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Report on Access to Justice in Ibero-America

PATHFINDERS
FOR PEACEFUL, JUST AND INCLUSIVE SOCIETIES
HOSTED BY THE NYU CENTER ON INTERNATIONAL COOPERATION

Ibero American
ALLIANCE FOR
ACCESS TO JUSTICE

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Executive Summary

This report, was drafted by the members of the Ibero-American Alliance for Access to Justice, presents a snapshot of the state of access to justice in Ibero-America and the efforts being made by actors in the justice ecosystem in the region to improve access to justice for all. Also, is a joint deliverable of the Justice Action Coalition.

The Alliance, which was founded in 2021 and formally established in May 2022, brings together key justice actors from Latin America, Spain, Portugal and Andorra to promote people-centered justice in the Ibero-American region. Its members include associations of judges, prosecutors, defenders, lawyers, justice ministry officials, civil society, academia and intergovernmental bodies (see page 12 for a full list of members).

In bringing together such a range of professionals to work together on policies that can benefit the whole region, the Alliance is the first of its kind worldwide.

The report is the first joint work carried out by the Alliance. It focuses on three different areas of endeavor: data and innovation, normative action for access to justice, and efforts being undertaken to leave no one behind.

Ibero-American Alliance for Access to Justice

Its principal aims are to encourage the exchange of data, experiences, innovations and ideas locally and regionally; to identify and promote best practices in the implementation of people-centered justice; to foster region-wide justice collaboration; and to advocate for the political and financial support required to strengthen access to people-centered justice

Section 1: Data and Innovation

Section 1, whose preparation was led by the United Nations Development Program, the World Justice Project, and the Justice Studies Center of the Americas, discusses the state of justice data in the region.

Data collection and dissemination systems are critical for the formulation and implementation of effective justice policy. Without understanding people's justice needs, the design and targeting of policies will remain inadequate for solving the justice problems of large numbers of people. Without data on the effectiveness—or otherwise—of interventions, resources as well as the opportunity to transform the provision of justice will be wasted.

In its analysis of justice data in the region, the working group focused on four dimensions: the ability of the general public to access information; access to appropriate advice and assistance; the efficiency, effectiveness and transparency of the justice sector; and the consequences of justice problems for people's lives.

Access to information

The World Justice Project's Justice Data Graphical Report, 2023 found that 34 percent of the Ibero-American population had unmet justice needs.

More extensive and effective collection, dissemination and use of data on justice problems and solutions will require developing the capacity of justice professionals in both the formal and non-formal sectors to use evidence to inform their work. More public investment will need to be directed towards creating an enabling environment for this data revolution. Measures should also be implemented to improve access to information and legal advice, enabling more people to find solutions to their legal problems and to access justice services.

There are nevertheless good examples of such initiatives in the Ibero-American region, including:

- The Effective Access to Justice Index, which was developed by the National Planning Department of Colombia to measure and compare the effectiveness of justice provision across the country's regions.
- SARA, a digital assistant that provides information and guidance on violence and conflict in Central America and the Dominican Republic.

- Argentina’s Justice Sector Open Data Portal, which publishes standardized, downloadable and publicly available data on a range of justice-related topics.
- The Balance: Data and Access to Justice, a public consultation tool designed by Diálogos, a Guatemalan civil society organization.

Access to appropriate advice and assistance

According to the Justice Data Graphical Report, 2023, 44% of those who had justice problems in the Ibero-American region reported that they had inadequate access to legal aid. Only half of those who needed the help of a dispute resolution entity, moreover, were able to access it.

Access to adequate assistance is a vital determinant of whether or not people can resolve their justice problems. Both formal and non-formal dispute resolution mechanisms have a part to play in broadening the reach and effectiveness of such assistance. Reducing pressure on the formal justice system will be facilitated by providing support to less costly alternative dispute resolution methods. Tackling justice problems holistically will require improved dialogue and collaboration between state, private sector and civil society justice providers.

Examples of promising initiatives in this area in the Ibero-American region include:

- The Dominican Republic’s Institutional Strategic Plan: Vision Justice 20/24, the result of a collaboration among justice institutions which prioritizes objectives for the sector based on a people-centered approach.
- Paraguay’s Protocol for Dealing with Cases of Violence against Women in the Domestic and Family Sphere.
- Mexico’s Renegotiate Your Contract platform, which offers guidance to small and medium-sized businesses in renegotiating contracts amid the emergency caused by the COVID-19 pandemic.

Efficiency, effectiveness and transparency of the justice sector

A significant number of justice problems in the Ibero-American region remain unresolved by justice systems. The World Justice Project survey found that an average of 22% of people with justice problems faced persisting legal problems even after an outcome to their case had been reached. Among the factors contributing to this deficit are limited budgets, inadequate geographic coverage of services, and judicial system overload.

To improve the efficiency, effectiveness and transparency of the justice sector in the region, there is a need for more comprehensive monitoring mechanisms, which identify gaps in provision and highlight the mechanisms that are most effective in filling these gaps. Greater coordination among legal service providers can help ensure increased efficiency by reducing overlap and duplication of services and expanding services’ reach. Where formal, court-based justice services are failing fully to resolve justice problems, meanwhile, wider use of alternative dispute resolution methods can help increase the quality of people-centered services.

Examples of such approaches in the Ibero-American region include:

- A toolbox on Access to Justice for Women, developed by UNDP, OHCHR, UN Women and UNODC to help countries design access to justice policies that prioritize women’s rights.
- Argentina’s “Hospital de Derechos” Project, which provides access to free legal assistance and to a holistic range of justice services at a single location.
- Colombia’s “Tejiendo Justicia” (Weaving Justice) initiative, which promotes the digitization of justice services, with a particular focus on municipalities affected by armed conflict and violence.

Consequences of justice problems for people’s lives

A lack of access to justice can have significant impacts on individuals’ lives. The 2023 World Justice Project survey found that among Ibero-Americans who have justice problems, an average of 29% reported that the problem had impacted their health, while 26% reported that it had had impacts on their livelihoods.

Mitigating these impacts requires justice systems to contribute to preventing potential conflicts and to reach out

proactively to individuals with unmet legal needs. In areas suffering from violent conflict, access to justice is an enabler of social cohesion, and the need for justice services in such settings should not be overlooked. To ensure inclusive, accessible and effective access to justice for all, moreover, the concept of justice systems should expand beyond formal state institutions to encompass community and ancestral mechanisms that may provide more culturally appropriate solutions and have better prospects of reaching those who lack access to the formal justice system.

Examples of such approaches include:

- Guatemala’s policy on Access to Justice for Indigenous Peoples, which aims to ensure that indigenous communities can access justice services and to protect their cultural and linguistic rights within the Guatemalan judicial system.
- Justicia 4.0, a tool developed in Brazil that uses machine learning algorithms to enhance judicial efficiency.
- “Conecta Justicia” (Connect Justice), a platform for citizen participation established by Chile’s Ministry of Justice and Human Rights

Section 2: Regional Normative Framework for Access to Justice

Section 2 presents an initiative led by the Conference of the Ministers of Justice of Iberoamerica (COMJIB) in consultation with regional justice networks, civil society institutions, organizations working with vulnerable groups and other regional and international expert bodies, which seeks to advance a convention on access to justice in Ibero-America (CIAJ). This section was elaborated by the COMJIB, Grassroots Justice Network (GJN) and the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP), with the collaboration of Civil Association for Equality and Justice (ACIJ) and the Due Process of Law Foundation (DPLF).

The drafting of such a convention is a milestone in efforts to promote access to justice worldwide. It will be the world’s first binding international instrument aimed at ensuring access to justice for all, and presents a unique opportunity to address the gaps and inequalities in access to justice within the region.

Access to justice is a human right, but it is also a gateway to securing many other rights. It is the duty of the state and its justice institutions to ensure that every citizen has access to convenient, effective and high-quality justice services. Until now, however, the recognition of this right in national laws, constitutions and international treaties across the Ibero-American region has not translated into genuine access to justice for all. Economic, cultural, social and geographical obstacles hinder access, and these disproportionately affect certain groups and vulnerable individuals. Thus, the recognition of the need for such a Convention to rectify this situation and truly provide justice for all.

The Ibero-American region has a number of important resources to support this endeavor. These include the 100 Brasilia Rules on access to justice for vulnerable people, the Santiago Guidelines on Victim and Witness Protection, the Ibero-American Plan for Access to Justice, and the regional model of legal assistance for migrants and refugees. The Convention will be strongly people-centered, with the satisfaction of individuals’ justice needs at its core. Inputs by civil society organizations will be incorporated into the Convention, and in 2022 more than 30 such groups came together to reaffirm their commitment to participating in the development of regional treaties and regulations.

The Alliance has facilitated the convergence of these efforts and the initiation of this dialogue between the formal justice sector in the region and civil society groups. This has involved creating spaces for discussion and helping to seek consensus on the standards, principles, and commitments that should guide actions to achieve effective access to justice for all.

Concurrently, a series of good practices and promising experiences have been identified across various areas of access to justice, both at the regional and national levels. These practices exemplify the tangible progress already achieved in the region and will support the Convention's proposals with practical models.

Chapters to be included in the Convention (which are discussed in detail in Section 2 of this report) will cover:

- The guiding principles of access to justice.
- The satisfaction of legal needs and their diagnostics.
- Non-court conflict resolution mechanisms.
- Jurisdictional mechanisms for conflict resolution.
- Open justice.
- Environmental justice.
- Technology and innovation.

To ensure effective implementation, the Convention will introduce monitoring and compliance mechanisms, including a permanent forum and national contact points as well as instruments that disseminate and raise awareness of the agreement so that states can be held accountable for its implementation.

At the XXVIII Ibero-American Summit of Heads of State and Government in March 2023, held in the Dominican Republic, strong support was expressed for the Convention by including the following paragraph in the Santo Domingo Declaration:

“We support the continued consideration and evaluation of the project for the Ibero-American Convention on Access to Justice within the framework of COMJIB. We express our interest in considering and adopting measures to guarantee equal access to justice for all individuals, especially those in vulnerable situations. This commitment reinforces the promotion of just and inclusive societies in alignment with SDG 16 of the 2030 Agenda, in order to leave no one behind.”

The consensus-building process and regional dialogue that began with the agreement for the Convention have yielded significant results, including the formulation of a series of next steps to be undertaken by the justice sector in the region:

1. Participatory development of the text of the Ibero-American Convention on Access to Justice by ministries of justice and civil society organizations.
2. Continued consultation process with regional networks, international organizations and civil society organizations.
3. Appointment of an advisory committee to the Convention, and definition of its composition, scope and responsibilities.
4. Development of a regional awareness and communication plan aimed at generating alliances and support for the Convention.

Section 3: Leaving No One Behind

Section 3, whose preparation was led by the Inter-American Association of Public Defenders, Ibero-American Association of Public Prosecutors, and the Red Pro Bono of the Americas, and had the contribution of the Latin American and Caribbean Network for Democracy (REDLAD) and United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), discusses regional actors' efforts to leave no one behind – the overarching promise of the 2030 Agenda for Sustainable Development – with regard to access to justice. Drawing on the regional normative framework for access to justice for people in vulnerable conditions, the 100 Brasilia Rules, it presents initiatives where defenders, prosecutors, and lawyers are engaged in promoting access to justice among vulnerable groups.

The 100 Brasilia Rules define people in vulnerable conditions as those who, “due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as provided to them by law.” Although the rules are not legally binding, they have had a major influence within the human rights normative framework via their promotion of people-centered institutional responses.

Among the groups in situations of vulnerability examined in section 3 are: Women and Girls, Youth, LGBTQI+, persons deprived of their liberty, Indigenous Populations, Ethnic and Religious Minorities and Migrants and Refugees. Also, explore the situation of Groups in situation of vulnerability before the Inter-American Human Rights System (IAHRS) and Community and Customary Justice.

Women and girls

Levels of gender-based violence are high across the Ibero-American region and impunity is widespread. Investigations are inefficient and often gender-biased, and those responsible for them often lack specialist knowledge of the topic.

Initiatives to respond to these challenges include a review of methodology and measurement resources within Public Prosecutors' Offices that are members of the Ibero-American Association of Prosecutors, and a call in the General Assembly of the Organization of American States (OAS) general resolution for states to guarantee free, accessible, effective and specialized legal assistance and representation services for women who report sexual and gender-based violence.

More concerted action will require strengthening the institutional capacities of Public Prosecutors' Offices to investigate gender-based violence; developing strategies to prevent violence, in collaboration with civil society and women's organizations; and creating a regional protocol for investigating and prosecuting sexual violence crimes, in line with international human rights standards (the development of such a protocol has already begun).

Youth

The life prospects of young people in Ibero-America are often made more difficult by justice systems. The focus of criminal justice is highly adversarial and tends towards longer prison sentences, increased pre-trial detention, and reductions in the age of criminal responsibility. Restorative justice is particularly important for adolescents, since it aims to reduce the negative impacts of criminal justice systems on their lives, but most countries in the region have not incorporated restorative justice into their legal frameworks. Specialized care for youth who are in conflict with the law is also lacking in much of the region.

Nevertheless, there has been some progress in this area in recent years, including a protocol that provides Public Prosecutors' Offices with a model to promote social reintegration in the realm of juvenile criminal justice, and the Restorative Juvenile Justice Technical Working Group, a permanent and specialized space coordinated by the Judicial Summit in collaboration with COMJIB, the Ibero-American Association of Public Ministries (AIAMP), and the Inter-American Association of Public Defenders (AIDEF).

Improving justice for young people in the region will require addressing the lack of knowledge among adolescents concerning their rights and the institutional framework and resources available to them in resolving criminal

conflicts; collecting better data on the needs and outcomes of adolescents who are in contact with the justice system; and promoting tailored services for incarcerated adolescents.

LGBTQI+

Justice sectors across the region lack knowledge of or interest in the justice problems faced by the LGBTQI+ community. Cases of violence against members of the community often go unpunished, while specialized services are generally absent. In some countries, moreover, people are criminalized for their sexuality.

Progress on this area in the region has included agreements signed with networks of LGBTQI+ organizations in Central America to promote initiatives that strengthen the work of human rights defenders within these networks, as well as workshops on reporting violations of the rights of the community, and training courses on national and international legislation in the field.

To deliver justice to LGBTQI+ individuals, criminalization which penalizes consensual same-sex relationships should be eliminated. Gender and diversity perspectives should be incorporated into the investigation and prosecution of violence against LGBTQI+ individuals, to prevent impunity and the invisibilization of violence against this community. Advocacy and strategic litigation can help to guarantee human rights, while capacity-building of justice officials will be required to improve the experiences of those who come into contact with the justice system.

Persons deprived of liberty

Large numbers of individuals who are deprived of liberty in the region face obstacles to justice. As well as being subjected to violence and denial of fundamental rights at the hands of other inmates and prison officials, inmates often face overcrowding, resource scarcity, and communication difficulties that prevent them from advocating for their rights. For individuals from historically marginalized groups, these problems are often magnified.

To address institutional prison violence, AIDEF conducted a comprehensive diagnosis in the Latin American region to identify the systems and good practices that are in place for ensuring access to justice for victims of such incidents. A regional guide for handling cases of institutional violence in prison systems was subsequently developed, including a protocol for addressing the problem as well as impact indicators.

