Sámi Parliament, Sweden established a Truth Commission in 2022 to survey and examine the policies pursued towards the Sami from a historical perspective, and their consequences for the Sámi people (Sámediggi, 2022<sup>[29]</sup>). In Australia, the Yoorrook Justice Commission in Victoria was set up by agreement between the First Peoples' Assembly of Victoria and the Victorian Government but operates independently of both. It is

a truth-telling process inquiring into historical and ongoing injustices and will deliver a final report in 2025 (Yoorrook Justice Commission, n.d.<sup>[30]</sup>). Meanwhile in Queensland, Australia, the Truth-telling and healing inquiry was established on 1 July 2024 (Queensland Government, 2024<sup>[31]</sup>). These processes are an essential step to co-create an inclusive and responsive justice and therefore toward providing meaningful access to justice for all.

Canada is also in the process of developing a Black Justice Strategy to address the overrepresentation of Black people in the criminal justice system, including as victims of crime. An external Steering Group composed of nine experts and leaders from Black communities across Canada was established in February 2023 to provide advice to the Minister of Justice on the development of this strategy. Over a one-year period, the Steering Group held discussions with members of Black communities across Canada. In March 2024, the Steering Committee presented its report, *A Roadmap for Transformative Change: Canada's Black Justice Strategy*, to the Government of Canada. The Report identifies five pillars for change: social determinants of justice (income, employment, stable housing, education, and health); policing; courts; corrections; parole, re-entry and reintegration. At present, the Canadian Government is developing its response scheduled to be released by the end of 2024.

## Session 5 - Making justice systems more responsive and preventive

To counter the pressures on democracy and promote the rule of law, justice systems need to become more responsive and preventive. Justice institutions need to become more responsive in their interactions, understanding the needs and capabilities of those who seek justice and pro-actively adapting their service-provision accordingly. Preventive justice in turn means effective empowerment of individuals and communities within and outside justice processes and adopting comprehensive approaches to individual, family and community well-being. Prevention requires both early intervention in individual cases and tackling the root causes of the most common justice problems people face.

### ***Increasing justice system responsiveness***

People-centred justice requires a full understanding of justice problems and associated needs for assistance - legal and other (e.g., financial advice, health services, social services). It also requires an understanding of the capabilities of the individuals, families and communities experiencing one or more justice problems. Justice systems should have the capacity to measure these needs and capabilities.

Justice system responsiveness requires collaborative governance structures to ensure a whole-of-system approach with a range of actors and institutions joining up to provide seamless services. Increasing justice system responsiveness is a long-term commitment. Justice actors should continuously evaluate the extent to which the services they provide are meeting needs and reaching the right people, keeping in mind that justice problems and capabilities change over time. Evaluation should include collecting user feedback as well as data gathering about the people that do not use the relevant service. These valuable inputs build feedback loops, systematic learning and structural improvement into the justice sector.

Strategies to increase justice system responsiveness are being implemented at a number of levels within justice systems both within and outside of courts. One strategy is to transform the design and delivery of court services by collaborating with other justice and social sector actors to facilitate joint service provision. People-centred justice systems recognise that individuals, families, SMEs, and communities experience problems that have legal components connected to other types of problems. The justice sector is responding to the complexity of these multi-faceted justice problems by designing and delivering services that provide a unified service. Often referred to as “one stop shops” or “problem-solving courts”, these multidisciplinary approaches simplify justice pathways for those seeking help. Some countries began providing these services decades ago and have harnessed the benefit of evaluations and engagement with justice-seekers to redevelop more responsive services.

The Family Justice Courts in Singapore took an incremental approach to broadening the services beginning in the 1990s with the addition of mediation and counselling services. Since 2020, the Family Justice Courts have been “co-creating a renewed vision of family justice informed by principles of therapeutic justice”.<sup>5</sup> By definition, therapeutic justice focuses on the people in the justice system. At present, the Singapore Family Justice Courts are piloting a multi-disciplinary team approach in specific cases identified through a triage process. In the pilot, disputants are provided with early and intense intervention to promote holistic and sustainable outcomes that support all family members and assists them to acquire the skills they need to manage their post-divorce lives. Other aspects of this initiative include an electronic litigation assist system that facilitates the generation and submission of legal documents, and a redesign of the family justice rules and practice directions.

Community justice sectors contribute to equal access to justice by bringing assistance together in one location that is easily accessible by community members. For example, Argentina’s Access to Justice Centers, small offices often located in low-income neighbourhoods and remote locations, assist almost half a million people a year (Maurino, 2020<sup>[32]</sup>). Their approach is multidisciplinary, with lawyers, social workers, and psychologists working under one roof. Evaluations of the Argentina model have been positive and national and local policies continue to evolve to strengthen access to justice (Pathfinders for Peaceful, Just and Inclusive Societies, 2019<sup>[33]</sup>). Challenges, such as conflicting codes of ethics and funding issues, arise in multi-disciplinary service provision but this approach can provide “life altering help” (Moore, 2022<sup>[34]</sup>).

