

# The Open Gov Guide

2024

Open  
Government  
Partnership



# Justice



*In Argentina, particularly in Buenos Aires, open government advocates are increasing public accountability and access to the justice system, such as by simplifying legal texts through the JusLab initiative. Pictured: The University of Buenos Aires School of Law.*

# Access to Justice

People regularly face legal problems, such as discrimination in receiving public services, eviction threats, employment disputes, and gender-based violence. According to one estimate, about [1.5 billion people](#) worldwide had unresolved justice problems in 2019. Unclear rules, complex processes, high costs, and discrimination in justice systems exclude many from accessing justice. To address these issues, people need the capacity to understand their legal problems and seek help through fair and impartial processes. Open government measures can ensure efforts to increase access to justice are responsive to people's needs, by transforming justice systems to center people's justice needs and focusing on fair outcomes.

## Open Gov Challenge Justice

With OGP's [2023-2028 Strategy](#), OGP members are set to work toward a number of aspirational thematic reforms through the [Open Gov Challenge](#). This section of the *Open Gov Guide* addresses Justice.

**Challenge prompt:** Advance people-centered justice reforms.

Actions may include:

- Ensuring that everyone has access to legal services.
- Ensuring that justice institutions across the public sector are independent, transparent, responsive to the public, and inclusive.
- Ensuring that there is accountability for policy-making through appropriate redress mechanisms that involve the public.

## Key Terms

- **Access to justice:** Access to justice is a component of the rule of law where individuals and communities with legal needs know where to go for help, obtain the help they need, and move through a system that offers procedural, substantive, and expeditious justice without undue cost or harm. Access to justice also includes the ability of people to resolve and prevent their own justice problems, and to use justice as a platform to participate in their economies and societies.

## The Evidence

Improving access to justice through [people-centered approaches](#) helps people and communities.

- Increasing access to justice helps reduce inequality. Examples include providing [legal representation](#) for disadvantaged groups (especially in [asylum cases](#)) and [financial assistance](#) to pay fines.
- Investing in [more judges](#) and [legal representation](#) has helped governments save money. It can help [prevent](#) the worst consequences—like bankruptcy, violence, and homelessness—when people cannot resolve their justice needs. This is especially true for [pro bono legal services](#), which can contribute to both economic growth and government savings.
- Expanding the type, number and reach of [justice services](#) has been shown to reduce conflict, which can result in economic returns of USD \$16 for every \$1 invested.

## Reform Guidance

### Recommended Reforms

The recommendations below represent reforms that national and local governments, representatives of civil society organizations, and others can consider for their action plans and the [Open Gov Challenge](#). The reforms are categorized according to OGP's principal values: transparency, civic participation, and public accountability. Reforms should be adapted to fit the domestic context, and involve and coordinate with other levels and branches of government.

Reforms across policy areas are also tagged by the estimated degree of difficulty in implementation. Though progress is often not linear, the recommendations have been categorized using these labels to give the reader a sense of how different reforms can work together to raise the ambition of open government approaches.

- **Foundational:** This tag is used for reforms that are the essential building blocks of a policy area. "Foundational" does not mean low ambition or low impact. These recommendations often establish basic legal and institutional structures.
- **Intermediate:** This tag is used for reforms that are more complex and often involve more coordination and outreach, such as with the public, between branches, agencies, and levels of government, or between countries.
- **Advanced:** This tag is used for reforms that close important loopholes to make existing work more effective and impactful. They are often about linking multiple databases or ensuring that oversight authorities can receive complaints from members of the public.