To improve conditions in Ibero-American prisons, justice ministries should promote the adoption of differentiated approaches in the care of persons deprived of liberty. For example, gender perspectives should be adopted in the treatment of women who are deprived of liberty, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

Indigenous populations, ethnic and religious minorities

Indigenous populations and ethnic and religious minorities face discrimination at the hands of Ibero-American justice systems. Their own systems for resolving disputes are often not recognized – much less, supported - by states. They often lack knowledge of judicial processes and the resources available for negotiating them. Language barriers make communication within these processes difficult. And systemic racism or religious discrimination often mean members of these communities are treated unfairly by justice actors.

In an effort to address these problems, the Permanent Mission of Argentina to the Organization of American States (OAS), in collaboration with AIDEF member states, has pressed for a call to be included in the Resolution on the Promotion and Protection of Human Rights of the OAS General Assembly. This call urges states to guarantee access to justice for the effective protection of the human rights of Indigenous peoples.

Further progress will be secured by promoting training among justice professionals on the internal justice systems of Indigenous communities. Increased financing will be needed to support cultural interpreters in justice systems and to tailor processes to the needs of indigenous populations and ethnic and religious minorities. Awareness-raising activities will be needed, moreover, to strengthen judges' and court officials' familiarity with international conventions and with declarations by the UN and OAS on the rights of Indigenous peoples.

Migrants and refugees

As with other vulnerable groups, migrants and refugees in the region face a combination of discrimination, a lack of awareness of their rights and the resources available to them, and an absence of specialized services that are tailored to their needs. The increasing securitization of borders, the failure of sending and host countries to work together to address their needs, limited legal services at or near borders, language barriers, and the increasing digitization of refugee application and migration regularization processes are additional obstacles to justice faced by these communities.

AIDEF has developed a regional model for legal assistance to migrants and refugees which includes recommended actions for legal representation that can be adapted to the structures of each public defense institution. An Inter-American Network for the Defense of People in Mobility has also been established, which has developed a protocol for requesting information between public defenders in the region in cases involving migrants and refugees.

Efforts to protect the rights of migrants and refugees will be strengthened by expanded legal advice and representation services in border areas. Tailoring services to migrants' needs and capacities—including taking account of digital familiarity—will facilitate processes, reduce costs, and enhance migrants' rights. Eradicating legislation that makes regular migratory status a key criterion for accessing services is also important.

Vulnerable groups in situations of vulnerability before the Inter-American Human Rights System (IAHRS)

When vulnerable populations have to resort to the Inter-American Human Rights System (IAHRS), they face a number of challenges when accessing justice. Faced with a growing number of victims who lack legal representation before the Inter-American System, the Pro Bono Network and the Inter-American Public Defenders (IPDs) provide legal representation in order to guarantee access to justice before the Inter-American Court and the Inter-American Commission of Human Rights.

Informal, Community and Customary Justice

The legal needs that vulnerable populations face are greater than the capacity of response of existing organizations that provide services in this area. This is why it is so important to diversify the provision of justice.

Informal, community and customary justice seek to provide equal and effective access, especially for those groups of people who face greater risk of being left behind. These models of justice create spaces, practices and policies of prevention, where the needs of people are understood and addressed through the empowerment of communities, including the possibility of the free development of ancestral practices of justice of indigenous peoples and Afro-descendant communities.

In terms of community legal empowerment, there are practices in the region that promote the development of conflict resolution skills and the recognition of rights.

Cross-cutting responses

As well as specific initiatives in the region to assist the groups discussed above to access justice, there are also examples of programs that address the problems of multiple groups. Many of these operate outside the traditional justice system, which is often out of reach of marginalized communities.

Among these initiatives are:

- Argentina's national network of 104 Access to Justice Centers, which provide a holistic service to clients in marginalized communities who have justice needs.
- Colombia's Improbable Dialogues Platform, which promotes and facilitates dialogue, mediation and negotiation processes to resolve conflicts in highly polarized and diverse social contexts.

- Ombuds services in Uruguay and Argentina, which have developed free community mediation services that quickly and confidentially address neighborhood disputes.
- Free legal representation before the Inter-American System for the Protection of Human Rights, which is provided by the Red Pro Bono and the Inter-American Public Defenders to vulnerable individuals in order to ensure their access to the commission.

Recommendations

The creation of the Ibero-American Alliance for Access to Justice and the collective efforts of its members represent significant strides towards realizing the objective of building peaceful, just and inclusive societies grounded in a comprehensive vision of justice. The community of practice forged by the Alliance, as evidenced in this report, is a demonstration of strong leadership from the justice ecosystem in the region.

The report calls for the efforts initiated and reported upon by the Alliance to be consolidated and expanded in the coming years. As part of a regional agenda to secure access to justice for all by 2030, the following actions are urgently needed and should be supported financially:

- Accelerate advances in information management and invest in training for people-centered data collection.
- Promote indexes for access to justice, to give a more complete picture of how justice services are performing.
- Strengthen the relationship between formal and non-formal mechanisms and deepen knowledge of the work of existing non-formal mechanisms in the region.
- Accelerate the creation of the Ibero-American Convention for Access to Justice.
- Enhance knowledge and learning exchanges between world regions.

Ibero-American Alliance for Access to Justice

The Ibero-American Alliance for Access to Justice is a platform comprised of intergovernmental organizations, non-governmental organizations, governmental agencies, and civil society organizations that seek to combine efforts to accelerate the implementation of SDG16.3 and people-centered justice in the region.

The members of the Alliance acknowledge the significance of establishing an Ibero-American framework to facilitate the exchange of ideas, foster synergies, and propose regional-scale initiatives. Such a framework can effectively showcase the experiences of countries, amplify evidence-based knowledge generation, and provide platforms for regional and interregional dialogues that encourage peer learning exchanges. It serves as a means to highlight innovative solutions within the Ibero-American context. Consequently, the alliance strives to develop a strategy that advocates for and mobilizes political and financial support to ensure equal access to justice for all individuals in Ibero-America. Moreover, it aims to enhance the region's influence in global discussions on this subject. In pursuing these objectives, the alliance collaborates with the Coalition for Action for Justice.

The Ibero-American Alliance for Access to Justice has been collaborating since 2021; however, its formal establishment took place on May 31, 2022, during the World Justice Forum. The formation of the alliance considered various influential documents, including the Task Force on Justice's "Justice for All" report (2019),¹ which sets the international action agenda. It also took into account the 100 Brasilia Rules on Access to Justice for Vulnerable People,² adopted at the XIV Ibero-American Judicial Summit in 2008, and the Santiago Guidelines for the Protection of Victims and Witnesses, formulated by the Ibero-American Association of Public Ministries (AIAMP)³ in 2008. The declaration on "Access to justice as an essential element to address inequalities in the context of the impact of COVID-19,"⁴ signed in Chile in 2022, and the proposals and recommendations put forth by civil society in the region in the document "Towards a Latin American Agreement on Access to Justice"⁵ were also incorporated into the alliance's foundation.

Members of the Alliance



Countries that are members of the organizations listed above:



Andorra



Argentina



Bolivia



Brazil



Chile



Colombia



Costa Rica



Cuba

Dominican
Republic

Ecuador



El Salvador



Guatemala



Honduras



Mexico



Nicaragua



Panama



Paraguay



Portugal



Peru



Spain



Uruguay



Venezuela

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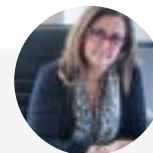
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The Pathfinders for Peaceful, Just and Inclusive Societies' justice team at the NYU Center on International Cooperation serves as the Technical Secretariat of the Ibero-American Alliance for Access to Justice.

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Abbreviations

ACIJ	Asociación Civil por la Igualdad y la Justicia (Civil Association for Equality and Justice)
AIAMP	Asociación Iberoamericano de Ministerios Públicos (Ibero-American Association of Public Ministries)
AIDEF	Asociación Interamericana de Defensorías Públicas (Inter-American Association of Public Defenders)
CIC	Center on International Cooperation at New York University
COMJIB	Conference of Ministers of Justice of Ibero-American Countries
DPLF	Due Process of Law Foundation
FIIAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas (International and Ibero-American Foundation for Administration and Public Policies)
GJN	Grassroots Justice Network
HLPF	UN High-Level Political Forum on Sustainable Development
ILANUD	Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y Tratamiento del Delincuente (United Nations Latin American Institute for Crime Prevention and the Treatment of Offenders)
ILO	International Labour Organization
LAC	Latin America and the Caribbean
LGBTI+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, etc.
NYU	New York University
OECD	Organisation for Economic Co-operation and Development
OEN	Oficinas de Estadísticas Nacionales (National Statistics Offices)
RED PROBONO	Red Probono de las Américas (Pro Bono Network of the Americas)
REDLAD	Red Latinoamericana y del Caribe para la Democracia (Latin American and Caribbean Network)
SDG	Sustainable Development Goals
UN	United Nations
UNDP	United Nations Development Program
UNODC	United Nations Office on Drugs and Crime
UNODC/INEGI	UNODC/Center of Excellence on Statistics on Governance, Public Safety Victimization and Justice
WHO	World Health Organization
WJP	World Justice Project

Glossary

<i>Ibero-American Alliance</i>	The Ibero-American Alliance for Access to Justice comprises a coalition of regional associations/organizations dedicated to justice and providing support to national action. By leveraging the unique strengths of each member and their collective influence, the alliance strives to generate data and evidence that underpin effective action. The members of the alliance advocate for greater funding to ensure justice for all, with the objective of achieving SDG16.
<i>2030 Agenda</i>	The United Nations 2030 Agenda for Sustainable Development, introduced in 2015.
<i>Justice Gap</i>	The difference between what people desire and need in terms of justice and the justice they receive.
<i>Legal capacity</i>	Set of competencies that enables people to understand and navigate the legal environment. Making informed decisions and exercising your rights effectively.
<i>Public Defenders</i>	Attorneys who are part of the state apparatus and provide free legal assistance or representation to individuals, with a particular emphasis on those in vulnerable situations who lack the means to afford legal defense services. The objective is to promote and safeguard the rights of these individuals across different forums and instances, ensuring that they can exercise their rights and access justice on an equal basis.
<i>Ombudsman</i>	The Ombudsman is an institution that protects individuals against abuses or arbitrary acts by the public administration which could potentially undermine their fundamental rights and guarantees.
<i>Data</i>	The concept of “data” as broadly used extends beyond the field of statistics. It is considered to encompass a wide range of normalized quantitative or qualitative information gathered by national statistical offices and other governmental and non-governmental entities at the local, national, regional, or international levels.
<i>People-Centered Approach</i>	This approach aims to empower individuals to become agents in their own development by actively and meaningfully participating in the design, implementation, and monitoring of policies and programs that affect their lives.
<i>Prosecutor</i>	The prosecutor assumes the responsibility of upholding the administration of justice in defense of legality and the collective interest of society. This involves the prosecution of criminal actions, investigation of facts, presentation of evidence, and ensuring the impartial and fair application of the law.
<i>United Nations High-Level Political Forum on Sustainable Development</i>	The United Nations platform on Sustainable Development provides leadership, guidance, and recommendations. It convenes annually in New York under the auspices of the Economic and Social Council to oversee and review the progress made in implementation of commitments for sustainable development outlined in the 2030 Agenda for Sustainable Development, which includes the Sustainable Development Goals (SDGs).
<i>Vulnerable Groups</i>	Groups facing structural disadvantages due to factors such as personal, economic, political, cultural, ethnic, or geographical characteristics, among others, who experience limited access to resources and opportunities.

<i>Open Justice</i>	Open Justice is an innovative approach for the judicial sector that seeks to improve access to justice and strengthen public confidence in judicial institutions. It is based on transparency, open data, public participation and collaboration.
<i>Judge</i>	A judge serves as an impartial and neutral authority responsible for interpreting and applying laws and administering justice within a court or judicial chamber. They play a fundamental role in the justice system, upholding independence, impartiality, and ethical conduct in the execution of their duties.
<i>Unmet Legal Need</i>	Legal Needs in which people have not done anything, or are dissatisfied with respect to the answers obtained as a result of their actions or those of third parties.
<i>SDGs</i>	The Sustainable Development Goals are a United Nations project aimed at achieving a better and more sustainable future for all. They address global challenges such as poverty, inequality, climate, environmental degradation, peace, and justice.
<i>SDG16.3</i>	Sustainable Development Goal 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.
<i>SDG16+</i>	SDG16 alongside 36 objectives of other Sustainable Development Goals directly measures aspects related to peace, inclusion, or access to justice. See www.sdg16.plus .
<i>Pro bono</i>	Free legal services provided by lawyers and law students to individuals who cannot afford to pay.
<i>Leave No One Behind promise</i>	This represents the commitment of all UN member states to eradicate poverty in all its forms, end exclusion and discrimination, and reduce the inequalities and vulnerabilities that leave some people behind.
<i>Brasilia Rules</i>	This is a legal instrument that originated within the Ibero-American Judicial Summit in 2008. Its purpose is to guarantee effective access to justice for people in vulnerable situations.
<i>Basic Justice Services</i>	Local-level services encompass a range of mechanisms, both formal and informal, involving various actors that address the daily justice needs of individuals.
<i>Justice Sector</i>	The legislative, institutional, and organizational systems and actors within society that aim to resolve and prevent legal issues faced by individuals.

Foreword

Goal 16 of the 2030 Agenda included justice as a crucial target for achieving sustainable development. However, the Justice for All report, produced by the Task Force on Justice in 2019, highlighted a global crisis in this field. At least 1.5 billion people face unresolved criminal, civil, or administrative justice problems, while 4.5 billion individuals are excluded from the benefits provided by the law. Additionally, 253 million people live in extreme conditions of injustice without legal protection.

This data exposes significant weaknesses in the rule of law and the quality of democratic institutions worldwide. These figures raised a global justice alarm, prompting a differentiated approach in Latin America, the most unequal region on the planet. United Nations Secretary-General António Guterres, in the report “Our Common Agenda,”⁶ emphasized the importance of justice for the social contract. However, many justice systems only serve a privileged few, leading to distrust and exacerbating inequality. Elevating our ambitions means striving for inclusive, people-centered systems that offer quality justice services, protect human rights, and are reliable and accessible, especially in crisis-affected, conflict-ridden, or fragile contexts.⁷

The Ibero-American region (Latin America and the Caribbean, Spain, Andorra, and Portugal) shares a common history and languages, along with strong similarities in political systems, institutional processes, and justice systems. This shared situation has facilitated the creation of spaces and networks common to various actors from the formal and non-formal justice system. The purpose of these spaces is to strengthen the community of peers, promote a common agenda, defend common interests, and enhance the quality of the services they provide.

Within this network of spaces, collaborations between judges, prosecutors, defenders, lawyers, justice ministries, inter-American organizations, civil society, academia, and intergovernmental bodies led to the formation of the Ibero-American Alliance for Access to Justice.

The possibility of implementing a people-centered justice model that effectively narrows the gap between rights discourse and reality by providing comprehensive, preventive, and early responses requires the concerted effort and commitment of all actors in the justice ecosystem. The transformation necessary to attain justice for all can only be realized through collaborative work.

In line with this objective, in support of the transformative commitments outlined in the 2030 Agenda’s justice field and the Joint Action Plan of the Justice Action Coalition,⁸ the **Ibero-American Regional Report on Access to Justice for All** has been prepared. The report seeks to reflect the current situation in the region and identify both progress and challenges. To accomplish this, three strategic groups were created, covering 1) Data and Innovation, 2) The Regional Normative Framework for Access to Justice, and 3) Leave no one behind. These working groups identified good practices, projects, and future challenges that will drive advancement towards people-centered justice.

Turning the promise of justice for all into a reality and ensuring that no person or group is left behind requires collective action. This report serves as a tool for dialogue and action, calling on institutions, governments, and civil society in the region to come together in pursuit of meaningful change.