Another strategy for increasing justice system responsiveness is to survey users about their experiences in order to identify ways to tailor processes and services to improve access. In Great Britain, His Majesty’s Courts and Tribunals Services (HMCTS) has developed an access to justice assessment toolkit that enables HMCTS to identify, fix and monitor access to justice barriers. To date, assessments have been completed in four case studies: probate, social security and child support, divorce, and online civil money claims. The data is disaggregated to provide information for different groups based on their online profile forms. For every barrier that has been identified HMCTS has developed a next step to address the barrier. The assessments also highlight areas where access to justice is being delivered and areas where improvements have proven to be effective.

### ***Embracing preventive approaches***

Law reform and regulatory reform are among the strategies for preventing justice problems as they have the potential to eradicate the underlying cause of justice problems. The individual cases brought to justice actors to resolve provide important information about where laws and regulation are creating problems for people providing an opportunity for law reform to prevent further justice problems.

Another approach to advance preventive practices is multidisciplinary justice service delivery, since problems are often clustered and a holistic approach is needed to resolve the underlying problems, be they in terms of restoring key relationships, processing grief or enabling people to get on with their lives. The justice sector is therefore embracing prevention through the design and delivery of justice services that can address underlying or related causes thereby reducing the recurrence of justice problems. This can be seen, for example, in the Singapore Family Justice Courts approach to therapeutic justice (described above) which extends to reform of laws and procedures that produce harmful consequences. Similarly, the in some cases Brazilian Access to Justice Cases undertake “complex interventions” to address community-based justice problems that have negative impacts of groups of people and cannot be solved effectively through individual cases.

Health and Justice Partnerships (referred to as medical-legal partnerships in the US) is a model of multi-disciplinary service delivery that was initially developed by legal practitioners and other service providers who recognised the overlap between justice problems and health problems and wanted to respond comprehensively to their clients’ needs. Service providers in the UK, the US and Australia have a long



history with these developments and have committed to national coordination and support health and justice partnership programmes in multiple sites and regions. (Tobin-Tyler, Boyd-Caine and Gen, 2023<sup>[36]</sup>). Today, these programmes “train and partner health, social and legal service providers to explicitly identify, prevent and respond to violations of legal rights that harm health and well-being”. These partnerships use law as a tool to remedy health inequity through individual cases and also advocate for laws and policies that promote greater health equity (Tobin-Tyler, Boyd-Caine and Gen, 2023<sup>[36]</sup>). Evaluations of these programmes have found evidence of positive impacts of health and justice partnerships on patients’ stress levels, recovery of healthcare costs, financial return on investment, significant improvement of patient health and well-being, particularly relating to mental health, compliance with medical treatment, and reduction in Emergency Department visits (Murphy, 2020<sup>[37]</sup>). The service delivery models vary across the three countries because of differences in health care, public health, and legal systems. These differences do not inhibit cross-jurisdictional collaboration: “leaders and practitioners from the US, UK, and Australia actively collaborate to share lessons learned and promote innovation in health, social, and legal care” (Murphy, 2020<sup>[37]</sup>).

Restorative justice approaches, as those promoted by the Restorative Lab at the University of Dalhousie in Canada, see justice problems within the context of connections, relationships, and systems. These approaches transcend narrow definitions of justice that underpin most justice systems. In the criminal law context, restorative justice provides an opportunity for healing, reparation, and reintegration and can contribute to increased community wellbeing and crime prevention. More broadly, restorative justice addresses causes and consequences of societal problems that can give rise to conflict and disputes. There is a close connection between many indigenous legal traditions and restorative justice.

Advancing responsive and preventive justice, requires capacity-building in three main areas: data and evidence, multidisciplinary practices, and collaborative relationships and structures. Responsiveness depends upon increasing the capacity to measure and understand outcomes to inform the design and delivery services. Creating further opportunities for interprofessional learning experiences will facilitate effective multi-disciplinary approaches. In some countries, regulatory reform may also be required so support these practices. Nurturing local, national and international collaborations is requisite to responsive and preventive services and will accelerate the move toward equal access to justice.

## **Session 6 - Justice for women in the digital transformation: addressing old injustices as they take new shape**

Digital transformation can be a double-edged sword: it offers opportunities for rapid social and economic development but can also reinforce and exacerbate inequalities. One example of this tension between ameliorative potential and heightened risk is the impact of digital transformation on gender equality. Some women have benefitted from technological advances while others have been excluded from these advances. For example, access to the internet has increased rapidly over the past two decades but there continues to be a significant gender gap (OECD, 2024<sup>[38]</sup>).<sup>6</sup> This is particularly the case of those who are subject to additional layers of discrimination and disadvantage due to their race, national origin, religion or sexual orientation, or are marginalised due to their socioeconomic status.