### FOUNDATIONS

- Create parliamentary multi-stakeholder processes:** Parliaments may establish regular public hearings, commission reports, convene expert panels, and solicit testimony from legal services, bar associations, and organizations representing those with the most intense unmet legal needs to inform policy.
  - Civic Participation
  - Legislature
  - Foundational
- Mandate regular reporting on access to justice data:** Mandate regular reporting by court statisticians to parliament on the various components of access to justice. All non-sensitive data from these reports should also be made available to the public.
  - Transparency
  - Legislature
  - Foundational
- Include access to justice issues on judicial committee agendas:** Establish public standing agenda items related to access to justice for judicial committees. To the extent possible, create mechanisms for public participation in such sessions, such as providing expert testimony to the committee.
  - Transparency
  - Civic Participation
  - Legislature
  - Foundational
- Include access to justice themes in judicial appointments:** Encourage the inclusion of access to justice themes in judicial qualifications for parliament-appointed judges. These qualifications and justifications of final appointments should be made available to the public.
  - Transparency
  - Legislature
  - Intermediate

## ACCESS TO JUSTICE

### LEGAL NEEDS

- Mandate and fund legal resource surveys:** Collect and analyze data on the availability of resources for people to resolve their legal problems. Make the data and analysis public.
- Mandate and fund legal needs surveys:** Develop, implement, and publish the results of [legal needs surveys](#) to identify the nature and impact of legal problems, as well as paths to resolution, so that policy makers have a clear understanding of the justice solutions and reforms needed.

Transparency  
Legislature Intermediate

Transparency  
Legislature Intermediate

### LEGAL CAPABILITY

- Create alternatives to courts:** Support non-court intensive solutions to legal problems, such as paralegals, community-based mediation, and one-stop service centers, using technology when appropriate and feasible.
- Improve access to information on resources:** [Improve](#) access to information about laws and procedures to enable individuals to identify their legal needs, identify sources of legal advice, and help themselves. This might be through online portals where appropriate.

Civic Participation  
Public Accountability  
Foundational

Transparency  
Foundational

### ACCESS TO HELP

- Create a legal aid authority:** [Create](#) an independent legal aid authority that can establish, fund, staff, regulate, and evaluate the legal aid scheme. Consider a multi-stakeholder approach, such as bringing in legal professionals and community members.
- Expand legal aid:** Expand access to civil and criminal legal aid to improve accountability in the justice system. This may include expanding the provision of legal aid for problems that might not have adequate funding and expanding partnerships with civil society organizations (CSOs) offering legal assistance.
- Expand programs for underserved communities:** Increase funding to existing legal aid services and establish new offices and services to reach isolated or underserved communities. Make budgets (and outcomes) transparent down to the program level.
- Strengthen partnerships:** Strengthen and institutionalize partnerships between CSOs and law enforcement, when appropriate, to better serve underserved communities and populations like survivors of gender-based violence.
- Train legal professionals:** Fund and launch [training programs](#) for legal aid lawyers, paralegals, and pro bono volunteers to improve their legal skills and knowledge in legal areas impacting low-income and underserved individuals.

Civic Participation  
Public Accountability  
Legislature Foundational

Public Accountability  
Legislature  
Intermediate

Transparency  
Public Accountability  
Legislature Inclusion  
Intermediate

Civic Participation  
Public Accountability  
Executive Inclusion  
Intermediate

Public Accountability  
Legislature Inclusion  
Intermediate

## ACCESS TO JUSTICE

- Expand the use of law clinics:** [Revise](#) legal profession regulations to enable law students (under the supervision of licensed attorneys) to provide legal services to low-income and underserved individuals through law school clinics or with CSOs.
- Increase and diversify legal aid funding:** Expand and diversify financing for legal assistance at national and sub-national levels. This might include public sector partnerships to strengthen justice interventions that secure basic needs like housing, employment, and access to public services.
- Increase cooperation to address legal needs:** Protect and deepen civil society partnerships, especially with civil legal aid providers, community paralegals, and other informal, community-based justice providers. Launch working groups composed of government and civil society members to identify legal reforms needed to improve justice delivery systems through legal assistance and the courts.

