

Access to Justice Offices Leading on Justice in OGP

The [Open Government Partnership \(OGP\)](#) provides an opportunity for government and civil society reformers to make government more transparent, participatory, and accountable. Until recently, access to justice had been a small part of these action plans. However, thanks to increased global activity around access to justice, there is growing interest by many governments and civil society leaders to better link justice to open government.

Much of the current global momentum around access to justice derives from its inclusion in the United Nations 2030 Agenda for Sustainable Development – marking the first time justice was placed on the international development agenda. Goal 16 – and target 16.3 in particular – calls on governments working with civil society, citizens, and the business community to, “Promote the rule of law at the national and international levels and ensure equal access to justice for all.”

This call has spurred efforts to advance access to justice reform within countries and across borders. Notably, at the time of the 2030 Agenda’s adoption, the [OGP Steering Committee](#) formally endorsed the use of OGP action plans to support the Sustainable Development Goals (SDGs) through open government approaches.

In response to the momentum behind the inclusion of SDG 16, the [Pathfinders for Peaceful, Just and Inclusive Societies](#) launched the [Task Force on Justice](#), to accelerate delivery of the SDG targets for justice for all and energize the global movement for justice by creating a space for committed justice partners and experts across all sectors to come together. In its seminal [Justice for All Report](#), the Task Force called for a new vision of justice – one that is people-centered and grounded in action at the national and international-levels by all stakeholders. In the report, OGP was specifically acknowledged as an important platform for accelerating efforts to strengthen the provision of justice.

As the OGP community has [prioritized justice as a theme](#) within the Partnership, OGP member governments have increasingly identified focal points within their Ministries of Justice to serve as leads on justice commitments included in action plans. These leads– some of which are access to justice secretariats, central authorities, or directorates – have become key players in the global movement for justice. By consolidating these activities into units with dedicated staff and resources that can provide a coordinating function across government, countries are better able to develop people-centered and impactful responses to the justice problems and legal needs of marginalized and underserved communities. As such, these offices have emerged as both the lead implementers of justice commitments and the subject of them.

As Leaders of National Commitments

The United States Department of Justice’s Office for Access to Justice was launched in 2010 to help the justice system efficiently deliver outcomes that are fair and accessible to all, irrespective of wealth and status. It served as the primary office in the federal executive branch dedicated to improving and strengthening legal services for the poor and other underserved communities. Importantly, the office was not a provider or funder of legal aid. Rather it was a policy office that advanced initiatives (sometimes in partnership with other federal agencies) to respond to the access to justice crisis within the United States. In carrying out its mission, it also regularly engaged with civil society experts and organizations, which made it well suited to leverage the OGP process.

The office represented the United States in global justice activities and led on two access to justice commitments for the United States included in its [third OGP action plan](#). Learn more about the ways the office worked and how it leveraged international engagement to advance its priorities [here](#).

SPOTLIGHT: UNITED STATES

Office	Office for Access to Justice , U.S. Department of Justice
Background	Open March 2010 - April 2018. Functions moved to U.S. Department of Justice Office of Legal Policy
Functions	28 U.S. Code of Federal Regulations §0.33 sets out its functions: The Office for Access to Justice shall be headed by a Director appointed by the Attorney General. The principal responsibilities of the Office shall be to plan, develop, and coordinate the implementation of access to justice policy initiatives of high priority to the Department and the executive branch, including in the areas of criminal indigent defense and civil legal aid. In addition, the Director shall: (a) Promote uniformity of Department of Justice and government-wide policies and litigation positions relating to equal access to justice; (b) Examine proposed legislation, proposed rules, and other policy proposals to ensure that access to justice principles are properly considered in the development of policy; and

	(c) Perform such other duties and functions as may be authorized by law or directed by the Attorney General, Deputy Attorney General, or Associate Attorney General.
Staff	Around 10 lawyers, staff included both political appointees and public servants
Engagement with Civil Society Organizations	<ul style="list-style-type: none"> • Consultations • Expert working groups to provide insight and recommendations • Civil society-sponsored conferences and events
Connection to OGP	Led on two commitments in 2015-2017 Action Plan: <ul style="list-style-type: none"> • Expand Access to Justice to Promote Federal Programs • Developing national-level indicators on SDG 16.3
Connection to SDGs	The office was tasked by President Obama with domestic implementation of SDG 16 through an interagency effort it staffed.

Another example of an access to justice office leading on a national commitment comes from Argentina. In 2019, the National Directorate of Promotion and Strengthening for Access to Justice was the lead implementing agency of its commitment to develop a [Legal Needs Survey](#). The commitment was geared to collect information on the legal needs of individuals, publish the results, and use the results to drive the design of new access to justice mechanisms through a roundtable between justice institutions and civil society.

As the Subject of National Commitments

The establishment of such offices have also been the subject of OGP commitments. The creation of the Sierra Leone Directorate on Access to Justice in the Ministry of Justice is included as a milestone in its 2019-2021 Action Plan’s commitment: [Expanding Community-Based Justice Services](#). The commitment aims to ensure access to justice for all by expanding community-based justice services and improving transparency in the local justice delivery structures that communities are most likely to engage. Included in the commitment as its own concrete milestone is the formation of the Access to Justice Directorate to coordinate and advance people-centered justice responses tied to both the formal and informal justice systems. By building in the development of the directorate into the commitment, Sierra Leone has acknowledged the importance of laying the necessary infrastructure – such as staffing and resources – for the success of the overall commitment.