One specific area of concern with direct implications for equal access to justice is the impact of digital transformation on gender-based violence (GBV). Threats to women’s safety and security are important barriers to gender equality. Governments, communities, and justice systems have failed to eradicate gender-based violence despite the long-held recognition of the breadth and widespread nature of these forms of violence and several decades of concerted effort in many countries (OECD, 2023<sup>[39]</sup>; OECD, 2023<sup>[40]</sup>; OECD, 2023<sup>[41]</sup>). These failures may contribute to women’s decreased trust in democratic institutions (OECD, 2024<sup>[42]</sup>). Technology provides a new shape to GBV with the potential to exacerbate and further ingrain old injustices. People-centred justice responses have the potential to respond to

effectively more to GBV in both its old and new shape by comparison with historic legal and justice responses.

### ***Technology-facilitate gender-based violence***

Definitions of Technology-Facilitated-Gender-Based Violence (TF-GBV) vary across countries and organisations. The OECD has adopted a working definition to TF-GBV as a “subset of GBV that describes any act that is committed, assisted, aggravated, or amplified by the use of information communication technologies or other digital tools, that results in or is likely to result in harm, or other infringements of rights and freedoms”.<sup>7</sup> TF-GBV is indivisible from offline violence, especially given the ways digital and physical experiences are deeply intertwined in today’s world. Online violence can easily move offline. Similarly, negative experiences in the offline world are often mirrored in digital spaces, influencing how people interact within them (US Department of State, 2023<sup>[43]</sup>).

Growing evidence demonstrate that many women and girls around the globe have experienced TF-GBV: 38% of women report personally experiencing online violence, 65% witnessed online violence against women in their personal or professional networks, and 85% witnessed this behaviour against other women, including those outside of their networks (The Economist Intelligence Unit, 2021<sup>[45]</sup>). Younger women were more likely to have personally experienced TF-GBV and female public figures are also at heightened risk. Due to under-reporting, this may underestimate the actual prevalence rates.

Despite the serious consequences of online violence, very few women and LGBTQIAP+ people reported finding meaningful assistance or justice. Few women know what options to seek assistance with this justice problem. Only one-quarter of women reported TF-GBV to the online platforms on which it occurred. A small number took any steps and those that did found that most formal mechanisms were “very effective”. To date, TF-GBV is largely unaddressed.

### ***People-centred justice responses***

There are many barriers to effective legal and justice responses to TF-GBV. These barriers include the fact that it often goes unreported and therefore is rarely captured in justice system data. The complexities extend to the anonymity of perpetrators, evolving forms of violence, and privacy and ethical concerns around personal data. The analysis of online harm and forms of legal redress are not always gender sensitive. Separate criminal law frameworks operate against online crimes and GBV at both the national and international levels furthering limiting the avenues for legal redress. The difficulty in adopting a common definition for TF-GBV underscores the extent to which these forms of GBV operate in a grey legal zone and the lack of awareness of their serious impact.

The complexity of TF-GBV suggests that holistic, people-centred responses may be more effective in meeting the justice needs of women, girls and LGBTI people. Responding successfully to TF-GBV requires cross-disciplinary policymaking between GBV policymakers and digital policy regulators, as well as the private sector. This highlights the need for collaborative efforts across sectors to achieve comprehensive solutions that people-centred justice provides. The development of responsive and legal policy frameworks is required to shape responses in line with women’s needs including through the health care sector and multiple institutions and actors within the justice sector. Collaborative efforts are also needed for prevention: to shape digitalisation policy, alongside data collection, and the reinforcement of online platforms’ accountability and engagement.

Many countries now regulate digital spaces to protect vulnerable groups and promote inclusion in the digital environment, although not focused specifically on TF-GBV. For example, Australia established the Office of the eSafety Commissioner to ensure a safer online experience for all Australians, including women, children, and elderly people.<sup>8</sup> Ireland created the role of Online Safety Commissioner to hold online platforms and services accountable for harmful content.<sup>9</sup> In January 2024, the *Intimate Images Protection*

*Act* came into force in British Columbia, Canada, on the basis of which claims for a protective order that require an intimate image be deleted, de-indexed, and/or removed from a website or social media platform can be made to the highly accessible online Civil Resolution Tribunal. The protection order can include an administrative monetary penalty if a person or internet platform doesn't comply and damages of up to \$5,000 can be awarded related to sharing an intimate image without consent.<sup>10</sup> Under this new law, 58 disputes had been opened as of the end of July 2024.<sup>11</sup>

### ***The potential for technological innovation in addressing GBV***

Technology has the potential to strengthen the systemic response to gender-based violence from early intervention to reporting to a range of responses. It can also improve the evaluation of systems' operations and whether they are achieving optimal outcomes. Technology also holds promise in facilitating people-centred justice by aligning health and justice systems to enable comprehensive interventions.

In the field of violence against women, there has been a parallel burgeoning of web-based interventions for prevention and responses. This diverse range of web-based interventions for violence against women has included open-source mapping of sexual violence exposure, mobile device applications (apps) and websites providing information on services for survivors of violence, safety assessment and planning tools, relationship support interventions, and interventions promoting perpetration-related behaviour changes for men. Technology can also be utilised to streamline support and response systems. For example, AI can automate and optimise the allocation of resources and support services to gender-based violence victims/survivors (e.g. matching victims with shelters, counselling services, legal aid), reducing response times and improving outcomes.