Public Accountability  
Legislature  
Inclusion  
Intermediate

Public Accountability  
Legislature  
Intermediate

Civic Participation  
Public Accountability  
Executive  
Advanced

## JUSTICE PROCESSES

- Adopt plain language rules:** Update legal systems to use [clear and plain language](#) in legal proceedings and in legal documents.
- Create an authority to oversee non-lawyers:** [Establish](#) a [legal authority](#) and [dedicated funding](#) for non-lawyer contributions, such as community paralegals, to ensure independence and effective oversight.
  - This might be through new or revised legislation, regulation, or policies by government and civil society actors.
- Empower people to access services and opportunities:** Eliminate or simplify legal, administrative, financial, and practical barriers that people face to obtain official and personal documents, access public services (including for mental health), and participate fully in society and the economy, while also promoting gender equality.
- Implement regulatory reforms:** Implement regulatory reforms to allow non-lawyers and non-judges to provide justice services at the community level. Many countries begin with a “[regulatory sandbox](#)” approach, allowing governments to experiment and test innovative legal regulations before full implementation.
- Establish an ombudsperson body:** Establish ombudsperson offices to hear complaints about the judicial system and its actors.
  - Work with the national bar or law societies to improve or develop grievance procedures related to the practice of law. This can enable individuals to file formal complaints related to their legal representation, a prosecutor’s conduct, or a judicial officer’s conduct.
- Create specialized legal procedures:** Establish legal procedures to protect the rights of people with limited capacity or other vulnerabilities, such as the creation of a Decision Support Service in [Ireland](#).

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## JUSTICE OUTCOMES

- Collect and publish data on outcomes:** Improve data collection and publication of justice system metrics, including the number and types of courts, court caseloads, and legal actors (such as judges, prosecutors, legal aid, and paralegals).
- Informal systems monitoring:** Research shows that [less than a third](#) of people seek advice for their legal problems—those who do tend to ask family and friends for help. Consider working with community-based organizations and other advocates to create a fuller picture of justice outcomes beyond the formal justice system, especially for marginalized groups. The work of [LET STATION](#), a people-centered justice organization in North Macedonia, provides an [example](#) of this expertise.
- Evaluate key populations:** Fund and publish an evaluation of whether marginalized communities (such as women, indigenous communities, ethnic minorities, religious minorities, and people with disabilities) have specific justice needs or are disparately impacted by the justice system to identify areas of reform.
- Evaluate high-priority areas:** Fund [measurement and public evaluation](#) of the justice system as a whole and priority cases like housing, employment, debt, family problems, and access to public services.

Transparency  
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## Examples of Reforms from OGP and Beyond

The following examples are commitments previously made within or beyond OGP that demonstrate elements of the recommendations made above. Justice reforms have been increasingly popular within OGP, with half of all action plans dealing with justice in some respect.

- **Albania Legal Services Awareness Campaign:** [Committed](#) to expanding access to justice by raising awareness of laws and services, such as free legal aid, and providing services in sign language.
- **Buenos Aires, Argentina Simple Language Versions of Legal Documents:** [Created](#) the JusLab [initiative](#) to [increase](#) transparency and understandability of legal documents, especially court decisions.
- **Colombia Web Portal on Justice Information:** [Launched](#) a web portal and mobile application called LegalApp to make it easier for the public to access information on justice services.
- **Indonesia Accommodations for Persons with Disabilities:** [Passed](#) regulations to implement accommodations for persons with disabilities in the Supreme Court and correctional institutions. [Committed](#) to passing regulations for these accommodations for the Attorney General’s Office.
- **Mexico State, Mexico Alternative Dispute Resolution Mechanisms:** [Committed](#) to improving the use of alternative dispute resolution mechanisms for everyday conflicts.



## ACCESS TO JUSTICE

- **North Macedonia Legal Aid for Marginalized Groups:** [Committed](#) to building on previous work to expand access to justice for [marginalized groups](#), such as free legal aid services.
- **Tlalnepantla de Baz, Mexico Legislation on Rural Justice Access:** [Committed](#) to drafting legislation creating mobile justice mechanisms for remote areas, a proactive legal aid system, and the use of alternative dispute resolution mechanisms.

## BEYOND OGP ACTION PLANS

- **Kenya National Policy on Alternative Justice Systems (AJS):** [Passed](#) a national policy on AJS in 2020 based on a study of existing traditional or informal justice systems in the country. Through OGP, [committed](#) to implementing the policy, such as by allocating funding and piloting AJS programs to train legal aid lawyers and provide support for low-income people facing justice issues.
- **South Africa Survey to Collect Access to Justice Data:** [Expanded](#) its annual crime survey to capture access to justice data on a three-year cycle, such as the types of legal problems people face, their experiences in resolving these problems, and the resources they accessed to do so.

