g7+ Ministerial-Level Meeting on Access to Justice for All-in Conflict-Affected Countries
19-20 June 2019, The Hague

Pre-Conference Paper

Introduction

The 2030 Agenda is based on a vision of a “just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.” In 2015, 193 countries agreed to make “equal access to justice for all” one of the goals for achieving sustainable development (SDG 16.3).

In the lead up to the High-Level Political Forum and the SDG Summit in 2019, a series of gatherings have been convened both at the ministerial and working levels to explore strategies for the achievement of SDG16.3 and to discuss opportunities for implementation of innovative models, obstacles to reform, and potential commitments to deliver on access to justice for all. One such convening was the Ministerial Roundtable in February 2019, hosted by H.E. Sigrid Kaag, Minister for Foreign Trade and International Cooperation, Kingdom of the Netherlands, as part of the Access to Justice Conference in The Hague at the Peace Palace. There, the Declaration on Equal Access to Justice for All by 2030 was adopted which provides a roadmap for countries in their pursuit of accelerating the delivery of Access to Justice for All.

Against this backdrop, the Ministerial-Level Meeting on Access to Justice for All in Conflict Affected Countries will convene the Ministers of Justice of the g7+ Member States to discuss common priorities in strengthening access to justice in their respective countries. The outcome of the meeting will be the first g7+ Joint Action Plan on Justice that will identify specific measures for collective action.

Background – The Justice Gap

The Task Force on Justice, co-chaired by the governments of the Netherlands, Argentina, and Sierra Leone, recently launched their Justice for All report. The report identified the global justice gap as one of the most significant barriers to peace and development. The Task Force found that at least 253 million people live in extreme conditions of injustice, 1.5 billion people cannot resolve their justice problems, and 4.5 billion people are excluded from the opportunities the law provides – in total 5.1 billion people lack meaningful access to justice. Often, those in less developed countries feel a greater personal impact than people in more developed countries. Women, youth, those with disabilities, and ethnic minority communities remain among the most vulnerable in every society.
Ministerial-Meeting

The Ministerial Meeting will touch upon a series of topics that are discussed below in further detail. A short description of each session is described below followed by key questions to help guide the discussion. All sessions will be interactive to enable a constructive dialogue between the moderator, selected panelists, and the participants at large. The Justice for All Report provided great inspiration for the topic sessions.

Justice as an Enabler of the 2030 Agenda

Justice is a thread that runs through all 17 Sustainable Development Goals. Without increased justice, the world will not be able to end poverty, reduce inequality, reach the furthest behind first, create conditions for shared and sustainable economic development, or promote peace and inclusion. Without justice, people will not be able to reach their full potential and development. A lack of justice may also increase the risk of political instability. SDG 16.3 promises to ensure equal access to justice for all by 2030.

Questions include: A) What role can justice play in building peaceful and inclusive societies? B) How can the justice system contribute towards the vision of the 2030 agenda of a “just, equitable, tolerant, open and socially inclusive society?” C) How can justice be integrated into broader development planning and budgeting? D) How does access to justice empower women and other marginalized groups to realize their rights? E) How can strengthening collaboration and peer-to-peer learning on national development planning help deliver justice for all?

People-Centered Justice

Access to justice is a fundamental human right, but the majority of the people on this planet do not have meaningful access to justice. The Task Force Report identifies the six most prominent justice problems: violence and crimes; disputes involving land or housing or disputes with neighbors; family disputes; disputes relating to money, debt or consumer issues; issues relating to access to public services; and disputes relating to employment or businesses. There is an urgent need to shift from a model that provides justice only for the few, to one that delivers measurable improvements in justice for all and places people at the center of justice and justice at the heart of development. To achieve this, it is important to invest in the collection of better data and evidence on justice problems and in the organisation of legal needs surveys to understand what people need and want from justice and improve the quality of justice journeys.

Questions include: A) What can governments do to focus on a more people-centered approach to ensure equal access to justice for all? B) What does people-centered justice mean and what are the benefits of such an approach? C) What policies or approaches can a government implement to help build trust between people, communities, and justice institutions such as the police, courts, and correctional facilities? D) How are we able to gain a better understanding of the legal needs of people? E) What innovative approaches or reforms can be adopted to meet those legal needs?

Strengthening and Integrating Formal and Informal Systems of Justice

For many people, formal systems of justice (courts, lawyers, legal aid, police, prosecutions, prisons) can be slow and expensive. Also for states, investment in formal justice is expensive. A case is to be made for innovative and lower-cost approaches to bring justice to people also in an informal way. Mediation, reconciliation, legal empowerment, paralegals, IT tools, access to justice centres,
etc., may all assist in securing fair, effective, and less adversarial outcomes to people’s justice related problems and ensuring outcomes are in full conformity with human rights standards.

Questions include: A) How can governments harness the potential of informal justice mechanisms to help meet the justice needs of people and communities, particularly in areas underserved by the formal justice system? B) What are the most effective ways to improve public understanding of the formal justice system so that people and communities can make better informed decisions about where to bring their justice problems? C) How can governments most effectively balance the services informal justice mechanisms provide while also improving access to justice for marginalized and vulnerable groups and upholding international human rights standards? D) What are the most successful ways of connecting formal and informal systems of justice to build off each other’s strengths?