Technology can be used to improve reporting mechanisms and providing anonymity when it is desired. For example, AI-powered platforms enable victims and witnesses of gender-based violence to report incidents anonymously, safely, and easily. Technology can also be used to enhance legal processes, such as the use of AI in the legal processing of GBV cases by analysing case documents, evidence, and legal precedents, contributing to enhanced efficiency in the justice system. Examples of the use of AI by the judiciary in Peru and Argentina are set out in Box 4.

#### **Box 5. AI Support for Improved Judicial Decision-Making and Accountability**

**Peru** - Ministry of Justice on Peru's *Amauta Pro* system: developed by the Superior Court of Justice of Lima Norte, has been developed in-house to be deployed in its pilot phase within the domestic violence cases with a rule-based model and standardised templates of judicial decisions to perform various tasks essential for the determination of the resolution to provide or decline protection measures.

**Argentina** - AymurAI was developed by IDRC's Feminist AI Research Network (FAIR) to address the lack of data on gender-based-violence cases in the Argentinian judicial system, ultimately fostering greater accountability and transparency within the judiciary when it comes to gender-based violence.

Access to assistance and care after experiencing gender-based violence can also potentially be improved through technology-based delivery. For example, emotional support chatbots can offer immediate emotional support and guidance to gender-based violence victims/survivors. These AI-powered chatbots can provide a non-judgmental space for victims to express their feelings and receive information about coping mechanisms and available support services.

Digital technologies have proliferated in many areas of daily life driven by the hope that they can offer solutions to the complex challenges faced by individuals, communities, and government actors. As emphasised in the OECD Framework and Good Practice Principles for People-Centred Justice,

technological solutions must be thoughtfully integrated into the justice system to ensure that they meet people's needs and do not exclude individuals, groups, or communities. Gendered socioeconomic and cultural structures continue to limit and shape women and girls' access to, control over and use of technology. If these access issues are not addressed, then an increasingly digitalised justice system response to gender-based violence may reinforce rather than alleviate inequalities.

## Session 7 – Implementing the OECD Recommendation: experiences in building people-centred justice systems

The [2023 OECD Recommendation on Access to Justice and People-Centred Justice Systems](#) is grounded in a decade of research, collaboration with and between OECD member and partner countries, the development of tools and methodologies, dialogue and exchange between members, and collaboration between the OECD and other international organisations working toward achieving meaningful access to justice for all around the globe. To support countries in implementing the Recommendation, the OECD Secretariat is developing a toolkit and an indicator framework, supported by other tools and resources. The toolkit will aim to support governments in adopting strategic, government-wide approaches that prioritise people-centred justice, strengthening countries' efforts in improving responsiveness of their justice systems, contributing to enhanced trust in public institutions and stronger democratic governance. The toolkit will mirror the structure of the OECD Recommendation and will be based on the input and experiences of OECD member countries, as well as targeted information gathering through interviews, desk research and review. It will provide a set of "enablers", including tools, good practice examples, self-assessment questions and lessons learned. Some of the preliminary elements of the Toolkit will be presented in Session 11 as a work in progress, with an opportunity for feedback to ensure the Toolkit reflects the countries' needs.

The OECD Recommendation reflects a growing consensus about the principal components of people-centred justice and deepening evidence-base about what works. Experience in implementing the OECD Recommendation's various components is growing. Change at the scale envisioned in the OECD Recommendation is inherently dynamic and multifaceted. In many countries, national governments are implementing justice modernisation plans that include a focus on people-centred justice by measuring legal and justice needs, redesigning programmes, service delivery and capacities and upgrading data systems and digital governance (see Box 6). It is also a continuous process since people's justice needs will change over time: "Building effective justice systems is not a linear process where countries move from bad to good. All countries have work to do to respond to the unmet need for justice" (Task Force on Justice, 2019<sup>[5]</sup>). Many of the specific opportunities and challenges within this process will depend on the unique context within each country.

### Box 6. Country Examples

#### Portugal

Portugal's modernisation and digital transformation strategies to improve access to justice have operated through a series of national programmes. Justiça + Próxima was launched in 2016 with a second iteration from 2020-2023. Following an evaluation of progress, Justiça + programme was launched in 2023. These programmes share a dedicated and continuous commitment to enhancing trust in justice by making it more responsive, transparent, and aligned with the present needs of individuals and businesses.

## Canada

In Canada, one of the driving forces for change has been the National Action Committee for Access to Justice in Civil and Family Matters established by the Chief Justice of Canada in 2007. The Action Committee brings leaders together from all corners of Canada's justice system, including government representatives, to examine how to move forward on this critical issue. In 2013, the Action Committee developed and adopted Canada's Justice Development Goals to align the work of organisations across the country. With the assistance of the Canadian Forum on Civil Justice, the Action Committee coordinates national metrics on justice, tracks progress through an annual report, and connects people to share innovations throughout the year and at its annual Summit. A Steering Committee of volunteers coordinates these efforts. Under this umbrella, access to justice committees have been established in each of the provincial and territorial jurisdictions within Canada. The legal profession, through the Canadian Bar Association, actively participates in the Action Committee and played a leadership role developing an agenda for action *to achieve an inclusive justice system that is equally accessible to all, regardless of means, capacity or social situation*.

