

Access to Justice in OGP

Regional Focus: Africa and the Middle East

OVERVIEW

Justice needs are not being met. Half of justice needs in OGP countries end in unsatisfactory outcomes.¹ In many countries, citizens may be met by opaque legal processes, unaffordable legal help, or discriminatory practices that prevent them from obtaining equal access to justice. OGP countries—including in Africa and the Middle East—are increasingly committing to address these issues and to improve access to justice through their OGP action plans.

Recommendations

OGP members in the region could consider action in the following areas:

- **Measurement:** Measure legal needs and resource availability using surveys, and publish the results.
- **Legal capability:** Improve legal capability by improving access to information on legal resources and supporting alternatives to courts.
- **Legal aid:** Ensure access to legal help by expanding legal aid, especially in underserved communities.
- **People-centered justice:** Strengthen people-centered justice processes through plain language initiatives, specialized courts and forums, and judicial training.
- **Outcomes:** Continuously evaluate justice outcomes, especially of high-priority areas and populations.

RESOURCES

In-depth information on access to justice in OGP countries can be found in OGP's *Justice Policy Series*, particularly in **Part I: Access to Justice** (EN, ES, FR), which examines justice gaps in 60 OGP countries using survey data from the World Justice Project.



Investing in open and accessible justice institutions benefits the economy and societies. **The Skeptic's Guide to Open Government: 2022 Edition** (EN, ES, FR) outlines these benefits—in simple language—based on a rigorous literature review of the evidence.



¹ Based on a World Justice Project survey in 2017 and 2018. See RESOURCES for details.

COMMITMENTS IN AFRICA AND THE MIDDLE EAST

Before 2016, no OGP member in Africa and the Middle East had included a commitment in their action plan to improve access to justice. Since then, nearly half of all OGP action plans in the region have included at least one commitment related to access to justice, more than any other region during that time frame. Altogether, eight members from the region have made 20 access to justice commitments.²

OGP's **Justice fact sheet** contains information on justice commitments broadly – including popular topics, commitment examples, and performance measures from the Independent Reporting Mechanism.



LESSONS FROM REFORMERS



Kenya

Community-based alternative justice systems (AJS) are a popular platform for justice administration in Kenya, but they lack formal recognition, regulation, and inclusiveness. As a result, in 2020, Kenya committed to offer the public an opportunity to give feedback on AJS mechanisms, expand funding for access to justice, and—responding to a key concern—facilitate cooperation between the courts and AJS processes.



Liberia

Given low levels of public awareness of how the justice system works, Liberia included a commitment in its 2017–2019 OGP action plan to improve access to justice. The Ministry of Justice decreased adjudication wait times, partnered with civil society to conduct public surveys on knowledge of the jury system, and experienced an upsurge in the number of court cases, suggesting greater use of and trust in formal justice systems.



Sierra Leone

Building on a previous commitment, in 2021, Sierra Leone committed to expand community-based access to justice. Planned initiatives include a new justice center that promotes greater interaction between community justice providers and the formal justice system, increased public engagement, and training of paralegals.



South Africa

In 2016, South Africa committed to institutionalize Community Advice Offices (CAO), making these community-based paralegal services a permanent feature to advance access to justice. This marked the first time that a civil society-led commitment was incorporated into a South African OGP national action plan.

² Members with an access to justice commitment include Burkina Faso, Jordan, Kenya, Liberia, Nigeria, Senegal, Sierra Leone, and South Africa