SPOTLIGHT: SIERRA LEONE

Office	<p>Directorate on Access to Justice</p> <p>Presently hosted by the Justice Sector Coordination Office, Ministry of Justice</p>
Background	Plans launched in 2019, likely to be established in 2021.
Functions	<ul style="list-style-type: none"> • Links formal and informal justice mechanisms, such as Alternative Dispute Resolution mechanisms. • Coordinates non-state actors, justices of the peace, and informal and customary law processes.
Staff	Led by a public servant
Engagement with Civil Society Organizations	Partnering and working with civil society organizations and customary law actors
Connection to OGP	Establishment of office is a milestone in 2019-2021 Action Plan's commitment: Expanding Community-Based Justice Services
Connection to SDGs	Helps implement SDG 16+

In addition to establishing offices with a broad view of access to justice, OGP members have also used their action plans to establish or strengthen directorates specifically focused on expanding access to legal aid. For example, in its most recent action plan, Albania included a commitment to [Establish \[a\] directorate to improve citizens' access to legal aid](#). Implementation of the commitment is still in the very early stages.

As Leaders in OGP's Justice Coalition

Canada's Access to Justice Secretariat was established in 2019 and has already emerged as a leader in the global *Justice for All* movement. The mandate of the Access to Justice Secretariat is to promote and support a people-centered approach to justice and the full realization of SDG 16 in the federal government, as well as domestically and internationally.

The Secretariat was integral to the success of the 2020 Global Week for Justice and co-hosted the inaugural [OGP Coalition on Justice](#) meeting. In addition, the office is also leading on efforts to develop potential national commitments for Canada's next action plan, to be released later in 2021.

SPOTLIGHT: CANADA

Office	Access to Justice Secretariat , Senior Assistant Deputy Minister's Office, Policy Sector, Department of Justice Canada
Background	Established in September 2019
Functions	<p>The mandate of the Access to Justice Secretariat is to promote and support a people-centered approach to justice and the full realization of the United Nations 2030 Agenda Sustainable Development Goal 16 in the federal government, as well as domestically and internationally, through: 1) broad outreach and engagement within government and with external partners and stakeholders; and 2) leadership and support on substantive access to justice policy and research initiatives.</p> <p>Key initiatives include:</p> <ul style="list-style-type: none">● aligning access to justice and open government efforts through the Open Government Partnership Coalition on Justice● promoting the collection, sharing and use of data to support access to justice research, legislation, policy and programs● fostering legal empowerment and enhanced legal literacy to support the prevention and resolution of legal problems● providing access to justice policy options and advice, including on horizontal Government of Canada initiatives● measuring progress in closing the access to justice gap

	<ul style="list-style-type: none"> • promoting provincial-territorial partnerships and collaboration with the goal of delivering justice for all and advancing SDG 16
Staff	Led by two public servants
Engagement with Civil Society Organizations	Collaboration within government, and outreach and partnership with civil society and other actors involved in pursuing access to justice and SDG 16 at home and abroad, including OGP
Connection to OGP	Contributes to the Open Government at Justice
Connection to SDGs	Government of Canada leads on the realization of SDG 16+

While the models for these offices vary, they all share clarity in mission: to serve as the government’s access to justice expert to ensure that innovations in the delivery of justice services are people-centered and responsive to actual needs. The offices can provide a holistic view of justice, advancing both formal and customary systems of justice, and serve as a hub for connecting subject-matter experts from inside and outside of government with access to justice initiatives.

Where?	Usually within Ministries of Justice but might be established independently
Who?	<p>They include a mix of political and non-political leadership to ensure the work is connected to a government’s priorities, but staffed with public servants to ensure continuity of activities regardless of political climate.</p> <p>Access to justice priorities are in line with political ideologies across the spectrum and can successfully be connected to many initiatives tied to basic life needs (such as housing, health, employment, and education).</p>

<p>What?</p>	<p>They provide a coordinating function across government to develop people-centered and impactful responses to resolve the justice problems and legal needs of marginalized and underserved communities and serve as the government’s expert on these issues. Functions vary but can include:</p> <ul style="list-style-type: none"> ● Advancing policy ● Increasing funding and resources ● Exercising enforcement authority ● Growing evidence base through research and data collection ● Representing the national perspective on <i>Justice for All</i> in international and multilateral activity
<p>How?</p>	<ul style="list-style-type: none"> ● Engage with experts across all sectors of society ● Co-create commitments with civil society in OGP action plans, and implement relevant milestones ● Serve as lead national implementer of SDG 16, which can be helpful if country is presenting a Voluntary National Review at the UN’s High-Level Political Forum (HLPF) ● Leverage shared priorities of other government offices (cross-sectoral) ● Exercise convening function ● Issue public statements and reports ● Develop or advise on legislation, regulation, guidance documents, or court cases