Source: (OECD, 2024<sup>[49]</sup>), *Modernisation of the Justice Sector in Portugal*, <https://doi.org/10.1787/cbde9a7a-en>; Action Committee on Access to Justice in Civil and Family Matters (2023), *2022 Progress Report: Canada's Justice Development Goals*, <https://www.justicedevelopmentgoals.ca/>; The Canadian Bar Association, (2013), *Reaching Equal Justice Report: an invitation to envision and act*, <https://www.cba.org/CBA-Equal-Justice/Home>; (Berenschot and Rinaldi, 2018<sup>[50]</sup>) *Paralegalism in Indonesia*, <https://doi.org/10.1017/9781316671801.004>.

## Session 8 - The latest in justice data and research from around the world

Adherents to the OECD Recommendation have committed to promote people-centred justice based on empirical data and evidence. The collection of people-centred data and its use by governments and justice institutions has lagged behind other public sectors. Unlike other core areas of human need – for example, public health and education – we don't do systematic research and development on how to best respond unresolved legal needs. Providers of justice and legal services (e.g. lawyers, courts, administrative authorities, legal aid schemes) represent only a few parts of this broader system, and collect and provide only limited ranges of data (OECD, 2021<sup>[52]</sup>). In most cases, justice data is collected and analysed from the perspective of the institution or service provider rather than the justice-seeker.

Much work remains to be done to provide the sound evidence base required by people-centred justice. Relatedly, the need is growing for practical and meaningful indicators to measure justice performance, for the justice sector as a whole, at the level of different justice services and for common justice problems or different groups and communities. New initiatives and partnerships are evolving to enhance cooperation in this regard. For example, a forthcoming framework and indicators for the measurement of people-centered justice would support the implementation of the OECD Recommendation and enable countries to report progress on SDG16 and its promise of access to justice for all (including through SDG indicator 16.3.3), also to support the Justice Action Coalition countries.

### *Understanding the scope, nature, and impact of justice problems*

Legal needs surveys are the foundation of current understandings of the extent and nature of justice problems experienced by people around the world, the resolution strategies they employed to address them, and the impact of unresolved problems and unmet need for justice services. Since 1991, 250 of these studies have been conducted in 110 countries and jurisdictions.<sup>12</sup> Large survey efforts have been undertaken in Argentina, Australia, Burkina Faso, Canada, Colombia, Ethiopia, Mexico, Netherlands, Niger, South Africa, Tunisia, Uganda, United Kingdom, United States in just the last 5 years.<sup>13</sup> Data gathering has also increased in the context of the measurement of the achievement of SDG 16, in particular

the indicator in access to civil and administrative justice, SDG16.3.3, although much more needs to be done (OECD/Pathfinders for Peaceful, Just and Inclusive Societies, 2023<sup>[54]</sup>).

These surveys are complemented by research methods that contribute to a deeper understanding of justice needs, particularly the needs of vulnerable and marginalised groups that can be obscured in surveys of larger populations. In-depth interviews, case studies, and studies of justice pathways can assist in building the robust evidence required by justice sector planning and the design and delivery of inclusive justice services. Justice Canada, for example, developed a series of Qualitative Studies on Serious Legal Problems, to accompany the (quantitative) Canadian Legal Problems Survey, published in 2021.<sup>14</sup>

### *Designing and delivering people-centred justice strategies*

Service providers can monitor and analyse service-level, administrative data to assist them to ensure they understand and are helping people address and resolve their justice problems. Like many organisations, the Citizen's Advice Bureau in England and Wales monitors the number of requests for legal advice, by whom, and on which topics. During the Covid-19 pandemic, the Citizen's Advice Bureau's closely monitored the rise in requests for assistance and were able to prevent further justice problems by advocating for substantive legal changes on the basis of this data. The data provided this organisation with "early warnings about issues the government urgently needed to fix, whether that was gaps in the furlough scheme or the inadequacy of sick pay provision for people who needed to self-isolate."<sup>15</sup> Their data analysis provided insight into what justice problems were likely to occur following the pandemic helping them to ensure they continued to provide people-centred justice services.<sup>16</sup>

In Canada, the websites of the [BC Civil Resolution Tribunal](#) and the [Social Security Tribunal of Canada](#) publish a range of data on the services provided and outcomes including results for the last fiscal year, detailed client service results by quarter, service standards, caseload statistics, statistics on published decisions and client satisfaction survey results on a monthly or quarterly basis.<sup>17</sup> These tribunals also adapt provision by integrating client feedback and publish information about the changes made as a result of this feedback.<sup>18</sup>