Overview

The Ibero-American Alliance for Access to Justice brings together key actors in the regional justice sector aiming to foster the exchange of experiences and actions at the local, regional, and global levels and cooperate for development with a deeper and more complex approach that promotes access to justice for all people. Its goal is to generate synergies, identify best practices and outstanding challenges, and advocate for the political and financial support required to strengthen the justice system in the region.

The 2030 Agenda for Sustainable Development represents the most ambitious action plan adopted by United Nations member countries. This agenda sets forth a set of global goals to address the most pressing social, economic, and environmental challenges and promote sustainable development worldwide. The rule of law and justice are pivotal for achieving the Sustainable Development Goals (SDGs) and for building fair, equitable, open, inclusive, and human rights-respecting societies.

SDG16+, which includes the goals of establishing strong and transparent institutions, reducing violence, and enhancing access to justice through an inclusive approach and reduction of inequalities that leaves no one behind, serves as the roadmap for this alliance. The emergence of the alliance is particularly significant following approval in 2021 of the global indicator on non-criminal justice.⁹ SDG16, as a facilitator of the entire Development Agenda, specifically focuses on strengthening state capacities to ensure the establishment of high-quality, robust, and accountable institutions. The associated targets, such as reducing corruption, ensuring universal access to justice, and promoting peace underline the crucial role of the rule of law as an enabler of sustainable economic development and of collaboration among countries to address transnational issues.

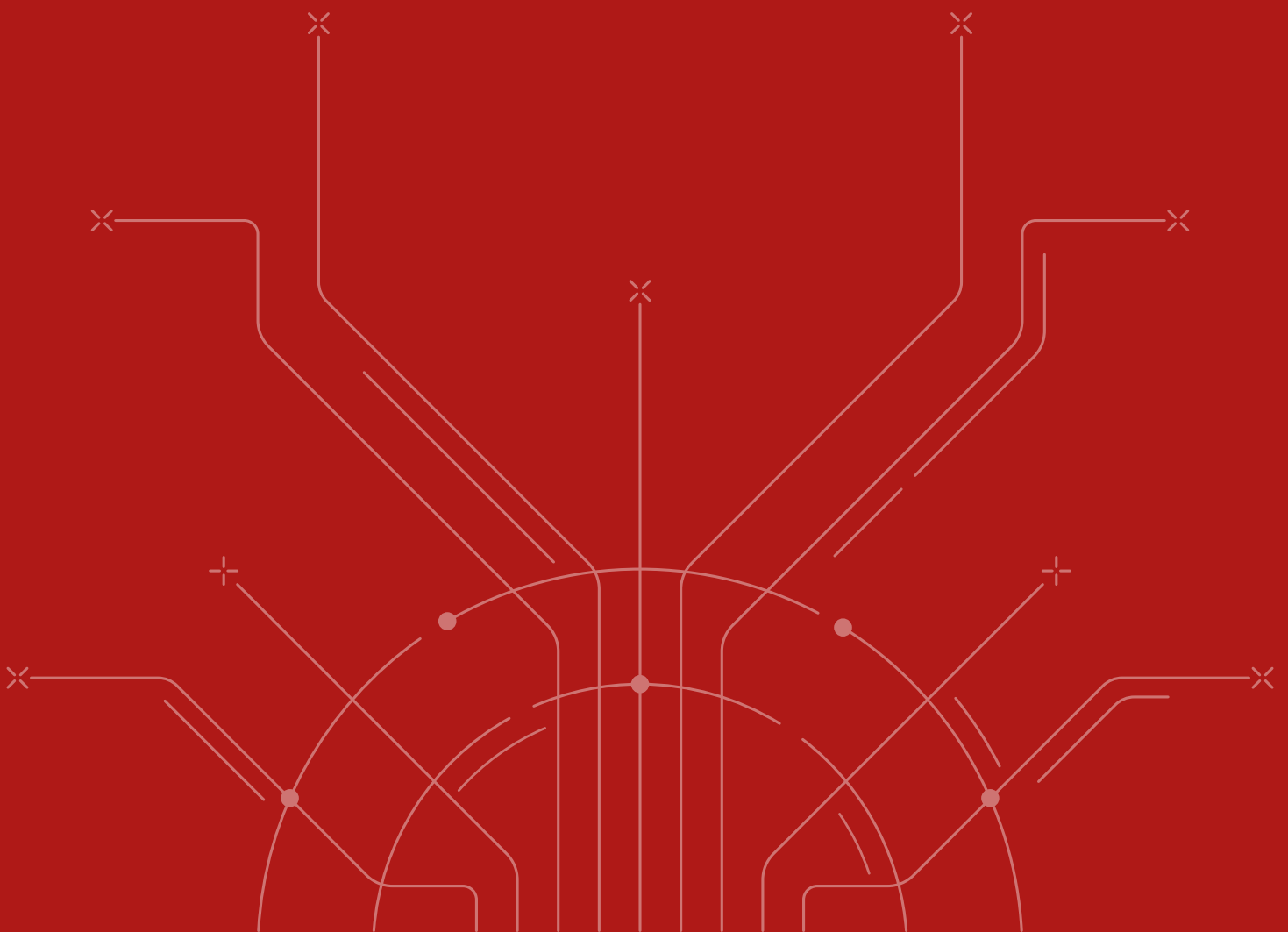
The Ibero-American Regional Report on Access to Justice provides an overview of the state of affairs in the region. It is divided into three sections:

1. **Data and Innovation:** The report presents key findings about data, including ones from the WJP Justice Data Graphical Report 2023¹⁰ focusing on four dimensions: 1) Access to information, 2) Access to appropriate advice and assistance, 3) Efficiency, effectiveness, and transparency of the justice sector, and 4) Consequences of justice problems for people's lives.
2. **Regional Normative Framework for Access to Justice:** Regional initiatives from the formal justice sector and civil society to strengthen the legal framework for access to justice.
3. **Leaving No One Behind:** Actions and challenges for vulnerable groups within the overarching promise of the 2030 Agenda, drawing on the regional normative framework, the Brasilia Rules.¹¹

The formation of the Ibero-American Alliance presents a unique opportunity that has the potential to resonate within the global community and to influence influencing the construction of regional alliances elsewhere that can also share their best practices, challenges, and needs.

Section 1

Data and Innovation



Chapter 1 Introduction

The United Nations Development Program's report on governance, democracy, and development in Latin America and the Caribbean¹² highlights six critical issues facing the region. These are: low and erratic economic growth rates, high income inequality and wealth concentration, fiscally constrained states, representative and democratic disaffection, fragmentation and polarization of the political system,¹³ and lagging and deteriorating rule of law. These issues have far-reaching consequences for the legitimacy of the democratic system.

While growing political polarization is a global phenomenon, Latin America and the Caribbean (LAC) have experienced the greatest increase in polarization over the past 20 years.¹⁴ Currently, LAC is among the most polarized regions worldwide, surpassed only by Eastern Europe and Central Asia. Similarly, with regard to democratic disaffection, a survey conducted in 10 countries in 2020 revealed a decline in satisfaction with the functioning of democracy and support for democracy as a form of government in Latin America and some Caribbean countries in recent years.¹⁵

Strengthening the quality of democratic institutions is crucial to addressing the growing levels of distrust and disillusionment with the public institutions that are responsible for protecting and guaranteeing justice. The pandemic has laid bare various structural weaknesses of the Latin American system¹⁶ in terms of decision-making, bureaucratic hurdles, weak coordination capacities, lack of transparency, and accountability.¹⁷ These deficiencies directly hinder the realization of the right of access to justice. By embracing effective governance principles, Latin America and the Caribbean can not only forge a new normality but also an improved one. Redoubling efforts to enhance access to justice is a key means of achieving this objective.¹⁸

Data and information systems are central elements in the formulation of public policies,¹⁹ spanning the entire process, from design and implementation to monitoring and evaluation. Data and information systems also allow for comparative analysis between regions or within them, enabling the identification of needs, bottlenecks, trends, and areas for improvement in public policies.

Judiciaries have the potential to spearhead a data and information revolution to improve access to justice. Data and information systems are central elements for the formulation of public justice policy and the optimization of judicial services. Collaborative efforts between judiciaries and governments are necessary to design strategies that address data gaps, leveraging the benefits offered by new technologies.

Key Findings

The first step in comprehending the challenge of people-centered justice is to assess the size of the population that is in need of access to justice or has unresolved legal needs.²⁰ The prevalence of legal problems is an important statistic that can be estimated based on legal needs surveys.

Legal needs surveys begin by assessing the most common legal problems, regardless of individuals' recognition of the legal nature of these problems. Considering the legal problems that people perceive as non-trivial (rated with severity of four or higher on a scale of zero to 10), data from the World Justice Project's Global Legal Needs Survey 2017/2018²¹ reveals significant variation in the prevalence of legal problems across the Ibero-American region. The regional average indicates that 34% of people experienced such problems in the past two years, slightly lower than the global average of 36%.

Data and Innovation Working Group

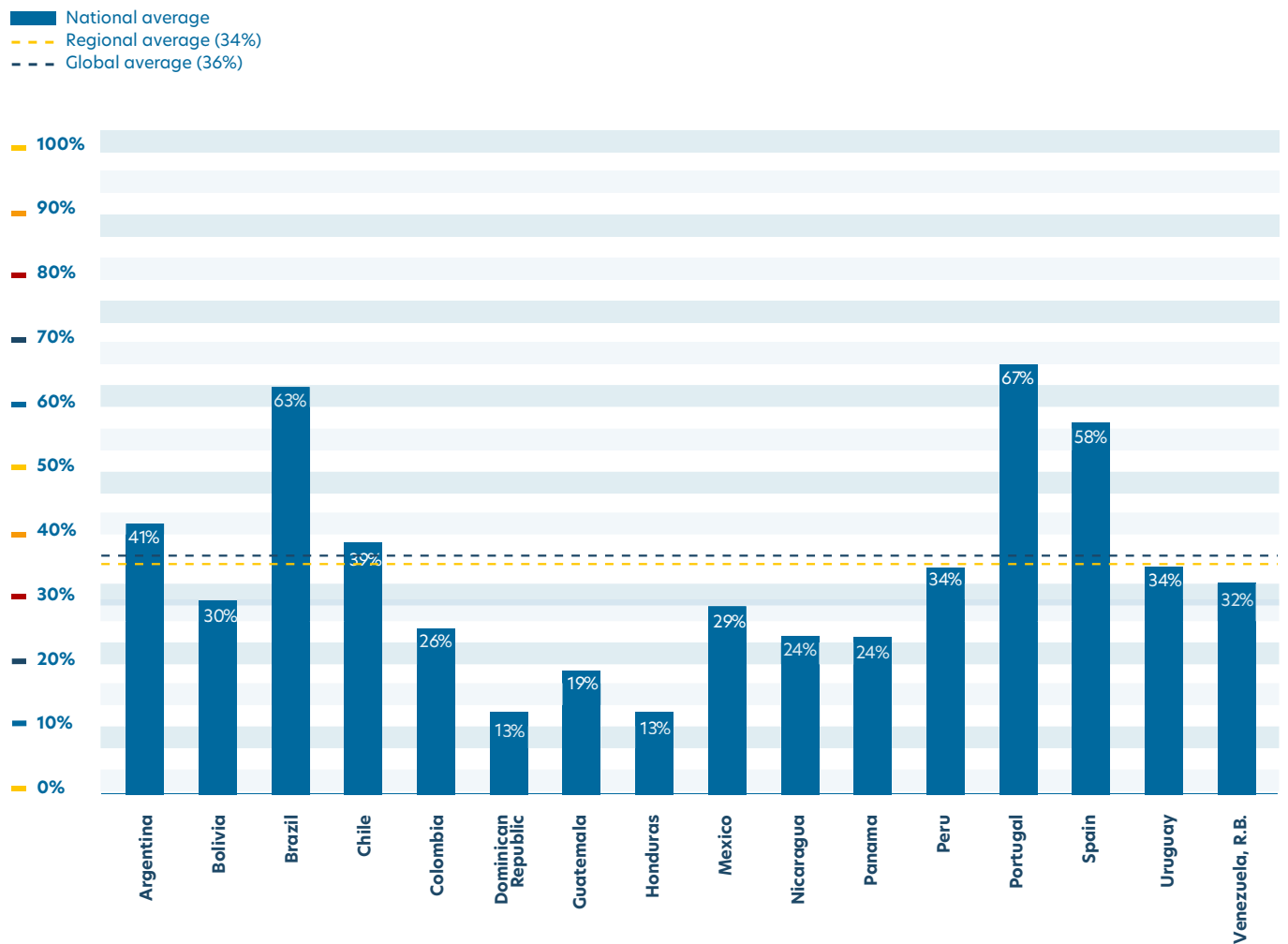
The analysis was

carried out by:

- *Justice Center of the Americas*
- *United Nations Development Program*
- *World Justice Project*
- *International Open Justice Network*
- *Pathfinders for Peaceful, Just and Inclusive Societies hosted by NYU Center on International Cooperation*

Figure 1: Prevalence of legal problems in Ibero-America

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.



*Percentage of people who have experienced a legal problem with a severity greater than or equal to 4 (on a scale of 1 to 10) in the two years prior to the survey.

To guide its presentation of the state of affairs with regard to justice in the region, the data and innovation working group established four dimensions of analysis:

Graph 1: Dimensions of Analysis



The perspective of people-centered justice places individuals' needs at the forefront of justice policies and services. To inform these policies, data on people's experiences are collected and analyzed as the primary evidence input. The WJP Justice Data Graphical Report identifies several key trends in this regard in the region, which will be discussed in detail in subsequent chapters: ²²

- Over one-third of the population in Ibero-America faces unmet justice needs as part of their daily reality.
- Among people with legal problems, at least one in five struggle to find adequate information and advice in their country, even in the country with the highest access to such resources. This proportion averages one in two at the national level in the region.
- Access to legal assistance for those with legal problems is more limited, with over four in ten people in the region reporting inadequate access to legal aid.
- Only half of the individuals who had a legal dispute and needed access to a dispute resolution entity were able to secure access.
- Among people who already knew the outcome of their legal matter, at least one in five had been unable to resolve their legal problem.
- At the regional level, at least one in four people with legal problems experienced economic or health impacts as a result of these issues.

The box below presents examples of data collection tools in the region.

Data and Innovation Working Group²³

The SDG16 Survey Initiative, a collaborative effort between UNDP, UNODC, and OHCHR, offers a high-quality and well-tested tool that countries can use to measure progress on many of the survey-based indicators under SDG16. It can support the production of data on peace, justice, and inclusion (the key components of SDG16) that can provide a better understanding of the complex realities at national and local levels. By uncovering hidden truths about violence, discrimination, inequality, and injustice within communities, it identifies entry points to address persistent challenges.

This initiative includes a specific methodology for measuring access to justice that draws on global experiences of measuring unmet legal needs. El Salvador implemented the methodology as the first pilot project in the region. In 2021, training was provided to 700 officials from various countries.

Testing the Global Indicator on Access to Justice within a National Poverty Survey (Argentina)²⁴

A specific module on access to justice was designed and incorporated into a general survey on quality of life and human development conducted by the Argentine Observatory of Social Debt in 2022. This survey aimed to understand the link between access to justice and poverty. It allowed for the testing of the civil access to justice indicator of SDG16.3.3 within a nationally scoped survey, providing unprecedented analysis of the connections between access to justice and poverty.