**International Assistance to Support Access to Justice**

The Task Force report provides evidence for the argument that failure to provide justice is costly in terms of costs of conflict, loss of income, health issues, and costs for seeking redress. But, the report also provides evidence for the argument that expenditure on people-centered justice can deliver a high return on investment. The report estimates that the costs of closing the justice gap amount to $20 for low-income countries, $64 for middle-income countries and $190 for high-income countries. Yet, donor investment in justice has declined by 40% over the last 4 years. For example, in fragile and conflict-affected states only 1.5 percent of ODA is spent on justice.

On the one hand, there is a need for better data on current resource allocation to ensure more effective investment in the most urgent justice needs. On the other hand, there is a need for a renewed discussion between states and national and international donors on how to increase investment in justice in order to bridge the justice gap in the coming years.

Questions include: A) How can aid to the justice sector be made more effective? B) How can coordination between government, donors, and civil society be strengthened to ensure that justice remains a priority within development frameworks? C) How can we better make the case for investment in justice and place justice at the top of the donor agenda? D) How can donors and other partners support countries to translate the 2030 Agenda into actionable policies that are nationally owned and inclusive? E) How can public-private partnerships be strengthened to increase access to justice?

**Strengthening Access to Justice for Women**

Justice problems are not randomly distributed. In particular, women are more likely to suffer injustice than others. Women are often confronted with violence, discrimination, disadvantage, and exclusion. The poorest women face the highest barriers to justice. Action is required in relation to, amongst others, the elimination of legal discrimination, the prevention of and adequate response to violence, the overcoming of the disadvantages of poor and marginalized women, the empowerment of women, and the inclusion of women as decision makers.

Questions include: A) How can government institutions better protect and enforce women’s rights and their ability to access justice? B) What are some innovative approaches to increase access to justice for women? C) What preventive measures can be taken to strengthen the position of women and girls in societies? D) What commitments can be made to close the justice gap for women and girls?
**Justice and Innovation**

Innovation is a necessary component of the path to justice for all. New players need to be brought into the justice sector that can deliver justice at scale. As mentioned, this may include paralegals and mediators, but also IT specialists who can develop new IT tools aimed at increased and more effective access to justice information and solutions. This may not only lead to the more effective functioning of the traditional players in the justice sector, such as judges, lawyers, prosecutors, and the police, but also to the involvement of new players in the justice sector—justice innovators.

Questions include: A) What innovative tools have been developed to assist the traditional players in the justice sector to increase access to justice? B) What innovative tools have been developed that assist in particular marginalized groups to have increased access to justice? C) How can innovative tools be used to assist in the prevention of or early intervention in issues of injustice? D) How can innovation and new tools assist in facilitating the resolution of disputes in a non-formal manner? E) How can the collaboration between public and private sector innovators be stimulated to develop innovative tools to address justice problems?

**Transitional Justice**

Transitional justice includes not only criminal accountability to redress mass violations, but goes beyond that. It also touches upon the need to address the root causes and structural drivers of violence and repression. It focuses on ensuring a broader understanding of justice for victims and societies. Transitional justice can also assist in increasing trust in government and society and can assist in breaking cycles of violence and injustice. Transitional justice measures include truth-seeking initiatives, community reconciliation, reparations programs, and institutional and legal reform.

Questions include: A) What are the preconditions for an effective transitional justice approach? B) How can victims play a crucial role in the process of bringing about transitional justice? C) How can punitive and reparative justice work best together? D) How can transitional justice measures help close the justice gap and foster sustainable peace? E) How can transitional justice help restore the trust between citizens and the justice institutions that are meant to serve them?

**Legal Aid**

Legal aid is often considered expensive for a state and focused on bringing justice to only a limited number of people. In various countries, efforts are being undertaken to reduce the total costs allocated for legal aid. This regularly leads to people with less resources being the first to be cut off, rendering them unable to access justice. At the same time, innovative methods to decrease the costs of legal aid, and therefore increase justice, have emerged; approaches include the use of paralegals, pro bono assistance, legal volunteers, mobile legal aid providers, and legal information centres to provide low threshold access to legal information. It is important that justice defenders are protected themselves, particularly when they address root causes of injustice.

Questions include: A) How can legal aid continue to be effective to people seeking justice when resources are limited? B) What innovative tools are available or can be developed to make legal aid continue to be of relevance or improved? C) What alternatives are available instead of legal aid and how can quality of legal information be guaranteed? What roles can paralegals, pro bono counsel, ombudsmen offices, and other people and institutions play to ensure access to justice to those with low financial resources? How can full respect for procedural human rights and fair outcomes be maximally guaranteed?
Roadmap for the Way Forward

During the session on common priorities, a Joint Action Plan, based on discussions from over the course of the meeting, will be presented to the Ministers for their consideration. The action plan will emphasize areas where the g7+ can take collective action to enhance access to justice on a country and regional level. It will be presented at the High-Level Political Forum and will serve as the roadmap for the g7+ Member States on justice issues for the foreseeable future.