The Nuffield Family Justice Observatory's mandate is to support "better outcomes for children in the family justice system in England and Wales by improving the use of data and research evidence in decision-making" (Nuffield Family Justice Observatory, 2024<sup>[55]</sup>). To achieve this objective the Observatory analyses national data, linking data from different sources to better understand the experiences of children and families in the family justice system. This strong data foundation is the basis for research and collaboration with others to improve practices within the justice system to respond to the experience and perspective of these service-users. Data and research evidence is also provided to decision-makers to encourage "data uptake" (Nuffield Family Justice Observatory, 2024<sup>[55]</sup>). A review of the Observatory's work highlighted ways in which this data and research had strengthened people-centred justice over the past five years including the initialisation of 'pathfinder' pilots of problem-solving approaches in private law family cases and other reforms (Nuffield Family Justice Observatory, 2024<sup>[55]</sup>). Bringing the perspective of both children and families to the foreground have aided in this uptake process. Key strategies have included: mapping data gaps and developing a plan to fill these gaps; collaboration with many organisations to disseminate research and data; improving data infrastructure, recording and transparency of data; and linking of data to provide fuller picture of the situation of those seeking help. The Observatory provides direct assistance other organisations enabling them to utilise the data in their work.

### *Measuring what works and building the business case*

Five years ago, the OECD published a White Paper on Building a Business Case for Access to Justice in partnership with the World Justice Project (WJP) (OECD and World Justice Project, 2019<sup>[56]</sup>). Based on the data collected by WJP in 45 countries through a standardised legal needs survey, the White Paper conducted a cross-country analysis of unmet legal needs, how they affect different groups of people and some of the costs that they impose on society. The White Paper also collected and discussed best



practices in improving access to justice from around the world. The report conservatively estimated that the impacts of unresolved justice problems, cost OECD countries between 0.5 and 3 percent of their annual GDP.

More recently, the OECD has worked with the Thailand Institute of Justice to assess the costs that criminal acts and responses by the criminal justice system impose on Thailand's society. The assessment draws from a broad range of sources, including Thailand's legal needs survey and national crime victimisation survey, official crime statistics and administrative data from the justice sector, government budget data, national and international estimates of the health and mental health consequences of crime victimisation, and more. Building on a comprehensive overview of the impacts of crime and crime victimisation on different segments of society, it evaluates the costs of those impacts in monetary terms. This leads to evidence-based recommendations in favour of justice strategies that address the areas in which the burden imposed by crime and criminal justice on the Thai people is heaviest.

Complementing legal needs survey results with administrative data and official statistics, as well as other data reflecting people's perspective, can highlight the specific areas in which further investment in access to justice can provide the greatest benefits to society, as demonstrated in the aforementioned study. Building on this work, a series of country case studies will be developed as part of the OECD work to develop data and evidence for people-centred justice, that will follow a similar evidence-based approach with the aim to deepen the business case on access to justice. The case studies will adopt a tailored methodology to collect data on citizens' legal needs and the consequences of both met and unmet needs in each national context, using legal needs surveys as a basis and drawing from complementing sources of demographic, social, economic, health and other data. The case studies will feed into an overarching report on lessons learned in identifying gaps in access to justice, assessing their costs, and devising effective response strategies.

#### *Building a global knowledge infrastructure for the justice sector*

Access to justice data and research is one of the foundations of people-centred-justice systems. Substantial progress is being made toward building data about dimensions of justice problems and ways to tailor justice services to most effectively assist individuals, families, and communities to resolve and prevent justice problems. The gathering of good data requires involvement and engagement in data intensive research and the participation of justice-seekers, including those not currently accessing justice. Experiential knowledge contributes alongside other forms of expertise.

The justice sector can look to experiences in other sectors to meet the challenge of fragmentation of data and research. The search is also on for new models of data stewardship that help to overcome this fragmentation. Indeed, successfully moving toward people-centred justice and achieving SDG 16.3.3 requires intense acceleration efforts through the development of a global knowledge infrastructure to complement and bring together national and regional efforts. Several concrete initiatives are underway to achieve this end. The development of the OECD toolkit, including a people-centred measurement framework and indicators, described in session 7, is well-underway and will form part of this infrastructure. The work of the Justice Data Observatory and the Justice Action Coalition's data and evidence workstream are also designed to fulfill this goal (see Box 6).

#### **Box 7. The Justice Data Observatory**

The Justice Data Observatory, a collaboration between the American Bar Foundation, IDRC, the World Bank, and the OECD, aims to build and shape an agenda for sustained, policy-relevant evidence and research on access to justice as a *global field*. The central objective is: "to build understanding and global evidence for how people-centred access to justice can combat poverty and inequality, promote inclusive development and growth, and empower democratic participation and governance". As an



initial step, a meta-research project reviewed existing research and evidence globally and these results have been published. The report concludes that knowledge and data to answer three questions is required to underpin a global research agenda. These questions are: Why does people-centred justice matter? How is people-centred justice linked to material policy outcomes, like poverty reduction, inclusive growth, and democratic empowerment? and How can this evidence and data guide implementation? Consultations and research are underway to translate this meta-research into a set of core, shared research questions on access to justice globally. The Justice Data Observatory's longer-term plans include supporting the production and dissemination of original access to justice research and sources of data related to shared research questions; and advocating for evidence-based approaches to access to justice policy and practice.