Data4Policy Initiative²⁵

The Data4Policy Navigator is designed to assist government officials and policymakers in understanding the foundations of data-driven decision-making. This resource offers practical examples from around the world and serves as a step-by-step guide for incorporating data into policy and program development.

Chapter 2 Access to Information

In recent years, the concept of open justice has become the focal point of discussion in various regional and international forums related to justice system modernization. However, little progress has been made in exploring the potential synergies between these agendas. In this chapter, we explore the connection between these agendas and analyze notable experiences of open justice that contribute to access to justice in Ibero-America.

To advance the 2030 Agenda, public institutions worldwide have been called to embrace a “data revolution” by adopting the principles of open data to support the monitoring and implementation of the SDGs. Judiciaries are expected to publish and promote the use of relevant data on their operations, which in most cases requires the establishment of comprehensive policies defining the governance of such data from the ground up.

An example in Argentina is the Information System of the Centers for Access to Justice (SICAJ), which serves as the management system for the country’s network of access to justice centers, providing real-time information. Another case is the Effective Access to Justice Index (IAEJ) developed by the National Planning Department of Colombia in 2017. This index uses a composite index to measure and compare the capacity of the country’s provinces to ensure effective access to justice. Access to justice, as defined by IAEJ, is a multidimensional process that begins with the emergence of everyday conflicts and ends with their effective resolution. Provincial capacity is measured through compliance with basic conditions that guarantee access to justice in all its dimensions. The index outlines six requirements for an inclusive justice system: i) putting individuals at the forefront, ii) empowering citizens and promoting capacity building to ensure citizen participation, iii) emphasizing problem prevention, iv) offering diverse action and attention options, v) personalizing solutions for specific groups, and vi) promoting equality in the administration of justice.

For justice institutions, promoting legal empowerment and involving users through participation and collaboration is key to adopting a people-centered approach. This approach prioritizes people and their needs over institutions or processes in the provision of justice. It requires concerted efforts across multiple levels, which can be summarized in four concrete actions:

- Collecting and sharing data on people’s justice problems and experiences
- Developing the capacity of justice professionals (formal and non-formal) to base their work on evidence
- Focusing on justice interventions that work best for as many people as possible
- Directing public investment towards creating an enabling environment for these efforts

Transparency, collaboration, and citizen participation policies should also include access to public information about the judiciary, justice data in open formats, and accountability. These can help address public distrust in justice systems, lack of information and knowledge about court operations, and the gap between the justice sector’s priorities and the needs of the population.

“All legal or regulatory mechanisms or networks or associations created to mobilize the data revolution for sustainable development should include the protection of human rights as a central part of their activities, specify who is responsible for defending those rights and support the protection, respect and effective exercise of human rights.”

“A World that Counts: Mobilising the Data Revolution for Sustainable Development (2014), www.undatarevolution.org.”

Key Findings

The core of the concept of “people-centered justice” centers on the individual experience that people undergo when navigating the justice system. It is essential, therefore to observe and analyze how people approach their legal problems and their ability to resolve them. Specifically, their knowledge of the legal dimension of a problem and their ability to find appropriate information and advice significantly impact their individual experience of accessing justice.

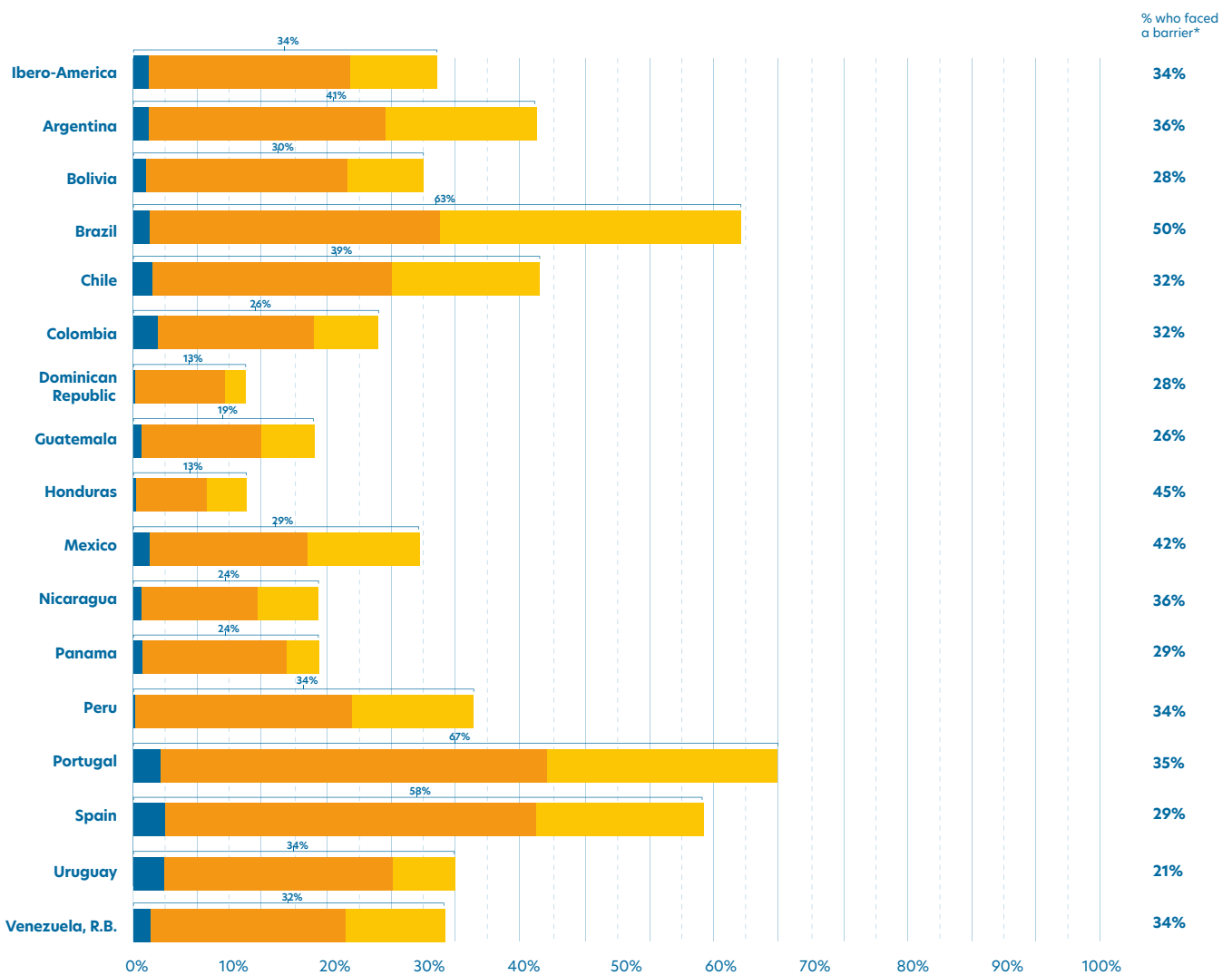
The survey conducted in the Graphic Report on Justice Data by the World Justice Project reveals that across all countries in the region, a small proportion of the population facing legal problems knows where to seek information or advice to understand and resolve their issues. Figure 2 analyzes access to appropriate information and advice in the region.

Figure 2: Access to appropriate information and advice

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.

- % of people surveyed who did not answer
- % of people surveyed who knew where to find access to good information and advice
- % of people surveyed who did not have access to good information and advice

The sum of these percentages represent the total number of people that have experienced a legal problem with severity greater than or equal to 4 (on a scale of 1 to 10)



*% who had a legal problem a legal problem of severity ≥ 4 and who did not find adequate information or assistance

The orange bar represents the estimated percentage of the population that experienced a legal problem of severity greater than or equal to 4 and knew where to obtain adequate information or advice. While the yellow bar represents those who, when experiencing a legal problem of severity greater than or equal to 4, faced a barrier to justice due to low legal empowerment and capacity, and were therefore unable to obtain adequate information and advice on their path to justice.

On average, an estimated 34% of the population that had legal problems in Ibero-America encountered this barrier to justice.²⁶

This data indicates that there is a deficiency of legal empowerment and capabilities in the region.

Recommendations

The study conducted by the WJP²⁷ shows that there is a deficiency in empowerment and legal capacity in Ibero-America, with 34% of people facing difficulties in finding appropriate information and advice to resolve their legal problems. Measures should be implemented to improve access to information and legal advice, enabling more people to find solutions to their legal problems and access justice effectively.

To use data to help prioritize people and their needs in the provision of justice, efforts must be made at various levels. This includes collecting and sharing data on people's justice problems and experiences, developing the capacity of justice professionals to utilize evidence-based approaches, and directing public investment towards creating an enabling environment for these initiatives. The working group puts forward the following recommendations:

- Promote effective public and user participation during the design, implementation, and monitoring of public policies.
- Raise awareness within the justice sector and the practitioner community about the need for justice reform that reflects a cultural and political paradigm shift, which decision-makers in the judicial system must embrace when designing, implementing, and monitoring access to justice policies.
- Foster a joint working agenda between justice institutions, academia, and civil society to continue improving data on access to justice for the most vulnerable, in line with the commitment of the 2030 Agenda to "leave no one behind."
- Avoid traditional methods of data collection and analysis that focus solely on national averages and risk concealing underlying inequalities, biases, and data quality issues.
- Contribute to the development of new methodologies that facilitate a multidimensional approach to collecting data on access to justice problems, ensuring more detailed data and allowing for greater disaggregation.
- Promote inter-sectoral dialogue and access to information in accessible formats and language, taking into account factors such as disability, language, literacy levels, and cultural references.

Practices in the Region: Innovation and open justice

Dominican Republic and Central America. INFOSEGURA SARA²⁸

SARA is a digital assistant that provides information and guidance throughout Central America and the Dominican Republic, offering support in addressing the risk of violence. Backed by the INFOSEGURA Project, national institutions, and civil society organizations, SARA offers information on support services, legal advice, emergency plans, as well as emergency contact numbers for victims of violence. Operating 24/7, it ensures a secure, anonymous, and confidential initial point of contact. Powered by sophisticated Artificial Intelligence and Machine Learning, SARA possesses the ability to learn, engage in logical interactions, receive training, and develop its machine learning capabilities.

Argentina. Justice Sector Open Data Portal²⁹

In 2016, the Ministry of Justice of Argentina introduced the country's first open data portal for the justice sector. The platform publishes reusable, primary, and quality data on a wide range of justice-related topics. Collaboration with national and subnational justice institutions, facilitated by a 2016 agreement with over 50 judicial entities, enabled data standardization and publication through a single portal in open formats. The portal's data includes all inquiries from 2016 to 2019 within the Access to Justice Centers network, providing real-time monitoring and reliable evidence for analyzing the network's functioning.

Costa Rica. National Commission for Justice Improvement (CONAMAJ)³⁰

CONAMAJ, an institution that coordinates the work of various institutions in justice system reform, has embraced a citizen participation policy since 2008, aiming to foster a connection between the judicial system and society. Grounded in the principle of enhancing access to justice, this policy entails collaboration with various community actors, vulnerable groups or individuals, non-profit organizations, associations, academia, and informal civil organizations. Through this public participation policy aimed at contributing to access to justice, judicial operators are expected to provide fundamental and timely information regarding rights, procedures, and requirements to all individuals, particularly prioritizing support for vulnerable populations.

Colombia. "Justicia Cómo Vamos"³¹ (Justice How Are We Doing)

"Justicia Cómo Vamos" is an initiative of the Fundación Bolívar Davivienda, Fundación Corona, Red de Ciudades Cómo Vamos, and the Corporación Excelencia en la Justicia (CEJ), organized and led entirely by civil society organizations. Its primary objective is to monitor and track knowledge, access, and the quality of justice in Colombian cities. By evaluating the current state of the justice system with regard to conflict levels among citizens or involving the State, this initiative aims to contribute to decision-making processes with a regional focus. In 2021, a comprehensive diagnosis was presented, analyzing the knowledge, access, quality, and general perception of citizens regarding the functioning of justice in 17 Colombian cities. The report, combining official data and indicators of citizen perception collected between 2018 and 2019, identifies the most pressing justice-related issues at the local level.

Guatemala. "La Balanza: Datos y Acceso a la Justicia"³² (The Balance: Data and Access to Justice)

"La Balanza: Datos y Acceso a la Justicia" is a public consultation tool designed by Diálogos, a Guatemalan civil society organization advocating for access to and analysis of data on the justice system. The initiative aims to generate knowledge, facilitate discussions, and conduct research for evidence-based decision-making. Key areas of focus include access to justice, deprivation of liberty, procedural outcomes, impunity, and public expenditure. The project offers downloadable data in open formats, allowing individuals to analyze and reuse the information. Moreover, the platform employs innovative data visualization tools to present research findings by topic and geographic region in a simple and user-friendly manner for the general public.

Chapter 3 Access to Appropriate Advice and Information

This chapter discusses the evolving patterns of accessing, using, or seeking formal or non-formal justice services. By capturing how individuals seek to resolve justice problems, we can gain insights into the magnitude of the justice gap.

But what exactly is the justice gap? In *Measuring the Justice Gap*,³³ WJP defines and quantifies the justice gap as the number of people globally who lack access to justice. Numerous factors contribute to this gap, including limited legal capacity, protracted legal processes, and insufficient access to appropriate assistance. WJP's contribution to this chapter, using data from the Global Legal Needs Survey 2017/2018 and the methodology developed for the Justice Data Graphical Report,³⁴ consists of reporting and visually presenting a country-level analysis of access to justice dimensions in Ibero-America.