### The Role of Local Governments

Many of the most basic legal services are carried out at the local level. Often, provinces or states provide licenses for legal practices and establish the financial structure for legal services, through grants, pro bono services, or non-profit or public activities.

Just as importantly, in many countries, local courts and other dispute resolution processes are primarily local. They have specialized knowledge and are rooted in the community, often dealing with family law, employment, housing, and discrimination issues. Beyond courts, other parts of the justice system, such as public defenders and legal services, are often devolved to local actors as well.

Colombia's "[Justice in your neighborhood](#)" initiative shows how people-centered justice solutions can help protect vulnerable groups. Colombia's local governments hold public "justice fairs" in underserved communities. The program specifically targets communities with high concentrations of immigrant or refugee populations, high rates of human rights violations or violence, and high levels of vulnerability.

## Active OGP Partners

The following organizations have recently worked on this issue in the context of OGP at the national or international level. They may have additional insights on the topic. Please note that this list is not exhaustive. If you are interested in national-level initiatives, please contact [research@opengovpartnership.org](mailto:research@opengovpartnership.org).

- [Namati](#)
- [Organisation for Economic Co-operation and Development \(OECD\)—Office for Access to Justice](#)
- [Pathfinders for Peaceful, Just and Inclusive Societies](#)
- [Penal Reform International](#)
- [The Hague Institute for Innovation of Law \(HiIL\)](#)
- [The International Legal Foundation](#)
- [United States Agency for International Development \(USAID\)—Center for Democracy, Human Rights, and Governance](#)

## Benchmarking Data

The [OGP 2023-2028 Strategy](#) sets out the [Open Gov Challenge](#) and aims to provide clear benchmarks for performance through reliable data.

While benchmarks for individual countries and *Open Gov Guide* recommendations are not yet integrated, for this chapter, interested individuals may rely on the following data sets:

- The **World Justice Project's** [Rule of Law Index](#) analyzes different dimensions of governance in 140 countries and jurisdictions, with specific indicators related to access to civil and criminal justice.
- OGP commitments on this topic can be found on the [Data Dashboard](#).

## Guidance and Standards

While the list below is not exhaustive, it aims to provide a range of recommendations, standards, and analysis to guide reform in this policy area.

- The **OGP Support Unit** curated a list of recommendations, in addition to lessons from reformers and other key data related to [access to justice](#), as part of its [Justice Policy Series](#).
- The **Pathfinders for Peaceful, Just and Inclusive Societies** (Pathfinders) published a foundational analysis of access to justice issues in its [Justice for All report](#), which proposes a people-centered approach to increase access to justice in line with Goal 16 of the Sustainable Development Goals. See [here](#) and [here](#) for reports on the justice response to the pandemic. See also how [courts](#) globally are embracing justice innovations.
- The **OECD** published a [framework](#) for implementing people-centered approaches to increasing access to justice. The OECD Council also recently adopted a set of [recommendations](#) on access to justice and people-centered justice systems.
- A joint [report](#) from **UN Women, International Development Law Organization, UN Development Programme, UN Office on Drugs and Crime, the World Bank, and Pathfinders**, supported by the Elders, gathers available data and puts forth recommendations to accelerate action and increase justice for women.
- **Namati**, a legal empowerment organization, lays out [Six Recommendations for Advancing Justice for All](#) on the 10th anniversary of the Commission on the Legal Empowerment of the Poor. In addition, with the broader Justice for All campaign, Namati published two useful resources: [Grassroots Justice in a Pandemic: Ensuring a Just Response and Recovery](#) and [Providing Legal Services Remotely](#).
- The **Council of Europe** created a [framework](#) on how to measure access to justice, with a specific focus on capturing the gender-specific challenges women face.
- The **Open Society Justice Initiative** and **The Engine Room** published a [review](#) of how legal empowerment actors worldwide are using technology to give people information about the law, connect them with legal advice, and provide them with legal services. It includes examples that can be taken up as models by other countries.