Source: (American Bar Association, n.d.<sup>[59]</sup>), *Justice Data Observatory*, <https://www.americanbarfoundation.org/program/justice-data-observatory/>; Rebecca Sandefur, Matthew Burnett, and Julia de Santos, (2023), *People-Centred Access to Justice Research: A Global Perspective* (Justice Data Observatory). See, also: [Research Brief: Envisioning a People-Centred Access to Justice Research Agenda](#) (Justice Data Observatory, 2023).

## Session 9 – Designing people-centred justice services

The OECD *Recommendation on Access to Justice and People-Centred Justice Systems* is constructed around five pillars, with the second one focusing on designing people-centred justice services. This pillar emphasises the importance of a continuum of legal and justice services and ensuring that these services are designed with people at the centre, taking into account rights and possible vulnerabilities, and based on empirical understanding of people's justice needs, preferences and capabilities. These services should be appropriate and effective at resolving people's most common justice problems, support prevention and contribute to systemic solutions and provide fair outcomes that help deliver on the promise of the rule of law.

Many countries and organisations are working to develop people-centred justice services, through a mix of policy or regulatory measures, change and reform processes. People-centred justice also requires a commitment to working to improve services through feedback from people, business and communities and other data-driven and evidence-based practices. Participants will discuss methodologies for obtaining data and other forms of feedback from service users as well as other mechanisms for evaluation. Effective strategies for integrating this feedback into improvement of services and delivery mechanism will also be considered. This interactive working session will discuss specific examples of justice services, such as courts and mediation, which are implementing people-centred design approaches, as well as justice houses and community-based integrated service models. Through facilitated exchanges, participants will contribute their expertise and practical country experiences with different models of justice services and planning, design, and delivery mechanisms.

## Session 10 - Promoting a people-centred justice approach to climate change

Climate change is the defining global challenge of our time, and the justice sector has a critical role to play in responding to this challenge. The impacts of climate change are felt most acutely by vulnerable and marginalised populations, further exacerbating existing inequalities. A people-centred approach to climate change and environmental justice is pivotal in supporting populations to cope with the multiple scales of transition anticipated as countries around the world identify strategies to mitigate and adapt to climate change's impacts.

In this interactive working session, participants will have the opportunity to explore the interlinkage between SDG 16 (peaceful, just, and inclusive societies) and SDG 13 (climate action) within the context of the 2030 Agenda for Sustainable Development. A primary focus will be on the enabling role of SDG 16, in the realisation of sustainable development, and in addressing the climate crisis. This focus will be honed through the identification of access to justice issues that emerge from climate change and climate action. Working together to identify the breadth and variety of these issues and resulting legal and justice needs will also elucidate the parameters of the role of the justice sector in addressing climate-related justice problems. Short presentations will share information about specific examples of access to justice issues emerging in this context, such as:

- The adverse impacts of climate change and climate action initiatives on Indigenous Peoples and their rights;
- The situation of climate and environmental human rights defenders, who face both the weaponisation of the justice system (through criminalisation, SLAPP lawsuits, and arbitrary detention) and harassment as the result of their work;
- The adverse human rights impacts of climate action initiatives, such as green energy and carbon market projects, on local communities – and the limited pathways for accessing justice and remedies for violations.
- The role that governments, working hand-in-hand with communities, can play in addressing environmental racism and advancing environmental justice through a people-centred approach.

This exploration will help to define the space for people-centred justice approaches in the complex interplay between access to justice and climate change. Together participants will consider how to develop and promote collaborative strategies to support people and communities in navigating the justice challenges arising in the context of climate change. Specific focus will be placed on strategies and tools to support particularly vulnerable and marginalised communities. These strategies can engage national- and global-level collaboration among governments, private sectors, civil society organisations, and community leaders.

## **Session 11 - Developing a toolkit and indicator framework for people-centred justice**

The OECD has committed to supporting member and partner countries to implement the 2023 OECD Recommendation on Access to Justice and People-Centred Justice Systems. One initiative toward this end is the development of a toolkit and an indicator framework for people-centred justice, with practical, actionable resources that guide the implementation of pillars set in the OECD Recommendation. In this interactive working session, participants will have the opportunity to learn more about this toolkit and contribute to its development.

The OECD Recommendation focuses on five pillars that underpin people-centred justice systems – establishing a people-centred purpose and culture; designing and delivering people-centred justice services; governance enablers and infrastructure; people empowerment; and planning, monitoring and accountability. Moreover, the Recommendation underscores core values shared by many nations, particularly the existence of independent, transparent justice systems that are able to deliver on the promises of the rule of law.