In this endeavor, the working group focused on the following dimensions, representing the key obstacles individuals encounter along their journey towards achieving justice:

Graph 2: Barriers to access to justice



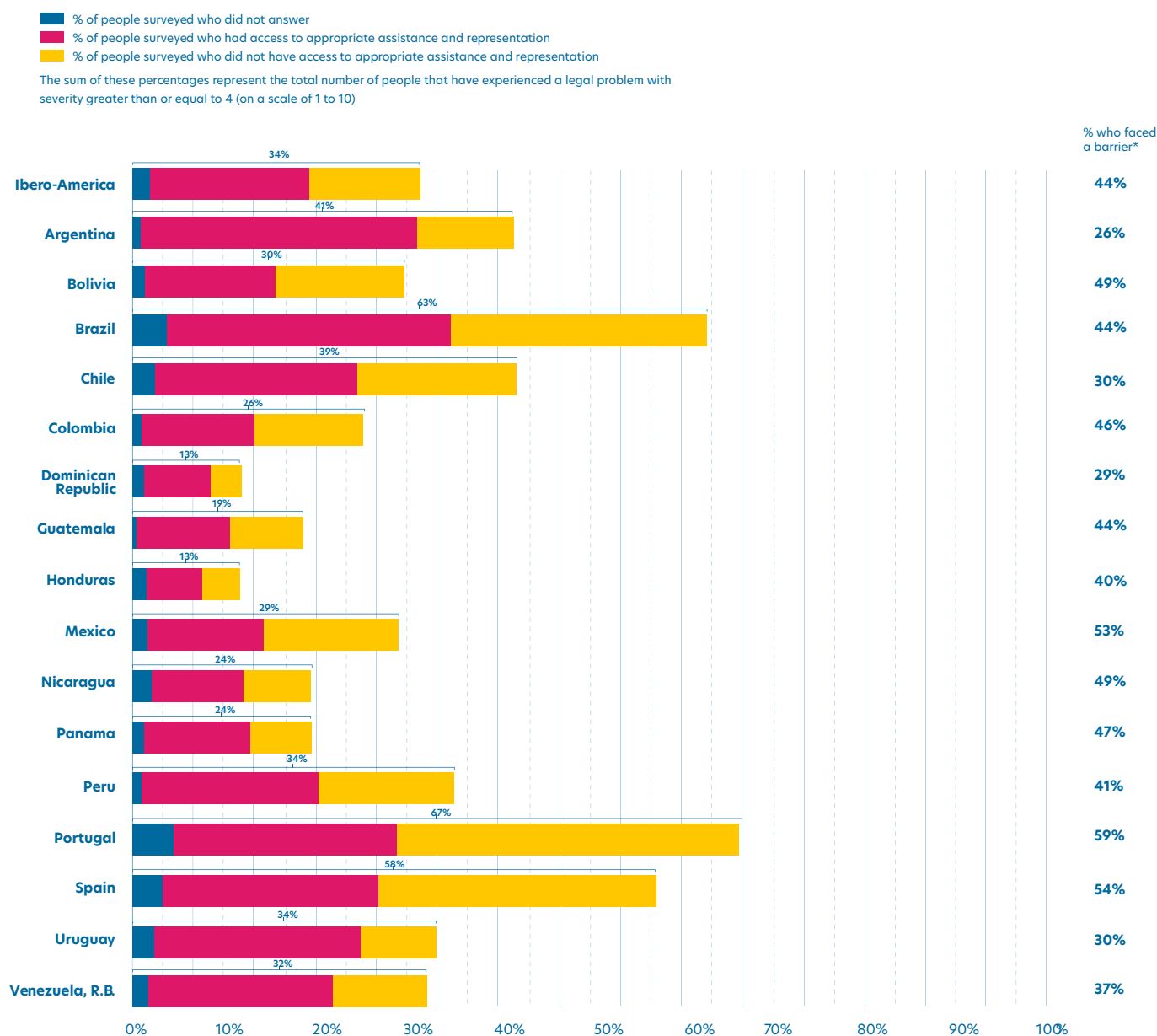
Key Findings

Within the multitude of paths individuals follow to achieve justice for their legal problems, access to adequate assistance plays a pivotal role in their success. Conversely, the lack of access to appropriate assistance poses a significant barrier, leaving people with legal problems in the justice gap. On the other hand, the inclusion of formal and non-formal dispute resolution institutions in access to justice policies is crucial, as recognized by their measurement through SDG indicator 16.3.3. However, measuring the justice gap opens a vast field of analysis and exploration, shedding light on how and where individuals who do not access formal mechanisms resolve their problems. This prompts the question: what are the next steps for integrating of the systems?

“Only one in two of the people who had a legal dispute and needed access to a dispute resolution entity, had access to the latter.”

Figure 3: Access to adequate assistance and representation

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.



**% who had a legal problem a legal problem of severity ≥ 4 and who did not find adequate assistance or representation

Surveys of unmet legal needs provide a great parameter on trends in the use of formal and non-formal mechanisms. As shown in Figure 3, in all the Ibero-American countries revised, there is a lack of access to adequate assistance for respondents with legal problems. This lack of access is demonstrated by the difference between the estimated proportion of the population that has had a legal problem of a severity greater than or equal to 4 and the proportion that has obtained adequate assistance.³⁵

On average, 44% of the people surveyed in the Ibero-American countries lack access to adequate assistance as an obstacle in their path to justice.³⁶

Furthermore, Figure 4 shows that, considering the Ibero-American countries for which the WJP has data, only half of the individuals who had a legal dispute and needed to access a dispute resolution entity were able to do so.

We define access to a dispute resolution mechanism as individuals directly or with the assistance of others approaching a court, a third party, or an organization to adjudicate, mediate, or issue a resolution on the dispute.

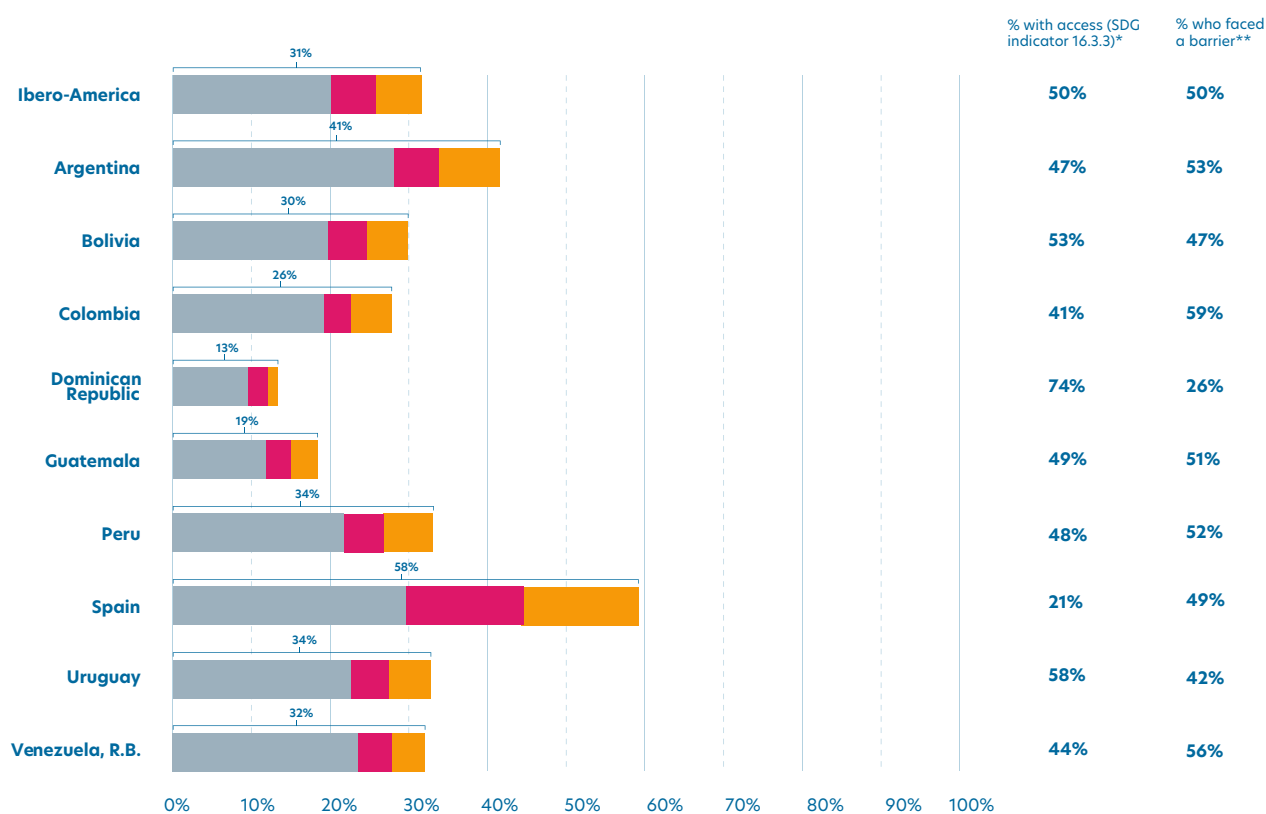
The population that did not resort to a dispute resolution entity can be divided into two groups: those who did not consider that they needed help and those who lacked access to a dispute resolution entity. Following the recommendations of the custodian entities of SDG16.3.³⁷ in estimating this indicator, the calculations in the WJP's Justice Data Graphical Report³⁸ consider that only the latter group faces a barrier in their journey toward justice.³⁹

Figure 4: Access to formal and informal dispute resolution mechanisms

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.

■ % who did not resort to an authority or organization because they didn't consider it necessary or they did not know
 ■ % who resorted to an authority or organization directly or with help
 ■ % who did not turn to an authority or organization because they did not have access

The sum of these percentages represent the total number of people that have experienced a legal problem with severity greater than or equal to 4 (on a scale of 1 to 10)



*% with legal problems who needed and found access to a formal or informal dispute resolution mechanism

**% with legal problems who needed and did NOT find access to a formal or informal dispute resolution mechanism

The gray colored bars, above, include those who did not feel they needed help, while those who did need help and did not have access to a dispute resolution entity, are represented in yellow. The data indicates that the estimated percentages of people who needed and were unable to access help through mediation or resolution of a legal problema, are nearly half of the population who needed help, for the countries where this indicator was included in the WJP's 2017–2018 Global Legal Needs Survey.

Another interpretation of the findings in the region allows to confirm the absence of data and information systems on non-formal mechanisms. Moreover, it evidences an urgent need to test innovative methodologies for the collection of information from a human rights-based data approach, which promotes collaboration and meaningful participation in the design, implementation and analysis of data.

Recommendations

There has been a robust and sustained development of justice service models in Ibero-America, a region which also has demonstrated experience in forming alliances to ensure efficiency and quality in service delivery. However, in line with the people-centered development paradigm established by the 2030 Agenda, there are significant challenges in reaching individuals who are excluded or expelled from the justice system or choose to self-exclude. Bridging the justice gap is a major challenge for both formal and non-formal mechanisms, necessitating improved relationships and coordination between them. One major gap in the region is the lack of information on all existing mechanisms, despite the plurality of legal systems coexisting at the borders of member countries. To begin addressing this problem, the following recommendations are made:

- Promote holistic approaches through dialogue and collaboration spaces between different sectors of government to address multidimensional legal problems and reduce the demand on justice systems.
- Advocate for necessary legal reforms for the adoption of alternative dispute resolution methods and case prioritization methodologies or triage.
- Explore the potential of non-formal mechanisms in Latin America and the Caribbean, promoting their study and visibility in solving legal problems.
- Introduce participatory methodologies and innovative approaches to produce data and information systems on the use of formal and non-formal mechanisms, complementing official national data collection, reporting, and monitoring systems.
- Encourage qualitative and in-depth research methods that allow a comprehensive understanding of the scope of problems and the population profile that turns to non-formal mechanisms, and define strategies to link them with official data collection mechanisms.

Regional Practices: Formal and Non-formal justice services

Dominican Republic. Institutional Strategic Plan Vision Justice 20/24⁴⁰

This plan is the result of a collaborative process within the Dominican Republic's justice institutions which addressed institutional challenges faced by the judiciary. It prioritizes objectives based on identified areas for improvement in justice services and the expansion of access to justice. The plan incorporates a people-centered approach, advocating for decentralized solutions that are closer to citizens and supporting the digitization of the justice system from this perspective.

Paraguay. Protocol for Dealing with Cases of Violence against Women in the Domestic and Family Sphere⁴¹

This institutional strategy aims to transform social, cultural, and institutional norms to promote gender equality. The protocol targets the Judiciary and Officials of Peace and First Instance Courts in Civil and Commercial matters. Additionally, a protocol for dealing with and preventing cases of workplace harassment, mobbing, and sexual harassment in the judiciary has been developed.

Argentina. Virtual Intake Desk⁴²

The virtual intake desk system developed and implemented by a court in the city of Buenos Aires was quickly scaled up throughout the judiciary via resolution. UNDP supported the systematization of this experience through the report "Open Justice in times of COVID-19,"⁴³ which highlighted the experience carried out by the Criminal, Contraventional and Misdemeanor Court No. 10 of CABA (City of Buenos Aires) and showcasing its innovation in aspects of remote service provision, transparency, citizen participation and institutional recognition, during the period covered by the health emergency declared as a result of the COVID-19 pandemic in the country. The same applies to the measure of the Supreme Court of the Province of Buenos Aires⁴⁴ and its new consultation protocol of the virtual intake desks.

México. Renegotiate Your Contract⁴⁵

This platform offers guidance to micro, small, and medium-sized businesses in renegotiating their contracts amid the emergency situation caused by the pandemic in Mexico. Comprising a group of academic experts from various disciplines, it provides free advice to facilitate renegotiation, minimizing conflicts related to contract non-compliance and de-escalating disputes that reach the justice system.

Chapter 4 Efficiency, Effectiveness, and Transparency of the Justice Sector

The extent to which legal problems persist or are resolved is a fundamental indicator of the effectiveness of justice systems. Effectiveness depends heavily on organizational design, and it is important to rethink service models to ensure that state institutions intervene in a timely manner and work in coordination with non-formal justice mechanisms.

A prime illustration of differential organizational design is the concept of a “one-stop shop” or “single-window service centers.” These centers offer a range of services in one place, aiming to provide convenience and speed to beneficiaries while achieving efficiency and effectiveness in outcomes. This model demonstrates an organizational design capable of comprehensively addressing the access to justice approach from multiple dimensions.

Similarly, procedural systems within the justice system have been developed based on institutional paradigms and now need to be integrated into the more people-centered paradigm to which states committed when subscribing to the 2030 Agenda. Looking ahead, the Escazú Agreement⁴⁶ could serve as a catalyst for reviewing environmental disputes and conflicts from an eco-systemic perspective. The insights gained from the Escazú Conference of the Parties (CoP) and the Extraordinary Session in Buenos Aires highlight the importance of promoting spaces for reflection on environmental justice and the necessary judicial reforms to ensure a people-centered approach.

Key Findings

The Global Legal Needs Survey 2017/2018 by the World Justice Project takes a people-centered approach and, following the tradition of this type of survey, focuses on the prevalence of legal problems as an indicator of justice system effectiveness.

The data from the WJP Justice Data Graph Report⁴⁷ described below and presented in Figure 5 show, on the one hand, in pink, the percentage of the population with legal problems that received a resolution to their problem; subsequently, the yellow bar reflects the cases in which legal problems persist despite the fact that it has been “resolved.” These calculations are made on the basis of people whose legal problem has been resolved, excluding those who are still unclear about the outcome of their path to justice.

In all countries there is a gap between the proportion of respondents who have experienced a legal problem of a severity greater than or equal to four and the proportion who were able to settle the legal issue.

On average, for 22% of respondents in the region whose problems have been resolved, their issue persists despite this “resolution.”⁴⁸

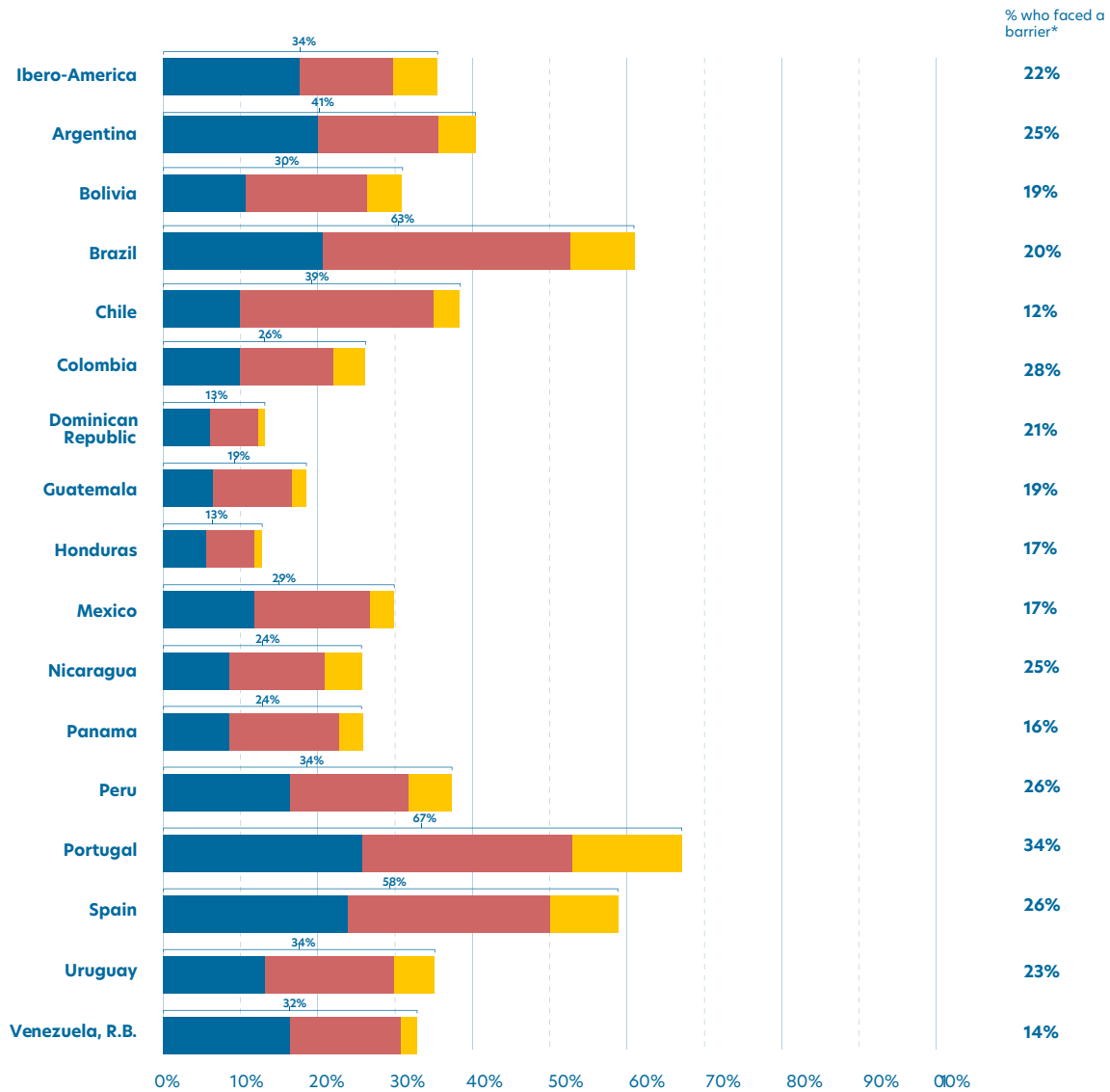
In other words, this measure indicates that the matter is supposed to be resolved, even though the problem persists, and the need for justice remains unsatisfied. It is possible that this figure is higher, considering that it excludes those who are uncertain about the outcome of their path to justice.

Figure 5: Resolution status

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.

- % In process or unknown
- % It is resolved, and the problem is fixed
- % It is resolved but the problem persists

The sum of these percentages represent the total number of people that have experienced a legal problem with severity greater than or equal to 4 (on a scale of 1 to 10)



* % whose legal issue persists even after resolution

Recommendations

“One in five people who know the conclusion of their matter, says that they are unable solve their problem.”

A number of factors contribute to the existence of unresolved legal problems in the region, including institutional barriers such as judicial overload, formalistic legal education, limited budgets, and inadequate geographic coverage.⁴⁹

Alternative Dispute Resolution Methods (ADRs) have emerged in the region as complementary alternatives to courts for access to justice. These feature a people-centered approach that strengthens citizen participation and promotes peaceful resolution through communication between parties. ADRs offer voluntary dispute resolution procedures tailored to specific conflicts. They offer benefits such as reducing court congestion, expediting dispute resolution, and improving access to justice. However, implementing ADRs poses challenges, including the need to enhance coordination between ordinary courts and community justice mechanisms, raise awareness, provide training to judges, lawyers, and law students, gather statistics on user satisfaction levels, and expand the range of conflict resolution techniques.

To improve the efficiency, effectiveness, and transparency of the justice sector in the region, the following steps are recommended:

- Foster monitoring and coordination mechanisms among legal service providers to ensure greater efficiency and quality in addressing and resolving legal problems.
- Strengthen the use and institutionalization of alternative dispute resolution methods.
- Contribute to the modernization of justice systems by focusing on people and on emerging conflicts within the context of the triple planetary crisis and the global justice crisis.
- Promote the creation of sustainable and inclusive digital infrastructures to achieve cross-sectoral monitoring of legal service provision and interoperability of justice systems to avoid duplication and overlapping of services.

Practices in the Region: Person-centered services

UNDP. Tools: Access to Justice for Women⁵⁰

UNDP, OHCHR, UN Women, and UNODC developed a toolbox for the design and programming of comprehensive access to justice policies that prioritize women’s rights as indivisible and interdependent. The objective of the tools is to present professionals with a range of options to prevent and address the obstacles women encounter when engaging with the justice system. The toolbox is the result of reviews of published and unpublished resources, interviews with key informants, discussions in focus groups, and a compilation of expert opinions.

OAS. Inter-American Program of Justice Facilitators⁵¹

The Inter-American Program of Justice Facilitators (PIFJ) is an initiative led by the Organization of American States to ensure effective access to justice for the most remote communities and promote a culture of peace in the region. This program is currently implemented in Argentina, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, and Colombia.

Argentina. Hospital de Derechos⁵² (Rights Hospital)

In Argentina, the Ministry of Justice and Human Rights implemented a project called “Hospital de Derechos” with the support of UNDP. Inaugurated in November 2018, it represents a significant advancement in service provision compared to the Centers for Access to Justice (CAJ) operating in the country. This hospital provides integrated and free legal assistance and access to justice, addressing a wide range of legal issues on-site. Its primary objective is to prevent the most vulnerable individuals from having to navigate multiple locations to resolve their problems. It serves as a space that promotes comprehensive solutions and fosters collaboration among different agencies providing these services. Additionally, the ministry has implemented a system of mobile offices for access to justice, which travel to different areas based on pre-established itineraries according to coverage needs for different population groups.

Colombia. Tejiendo Justicia⁵³ (Weaving Justice)

Colombia has promoted the transformation and digitalization of justice services, with a particular focus on municipalities that have been significantly affected by armed conflicts and violence. The importance of developing e-justice initiatives was further emphasized during and after the COVID-19 pandemic, when preventing overcrowding in courts became crucial to curb the spread of the virus. These digitalization efforts also aim to address deeply rooted societal inequalities and to support the government in improving internet connectivity throughout the country. The development of the Weaving Justice initiative involved collaboration between Colombian family commissioners, lawyers, justice providers, and software engineers.

Chapter 5

The Consequences of Access to Justice for People's Lives

The importance of justice in human development is often overlooked. Access to justice is perhaps the most important means of protecting rights and achieving social inclusion, and justice systems are the key players in that policy. The approach to access to justice promotes it as both a driver of rights protection and a tool for social inclusion that contributes to effective governance, highlighting the contents and goals of SDG16 on peace, justice, and inclusive institutions.

A holistic understanding of justice centered on individuals must take into consideration the impacts of justice issues on people's lives. Data from the WJP's Global Legal Needs Survey reflect how people experience the effects of their unmet legal needs in key areas of their human development. In other words, they allow us to recognize the significance of access to justice for other dimensions measured by the 2030 Sustainable Development Goals.

Key Findings

There are several types of consequences associated with legal issues. Based on data from the Global Legal Needs Survey, the WJP identifies the two most severe types: health consequences and economic consequences. Health consequences include illnesses resulting from stress. Economic consequences encompass income or job loss, financial problems, or the need to relocate as a result of the legal issue.

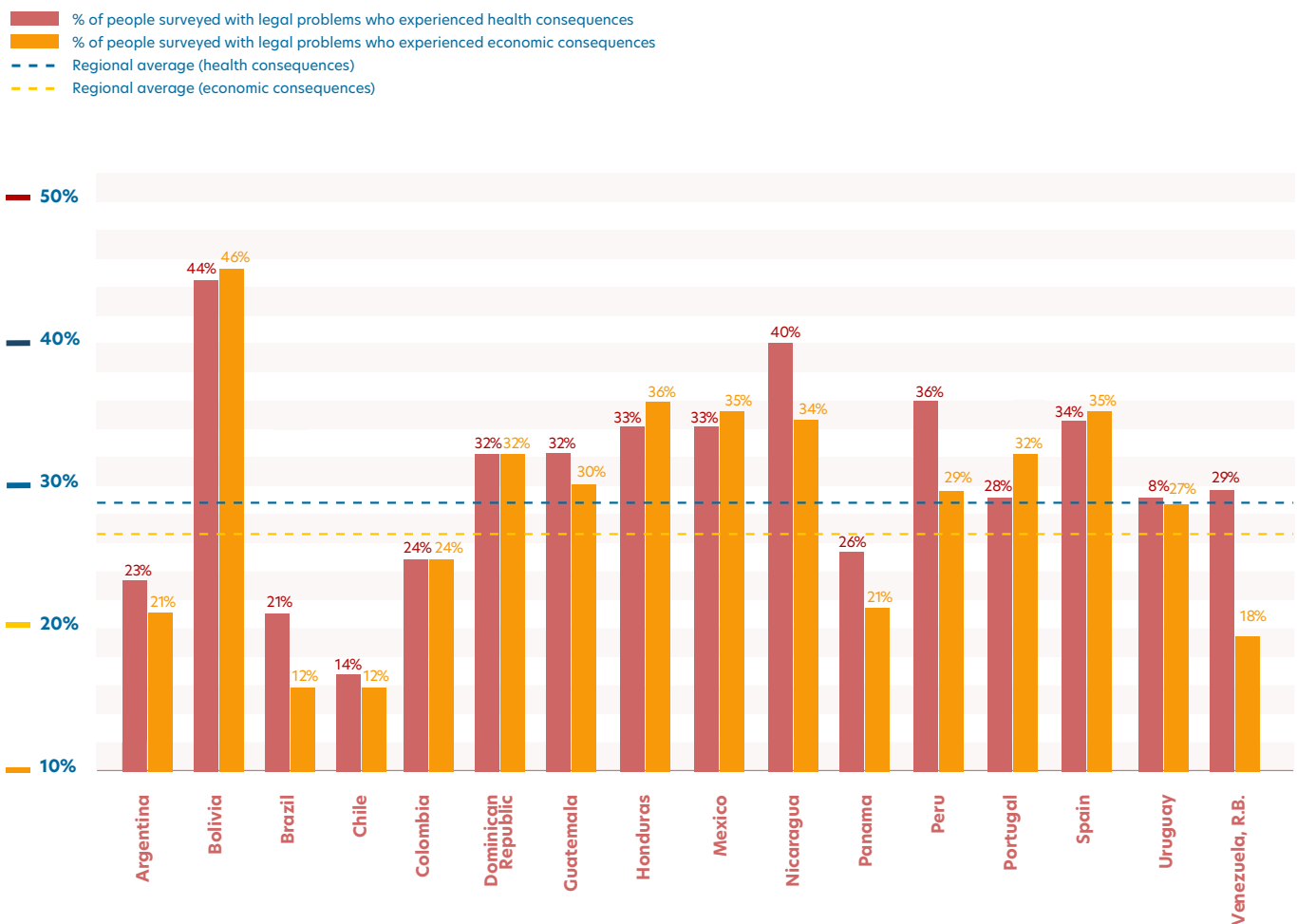
Figure 6 presents two bars: the pink bar, which reflects the percentage of people per country with legal problems who have suffered health consequences, and the orange bar, which represents the percentage of people per country who have experienced economic difficulties as a consequence of their legal problem. As can be seen in almost all countries in the region, at least one in five people had both their finances and their health affected as a consequence of their legal problems.

Regionally, health consequences are slightly more common than economic consequences.

On average, 29% of respondents in the region who have experienced a legal problem reported a health consequence, in comparison, to the 26% of respondents who mentioned having suffered an economic consequence.

Figure 6: Health and economic consequences of legal problems

Source: Justice Data Graphical Report (Washington, DC: World Justice Project, 2023). Graphic design by Nuria Becú and Maria Sibolich.



Recommendations

There are certain types of legal issues that, when left unresolved, can have severe consequences for vulnerable populations, particularly impacting women and children. Examples include child support, visiting rights, and custody disputes. Access to justice becomes crucial in these cases to ensure the claiming and safeguarding of these rights, especially since their violation disproportionately affects these vulnerable group.

Structural conditions in the region play a significant role in exacerbating or mitigating individual conflicts. Social and individual conflicts are interconnected.⁵⁴ Therefore, addressing one type of conflict can have a corresponding impact on the other. This means that when discussing legal needs, it should not be solely about resolving specific problems, but also about improving the rule of law, enhancing the legitimacy of the system, and addressing supra-individual conditions.

“One in five people who experienced legal problems had their economy and health affected.”

In light of this, the following recommendations are proposed:

- Encourage the Ibero-American community to update surveys on unmet legal demands in countries and subregions.
- Identify and document the results of open justice commitments in the Open Government Partnership's database and information systems, with regard to the commitments included in the action plans of member countries, in order to promote open justice models and ensure compliance with the commitments made.
- Support the development of data standards and judicial information systems that allow for comprehensive comparative analysis of access to justice, including all levels of justice administration (national, provincial, or departmental, and municipal).
- Encourage the development of open data portals and judicial information systems and collaboration with civil society on the analysis and use of such information.
- Justice sector leaders should prioritize information management and regular monitoring and reporting of progress on SDG16.3.3, particularly through official monitoring mechanisms such as the SDG 16 Survey Initiative.
- The justice sector must rethink its approach and adopt new strategies to ensure inclusive, effective and accessible justice for all.
- The institutional system of the justice sector is key to accelerating the implementation of the 2030 Agenda, achieving institutional transformation and promoting innovation and the use of data and information systems for decision-making and co-constructing a future justice agenda.
- Justice systems must actively contribute to preventing potential conflicts, reaching out to individuals with legal problems and unmet legal needs.
- The concept of "justice systems" should expand beyond formal state institutions with legal jurisdiction to encompass private mechanisms regulated by law (such as mediation or conciliation centers) or community and ancestral mechanisms. These may provide more appropriate solutions based on the culture and conditions of large segments of the population who lack access to the formal justice system.
- Prioritize transformative gender institutional changes to advance inclusive institutions and quality responses for citizens.
- Institutions within the justice system should promote coordinated actions among different actors within the justice system, governments, and international organizations, aimed at:
 - *Generating knowledge, validating experiences, and documenting successful cases*
 - *Designing devices and tools to transfer this knowledge to justice systems*
 - *Promoting coordination among actors to drive a coherent institutional transformation agenda*
 - *Building broad consensus and long-term engagement of the international community to ensure sustainability.*

Practices in the Region: Mechanisms with multidimensional approaches

Guatemala. Access to justice for Indigenous Peoples⁵⁵

The Judicial Branch of Guatemala has implemented a policy on Access to Justice for Indigenous Peoples. The primary goal of this policy is to ensure that indigenous communities have access to justice and to promote the respect and protection of their cultural and linguistic rights within the Guatemalan judicial system. Measures included in the policy encompass the training of judges and judicial personnel on topics related to cultural diversity, interpretation and translation in indigenous languages, and the promotion of mediation and conciliation within the framework of community justice. The policy also seeks to improve coordination between the judicial branch and other actors within the justice system and civil society to ensure that the needs of indigenous peoples are adequately addressed when accessing justice.

Brazil. Justicia 4.0⁵⁶ (Justice 4.0)

In Brazil, UNDP collaborated with the National Council of Justice (CNJ) to develop a technological tool that enhances access to justice in the country. The tool utilizes machine learning algorithms based on data and information systems used by the CNJ to enhance judicial efficiency. By adopting this instrument, the goal is to accelerate the implementation of standards that improve the quality of data and information collected by each court of justice. The knowledge generated through this project allows the judiciary to create automated tools for cleaning, standardizing, validating, and correcting inconsistent records. This, in turn, supports court planning by providing projections and resource distribution needs based on identified procedural bottlenecks and the need to improve case management in the judiciary. The focus is on meeting people's needs and experiences, offering features ranging from artificial intelligence (AI) that identifies cases of gender-based violence to monitoring human rights abuses in prisons and integrating socioeconomic support for individuals released from prisons.