The implementation of the OECD Recommendation aims to support governments in adopting strategic, government-wide approaches that prioritise people-centred justice. It seeks to strengthen countries' efforts in improving responsiveness of their justice systems, contributing to enhanced trust in public institutions and stronger democratic governance. The toolkit and indicator framework aims to complement various OECD standards and guide countries in ensuring their justice systems are more accessible, accountable,

and aligned with the broader goal of inclusive and sustainable growth. With a strong emphasis on people-centred justice, the toolkit and indicator framework will aim to equip justice systems that directly address the needs and rights of all individuals, contributing to overall social well-being and stability. This session will provide an opportunity to reflect on the direction, components and approach of the toolkit, including methodologies for collecting and analysing relevant data.

## **Session 12 – Global outlook on access to justice for all**

Countries have made great strides in advancing people-centred justice since the adoption, in 2015, of the global goal to provide access to justice for all (SDG16), but the scale of world-wide inequality in accessing justice remains daunting. The joint 2023 OECD/Pathfinders brief highlighted seven strategies to improve the monitoring of SDG 16.3.3: raising awareness through information sharing; strengthening institutional frameworks and co-ordination; diversifying producers of data for SDG 16.3.3; anticipating lead times; investing in resources and capacities; adopt a comprehensive approach to data collection to leverage collective expertise and address data collection challenges; and, enhancing donor support for developing countries (OECD/Pathfinders for Peaceful, Just and Inclusive Societies, 2023<sup>[60]</sup>)

Importantly, at the UN Summit for the Future, the global community has come together to consider the Pact of the Future. One of the key ambitions of this Pact is the acceleration of progress toward the achievement of the SDGs. Substantial work remains to be completed to achieve measurable progress in justice outcomes for people and communities by the SDG summit in 2027. Considering the global goal to achieve SDG 16.3.3 by 2030, it is time to tip the scales towards the positive. The 2024 OECD Global Forum on Building Trust and Reinforcing Democracy will further contribute to dialogue and action on promoting the rule of law and providing access to justice for all as keys to reinforcing democracy and building trust.

Finally, the OECD Recommendation aims to provide a framework for country reform efforts. Following from the adoption of its Recommendation, the OECD is furthering its work to advance people-centred data and evidence in support of equal access to justice. The centre post of this initiative is the creation of a robust, people-centred justice measurement framework, indicators and business case for access to justice, to improve global measurement, monitoring, and reporting on access to justice, which will help strengthen the global knowledge infrastructure, to guide countries in implementing high-performing people-centred justice sectors, and to facilitate the professionalisation of the justice sector. This work is conducted as part of and in close collaboration with the Justice Action Coalition, in particular key partners HiiL and WJP.

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## Notes

<sup>1</sup> On 23 June 2023, the [Government of Canada's amendments to the Judges Act](#) to modify the process for dealing with allegations of misconduct against federally appointed judges received Royal Assent. The amendments aim to increase the confidence of Canadians in the judicial system by ensuring greater accountability, transparency and cost-efficiency in the process for handling complaints of misconduct against federally appointed judges.

<sup>2</sup> Uganda recently had a [National Court Open day](#), a first of its kind under the theme 'A People-Centred Approach to Justice', urging the public they serve to appreciate and ask questions regarding court processes and access to justice. <https://yourcommonwealth.org/peace-democracy/judicial-accountability-and-its-role-in-a-democracy/>

<sup>3</sup> Brazil's community justice centres and Colombia's local justice systems are two examples discussed later in these session notes.

<sup>4</sup> For example, see: Principles Respecting the Government of Canada's Relationship with Indigenous Peoples; United Nations Declaration on the Rights of Indigenous Peoples; the Truth and Reconciliation Commission of Canada's Calls to Action; the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice.

<sup>5</sup> <https://www.judiciary.gov.sg/who-we-are/therapeutic-justice>

<sup>6</sup> See, also: [OECD Going Digital Toolkit](#).

<sup>7</sup> This definition is also used by the Global Partnership for Action on Gender-based Online Harassment and Abuse (US Department of State, 2023<sup>[43]</sup>).



<sup>8</sup> <https://www.esafety.gov.au/>

<sup>9</sup> <https://www.cnam.ie/about-us/>

<sup>10</sup> Chapter 11 of the Intimate Images Protection Act [SBC 2023], <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/23011>

<sup>11</sup> Civil Resolution Tribunal, (2024), *CRT Key Statistics – July 2024*, <https://civilresolutionbc.ca/blog/crt-key-statistics-july-2024/>

<sup>12</sup> World Justice Project, *Atlas of Legal Needs Surveys*, <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>

<sup>13</sup> For surveys conducted after 2018 with a sample size over 5000. See, World Justice Project, *Atlas of Legal Needs Surveys*, <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

<sup>14</sup> Government of Canada, (2023), *The Canadian Legal Problems Survey*, <https://www.justice.gc.ca/eng/rp-pr/jr/survey-enquete.html>

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<sup>18</sup> Civil Resolution Tribunal, (2024), *Participant Survey – July 2024*, <https://civilresolutionbc.ca/blog/participant-survey-july-2024/>