Chile. Conecta Justicia⁵⁷ (Connect Justice)

Chile's Ministry of Justice and Human Rights has established this platform for citizen participation with the aim of improving access to justice, bringing justice closer to people, and providing an alternative for interaction with the general public. The platform enables a better understanding of people's satisfaction levels with the use of remote service mechanisms, their legal needs during the pandemic, and their experiences in approaching justice, among other aspects, via surveys and digital consultations.

Section 2

Regional Normative Framework for Access to Justice



Chapter 6

Towards an Ibero-American Convention for Access to Justice

This chapter addresses the importance of access to justice as a fundamental human right and explores the efforts led by the Conference of Ministers of Justice of Ibero-American Countries (COMJIB) to create an Ibero-American Convention on Access to Justice (CIAJ). It also highlights the crucial role played by civil society in this process, and showcases key milestones that underscore their substantial involvement. This convention would become the first binding international instrument in the region aimed at guaranteeing access to justice for all individuals.

Access to justice is not only a human right but also the gateway to ensuring the enjoyment of other rights. Consequently, it is the duty of the state, particularly its justice institutions, to ensure that every citizen, regardless of their situation or condition, has access to effective, convenient and high-quality justice services.

Despite the recognition of this right in national laws, including constitutional provisions, and in various international treaties and conventions, a significant portion of the population in the region still faces obstacles that prevent them from accessing justice. These obstacles can be economic, cultural, social, or geographical in nature, and they disproportionately affect certain groups and vulnerable individuals.

The functioning of the region's justice systems has been profoundly affected by the COVID-19 pandemic. Many conflicts, such as domestic and gender-based violence, labor disputes resulting from layoffs, debts, evictions, and more, have increased or worsened, leading to a surge in demand for justice. Simultaneously, justice institutions had to adapt to providing their services in a virtual environment for which they were largely unprepared. This further exacerbated existing obstacles and widened the access gap.

In parallel, strategic issues such as the application of information and communication technologies (ICTs) in the justice field, environmental justice, and open justice, have gained prominence in recent years. Amidst these challenging circumstances, one of the most notable initiatives spearheaded by the Conference of Ministers of Justice of Ibero-American Countries (COMJIB) is the advocacy for and development of an Ibero-American Convention on Access to Justice (CIAJ).

The development of an internationally binding instrument on access to justice, which would be the first of its kind both regionally and worldwide, presents a unique opportunity to address the existing gaps and inequalities in access within the region. This opportunity is strengthened by the shared legal framework already in place, which can facilitate the process. Creating a new convention on access to justice makes a substantial contribution within the realm of international human rights law.

The CIAJ initiative builds upon the work carried out since 2018 by Ministries of Justice and civil society in the region. The objectives focused on identifying the need for justice sector reforms, facilitating participation and consensus-building among all justice sector actors, and ensuring access to justice for all.

Working Group Regional Normative Framework for Access to Justice

The analysis was carried out by:

- *COMJIB*
- *GJN*
- *ACIJ*
- *FIIAPP*
- *DPLF*
- *Pathfinders for Peaceful, Just and Inclusive Societies hosted by NYU Center on International Cooperation*

The CIAJ initiative has garnered immense interest and high expectations, not only among ministries of justice but also among regional justice networks, international organizations, academia, and civil society organizations. Undoubtedly, the improvement of access to justice has emerged as a shared need and a central issue for Ibero-America.

The Role of Ministries of Justice in the CIAJ

The Ibero-American Judicial Summit,¹¹⁰ the Ibero-American General Secretariat, and COMJIB, with the support of the EUROsociAL+ Programme of the European Union, have been promoting the review of the regional legal framework on access to justice since 2019.

A key milestone in this process was the endorsement given at the XXVII Ibero-American Summit of Heads of State and Government, held on April 21, 2021, in Andorra, Spain. The Summit's Action Program explicitly recognized *“the importance of guaranteeing the right of access to justice for the general population, especially vulnerable groups... and the need to foster a Regional Ibero-American Strategy for Access to Justice that facilitates the coordination of National Access to Justice Plans across countries, support the work of the Ibero-American Access to Justice Program, and promote the application of the Brasilia Rules on Access to Justice.”*¹¹¹

In May 2021, the launch meeting of the joint CIAJ initiative took place. This meeting involved the Ibero-American General Secretariat (SEGIB), COMJIB, the Brasilia Rules Monitoring Commission, the Coordination and Monitoring Commission of the Ibero-American Judicial Summit (CJI), the Presidency of the Ibero-American Access to Justice Program (PIAJ), and the EUROsociAL+ Program of the European Union.

During the Delegated Commission meeting of COMJIB held on February 17, 2022, in Barranquilla, Colombia, it was agreed on the *“importance of the initiation of work for the elaboration of the Ibero-American Convention on Access to Justice and to agree on the continuation of the work, with the General Secretariat of COMJIB entrusted with its promotion, in coordination with SEGIB and the Ibero-American Judicial Summit. The aim was to present the proposal to the Plenary Assembly.”*¹¹²

Subsequently, at the XXII Plenary Assembly of COMJIB held on July 21, final approval was granted *“for the elaboration of the Ibero-American Convention on Access to Justice. The General Secretariat was urged to advance the definition of a roadmap for its development, ensuring broad participation from all sectors.*

*This coordination with SEGIB and the Ibero-American Judicial Summit aimed to strengthen the conventional frameworks and ensure equal access to justice for all individuals, especially those in vulnerable situations. This commitment aligns with SDG16 of the United Nations' 2030 Agenda, emphasizing the promotion of just, peaceful, and inclusive societies to leave no one behind.”*¹¹³

Finally, at the XXVIII Ibero-American Summit of Heads of State and Government held on March 24 and 25, 2023, in the Dominican Republic,¹¹⁴ strong support was expressed for this initiative by including the following paragraph in the Santo Domingo Declaration:¹¹⁵ *“We support the continued consideration and evaluation of the project for the Ibero-American Convention on Access to Justice within the framework of COMJIB. We express our interest in considering and adopting measures to guarantee equal access to justice for all individuals, especially those in vulnerable situations. This commitment reinforces the promotion of just and inclusive societies in alignment with SDG16 of the 2030 Agenda, in order to leave no one behind.”*

To further strengthen this commitment, the III Quadrennial Action Plan of Ibero-American Cooperation 2023-2026,¹¹⁶ approved at the Summit, incorporates a specific thematic axis, Axis 7: Justice, Public Innovation, and Citizenship. This axis aims to *“strengthen the Ibero-American Community through the promotion of human rights, access to them, the strengthening of institutions, citizen innovation, and the promotion of a multilevel and multi-actor approach to achieve the 2030 Agenda.”* With this axis, the goal is to contribute to the strengthening of legal cooperation, access to justice, the promotion of human rights, and citizenship.”

Of note within this axis is the Outcome (R.7.1) aimed at strengthening legal cooperation, access to justice, and instruments for promoting rights,¹¹⁷ with three priority lines of action. The first line (LA 7.1.1) is dedicated to improving access to justice with an inclusive, non-discriminatory, and equal approach. It emphasizes the

development of the Ibero-American Convention on Access to Justice, with a particular focus on the protection of vulnerable groups, led by COMJIB.¹¹⁸ The second line of action (LA 7.1.2) pertains to supporting mechanisms of legal cooperation in Ibero-America, and the third line (LA 7.1.3) aims to promote rights instruments in the region.

Graph 3: Milestones on the path taken by the formal sector



The Role of Civil Society in the CIAJ

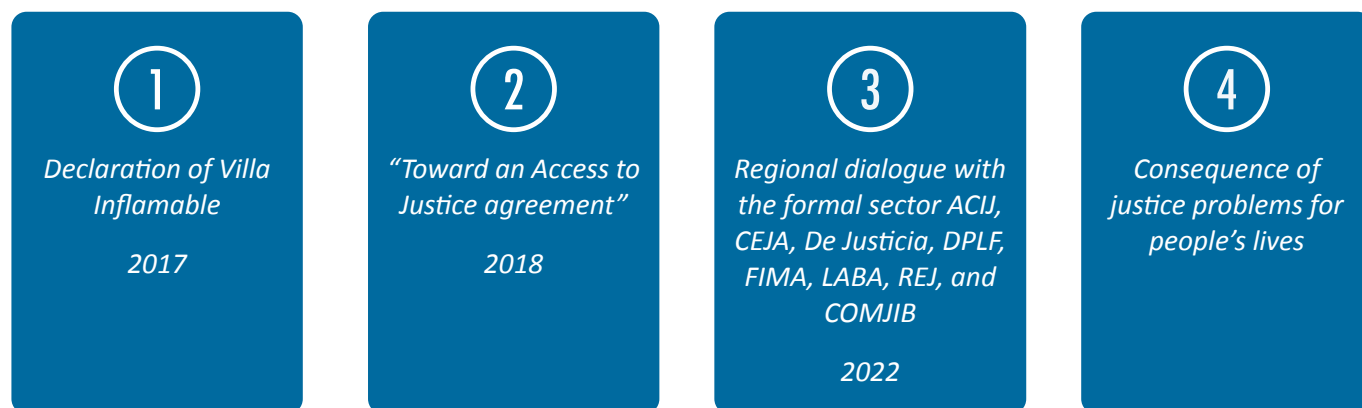
At the regional level, a significant precursor to this series of actions was the “For Access to Justice for the Effectiveness of Rights” initiative,⁵⁸ a network of civil society groups that specialize in justice. This initiative had its first milestone in 2017 with the Declaration of Villa Inflammable,⁵⁹ which marked the beginning of a collaborative work agenda to reevaluate the justice system in LAC. Building on this, a second milestone was achieved in 2018 when civil society organizations, public and academic institutions, and representatives of disadvantaged groups developed a common document establishing the foundations for a Latin American Agreement for Access to Justice.⁶⁰ This agreement took a step further towards designing a comprehensive agenda of reforms to ensure equal access to justice and the effective realization of rights, especially for vulnerable groups.

In 2022, civil society further advanced their efforts by engaging in a regional dialogue with the formal sector, specifically with the ministries of justice within the scope of COMJIB. Over 30 civil society organizations, led by ACIJ, JSCA, Dejusticia, DPLF, FIMA, LABA, and the Legal Empowerment Network, came together to reaffirm their commitment to continuous participation in decision-making processes concerning the development of treaties or regulations.

Through this persistent strategy, civil society's inputs from the document “Towards a Latin American Agreement for Access to Justice” will be incorporated into the Ibero-American Convention discussed here. This document provides a series of recommendations⁶¹ for public decision-makers and international actors to guide the development of a regional convention on access to justice, from a perspective of “with and from” the communities.

Additionally, civil society has prepared a position document on the CIAJ⁶² which thoroughly analyzes COMJIB's structural proposal for the convention. This document offers targeted inputs to ensure that the Convention's text reflects the necessary commitments to overcome the barriers that impede access to justice in the region.

Graph 4: Milestones on the path taken by civil society



Synergies for Meaningful Civil Society Participation in the CIAJ

The Summit of Ministers of Justice⁶³ played a pivotal role in facilitating a three-month virtual consultation process for civil society actors. The task of systematizing and analyzing the consultation's findings was undertaken by civil society itself, under the guidance of GJN and ACIJ. The primary objective of this process was to enhance the convention, streamline its implementation across the region, and, most importantly, create an instrument that genuinely addresses the region's needs and realities. Through the consultation process, valuable insights into the barriers to access to justice were gleaned from civil society organizations and the academic sector.

The consultation yielded fifty responses from the region, all of which underscored the imperative to address the diverse obstacles and barriers that individuals encounter when seeking access to justice. These responses clearly indicate that the convention must account for the wide array of challenges associated with accessing justice.

Additionally, efforts were made to identify the specific barriers faced by individuals or groups in vulnerable conditions. These included indigenous and Afro-descendant peoples, LGBTQI+ individuals, persons with disabilities, children and adolescents, women, people with limited resources, people in mobility situations (migrants, refugees, displaced persons), victims of crimes, persons deprived of liberty, and older adults.

Furthermore, a compilation was made of normative documents, resources, and best practices regarding legal frameworks for access to justice in the Ibero-American region. These valuable contributions were provided by individuals and organizations that participated in the survey. Thus, this document⁶⁴ represents a significant milestone in fostering synergies between the formal sector and civil society. Its aim is to bring justice closer to the people, offer tailored responses based on the region's specific needs, and enrich the Ibero-American convention.

Chapter 7

Advancements in the Consolidation of the CIAJ

Principles

1. *Effectiveness*
2. *Progressivity*
3. *Comprehensiveness*
4. *Gender mainstreaming*
5. *Intersectionality*
6. *Multiculturalism*
7. *Equality and non-discrimination*
8. *Centrality of the person*
9. *Focus on rights*
10. *Technological mainstreaming*

Formulating a regional convention on access to justice is a complex and lengthy process that involves multiple actors with diverse agendas and interests. It requires a comprehensive approach that includes the participation of different stakeholders. This report serves as a crucial component of the preparatory work aimed at bridging positions and facilitating the creation, discussion, signing, ratification, and implementation of an Ibero-American Convention on Access to Justice. The Convention will be a tool to bring about a structural transformation, shifting the prevailing paradigm based on institutions to one that is shaped,

conceived, and implemented from the standpoint of individuals who are in need of access to justice.

As a binding legal instrument, the Convention has the potential to reinforce the rule of law in the region, since it constitutes an instrument for the effective exercise of the rights of Ibero-American populations and establishes standards for governance from a people-centered approach. Its impact will resonate throughout the entire justice system.

To this end, it is important for all institutions within the broad justice ecosystem to forge close collaborations. In pursuit of this objective, an integrated approach has been adopted, coupled with a highly participatory process that includes consultations with regional justice networks, civil society organizations, institutions working with vulnerable groups, and specialized regional and international bodies in the field. International cooperation must also pool its resources and capacities, within the context of the endeavors propelled by the 2030 Agenda, to support this process while upholding the autonomy of its actors.

The draft Convention places individuals and the satisfaction of their legal needs at its core. In this context, the participation of civil society organizations working directly with vulnerable groups and possessing a deep understanding of their legal needs is crucial. To facilitate this, COMJIB has established a participation mechanism for regional civil society organizations dedicated to justice issues, human rights protection, and advocacy.

In August 2022 the Secretary-General of COMJIB launched a technical assistance program. The aim of this assistance is twofold: to develop an advanced and widely agreed-upon text for the Convention, and to foster channels for participation and consultations with regional justice networks, regional and international bodies specializing in the field, and civil society organizations.

Structure

- *Definition of access to justice*
- *Barriers for access to justice* **Principles**
- **Innovative conflict resolution systems:** *extrajudicial mechanisms, community justice and restorative justice*
- **Data:** *satisfaction of legal needs and diagnosis*
- **Responsibilities for legal aid providers and public defenders**
- **Application of information and communication technologies**
- **Organizational design:** *procedural and organizational measures to facilitate access to justice, such as the simplification of procedures and the channeling of collective interests*
- *Supervision, compliance, and effectiveness* **mechanisms of the Convention.**

The process started with a mapping study of the regional normative and jurisprudential framework on access to justice, as well as an assessment of the needs, risks, and challenges involved in advancing towards a binding international instrument in this field. In 2022, progress was also made in defining the structure of the Convention and a list of key definitions to be included in the CIAJ.

Concurrently, a series of good practices and promising experiences have been identified across various areas of access to justice, both at the regional and national levels. These practices exemplify the tangible progress already achieved in the region and will support the Convention's proposals with practical models.⁶⁵

The region possesses a significant number of references that serve as sources for these endeavors, namely the 100 Brasilia Rules on access to justice for vulnerable people, the Santiago Guidelines on Victim and Witness Protection, the Ibero-American Plan for Access to Justice, and the regional model for the defense of people in mobility contexts. A draft text of the Convention prepared in a previous phase, with the support of the EUROsociAL+ Programme of the European Union, has also been taken into account.

A comprehensive and inclusive concept of access to justice has been established to encompass the various ways in which people's legal needs can be met. Access to justice is understood as the fundamental right that every person has to seek and engage with the public service of justice without discrimination, with the goal of obtaining an effective resolution to their legal needs in a reasonable timeframe. It includes the resolution of conflicts through judicial bodies, ensuring an appropriate and effective recourse that respects due process and the enforcement of decisions, as well as collaborative approaches to conflict resolution, restorative justice in criminal matters, customary dispute resolution methods of indigenous peoples, and various forms of community and traditional justice. The scope of the CIAJ is to ensure access to justice for all individuals, with a specific focus on addressing the barriers faced by vulnerable individuals and groups, addressing the specific needs arising from their vulnerability.⁶⁶

The Convention will include a dedicated chapter on the **guiding principles of access to justice**. These are: effectiveness, progressiveness, comprehensiveness, gender mainstreaming, intersectionality, multiculturalism, equality and non-discrimination, centrality of the person, a rights-based approach, and technological mainstreaming.

Recognizing their special importance, a chapter will be dedicated to **satisfaction of legal needs and their diagnostics**, addressing legal guidance, information and education on rights and obligations, as well as legal advice for access to justice.

Another chapter will focus on the **general rules of conflict resolution mechanisms**, incorporating administrative and management measures aimed at improving access to justice. Collaborative mechanisms for conflict resolution, such as arbitration, mediation, negotiation, conciliation, and facilitation,⁶⁷ will be emphasized, with specific attention paid to restorative justice. The chapter will also address proximity justice, itinerant justice, as well as conflict resolution methods within indigenous populations, the Afro-descendant community, and other ethnic and cultural diversities.

A chapter is planned to address **jurisdictional mechanisms for conflict resolution** ensuring the availability of suitable, effective, and expeditious remedies for the protection of rights by a judge or court that meets the independence and impartiality requirements set by international regulations, in accordance with the principles

of due process. The chapter acknowledges the need to review procedural rules to enhance access to justice, including aspects such as oral proceedings, simplification of procedures and forms, collective interests, pre-trial evidence, as well as compliance and enforcement of decisions. It will also cover intra-judicial mediation, interpretation, and translation services (including cultural expertise), and access to justice in cross-border processes. This chapter will also introduce rules governing the proper conduct of judicial proceedings, such as information provision, the use of clear language, attending arraignments and privacy protection.

The decision has also been made to include in the Convention what has become a pressing issue in the region: **open justice**. The Convention will incorporate the principles of transparency, citizen participation, and collaboration, aiming to create an accessible, approachable, reliable, and effective justice system. It will promote strategies and mechanisms for accountability and access to information that empower individuals to exercise their rights, monitor institutional activities, and contribute to the continuous improvement of services.

The inclusion of content related to **environmental justice** is being considered in the agreement. Recognizing the significance of access to justice in environmental and climate matters in the region, the Convention takes into account the existence of the “Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean.”⁶⁸ This agreement, adopted in Escazú, Costa Rica in 2018, has been ratified by a large number of countries.

The Convention acknowledges the crucial role of **technology and innovation** in facilitating access to justice and embraces the digital transformation of the justice system. It not only incorporates existing technological tools but also allows for adaptation to new technological scenarios resulting from scientific and innovative advancements. The agreement will address the principle of data orientation as a basic element for the implementation of technological solutions. It will involve various aspects, such as utilizing technology to interact with the justice system (e-justice), facilitating remote assistance and virtual hearings, ensuring information security and privacy protection (particularly personal data protection), promoting proceedings through technological means and digital services, and utilizing digital identification and signatures for justice system proceedings. Special attention will be given to the digital gap.

Next Steps

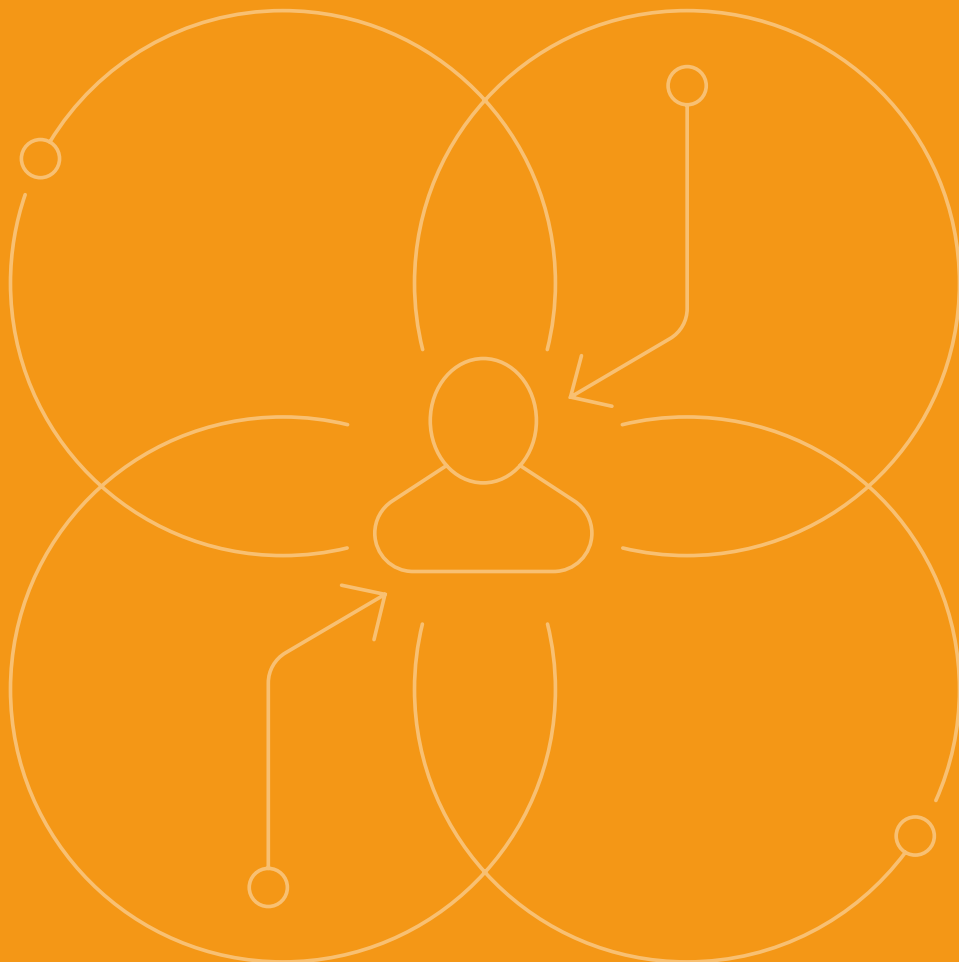
To ensure effective implementation, the agreement will introduce elements aimed at monitoring and compliance. This includes establishing a permanent forum and national contact points, promoting interinstitutional coordination, and implementing change management through instruments that disseminate the agreement, raise awareness, provide professional training, and conduct research and studies.

The consensus-building process and regional dialogue that began with the agreement for the regional Convention have yielded significant results, including the formulation of a series of actions to be undertaken in the justice sector within the region:

1. Participatory and collaborative development of the text of the Ibero-American Convention on Access to Justice between the ministries of justice and civil society organizations;
2. Continued consultation process with regional networks, international organizations and civil society organizations;
3. Appointment of the Study Group/Advisory Committee and definition of its constitution, scope and responsibilities; and
4. Development of a regional awareness and communication plan aimed at generating alliances and support for the Convention.

Section 3

Regional System Actions to Leave No One Behind



Chapter 8

Understanding Vulnerability and Associated Justice Issues

The central promise of the 2030 Agenda is to ensure that no one is left behind on the path to sustainable development. Investigating which groups are in the most vulnerable situations and how they address their justice needs has been a focal point for judiciary professionals, public defenders, public prosecutors, lawyers, and civil society organizations engaged in justice matters.

Within this context, the members of the Leave No One Behind working group turned to the 100 Brasilia Rules as a legal framework to conceptualize and understand vulnerability conditions. The Brasilia Rules state that: *“Vulnerable people are defined here as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognized to them by law”* (Section 2.1.3).

Working Group Leave No One Behind

The analysis was carried out by:

- AIDEF
- AIAMP
- ILANUD
- REDLAD
- Red Pro bono de las Américas
- Pathfinders for Peaceful, Just and Inclusive Societies hosted by NYU CIC

Graph 5: Vulnerable Groups in the Brasilia Rules

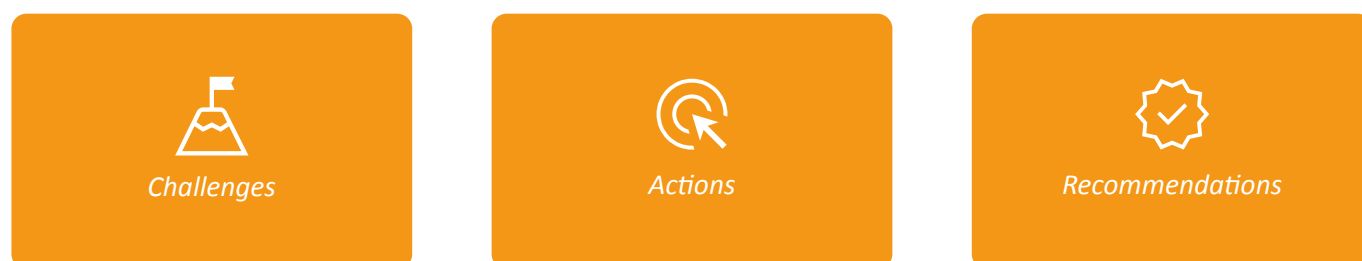


The 100 Brasilia Rules serve as a powerful catalyst for public policy implementation. While not legally binding, their influence within the human rights normative framework cannot be overstated,⁶⁹ as they have effectively supported and promoted the establishment of people-centered institutional responses.

The justice sector in Latin America grapples with significant challenges stemming from structural inequality. To address these challenges, differentiated and intersectional approaches are required. This section of the report focuses on the actions undertaken to ensure access to justice for socially disadvantaged groups, aiming to redress the systemic barriers they face. It also highlights how individuals in vulnerable situations address their justice needs through various mechanisms.

Subsequently, Section III outlines the initiatives carried out within the Inter-American Human Rights System,⁷⁰ which is widely recognized for addressing impunity and grave human rights violations. However, despite its significance, this system presents notable barriers to access. Lastly, a brief description is provided of some of the practices carried out regarding community and ancestral justice in the region.

Graph 6: Analytical dimensions



The report highlights the regional implementation of successful practices, examining them through three key dimensions. First, it delves into the primary challenges faced by vulnerable groups in accessing justice, as well as the obstacles encountered by the system in meeting the demands of these groups.

Second, it presents the strategies and actions that have been implemented to enhance access to justice for these marginalized populations.

Finally, recommendations are made for future steps that are necessary to further improve access to justice and establish a robust framework that addresses the specific needs of vulnerable groups.

Chapter 9 Main Obstacles and Initiatives in the Justice System Regarding Access to Justice for Vulnerable Groups

1. Women, gender-based violence, sexual violence, and femicides

Challenges

There are numerous obstacles to women's access to justice in the region, particularly concerning the investigation of women's deaths. Weaknesses have been found in the collection of criminal information on violent deaths of women in general, as well as those motivated by gender reasons, such as femicides. In some countries within the region, a disturbingly high level of impunity prevails due to inefficient and gender-biased investigations that fall short of meeting the standards of enhanced due diligence. Moreover, it has been observed that the personnel responsible for these processes within Public Prosecutors' Offices are not always specialized and may lack familiarity with international commitments in this field.

Processes of adaptation or adoption of the "Latin American Model Protocol for the investigation of Gender-related Killings of Women"

Actions

In response to the challenges encountered by countries in the region when dealing with cases of gender-based violence, various initiatives have been undertaken. One is the review of methodology and measurement resources within the Public Prosecutors' Offices that are members of the AIAMP (Ibero-American Association of Prosecutors). This review constructs model measurement indicators and strengthens the adoption processes of the "Latin American Model Protocol for the Investigation of Gender-Related Killings of Women,"⁷¹ prepared by the United Nations.

Furthermore, efforts have been made in political advocacy, leading to the inclusion of a call to states in the General Resolution of the General Assembly of the Organization of American States (OAS) 2976 (LI-O/21).⁷²

This call urges states to guarantee free, accessible, effective, and specialized legal assistance and representation services for women who report situations of sexual and gender-based violence. Moreover, efforts are being made to facilitate early, urgent, and timely access to justice to obtain protective measures.

The working groups engaged in these projects are expected to promote the proper investigation and litigation of cases involving violent deaths of women due to gender reasons, ensuring compliance with the duty of enhanced due diligence. Notably, Argentina, Peru, Brazil, Costa Rica, Guatemala, Ecuador, Uruguay, Colombia, and El Salvador have already incorporated the model's (Latin American Model Protocol for the Investigation of Gender-

Related Killings of Women) parameters into their existing protocols.

Lastly, efforts have been directed towards preventing gender-based violence during the pandemic. To this end, a communication⁷³ and a document⁷⁴ have been created by AIAMP, offering suggestions for concrete measures by Public Prosecutors' Offices to ensure access to justice for girls and women.

Recommendations

1. Strengthen the institutional capacities of Public Prosecutors' Offices to build comparable, reliable, coherent, sustainable, and relevant criminal information at the regional level on femicides, and to develop public policies for the prevention and punishment of violence against women, using common criteria.
2. Ensure that the investigation and litigation of cases of violent deaths of women due to gender motivations are conducted in compliance with the duty of enhanced due diligence.
3. Continue with the development of a regional protocol for the investigation and prosecution of sexual violence crimes. This protocol should provide general guidelines and practical measures, in line with international human rights standards, and incorporate a gender perspective. The protocol aims to strengthen the timely and effective handling of cases, overcome gender biases and stereotypes in the approach to cases, and promote the effective participation of victims, their families, and witnesses in the investigation and eventual criminal trial.
4. Promote the implementation of strategies and measures to prevent gender-based violence in all areas of society, including education, work, health, and justice. It is also important to promote the active participation of civil society and women's organizations in the development, implementation, and evaluation of public policies related to gender-based violence.

Recommendations for Public Prosecutors on actions to protect women's rights during the COVID-19 Pandemic

1.1. Women: Organized crime

Challenges

In the region, it has been observed that cases of gender-based violence occurring within the context of organized or complex criminality often fail to adequately consider the gender component. When violence experienced by women is not thoroughly addressed, this sometimes leads to women themselves becoming involved in criminal activities.

Organized or complex crime and violence against women. Proposal of guidelines for MP/F/PG

Actions

AIAMP's proposal focused on complementing the "Latin American Model Protocol for the Investigation of Gender-Related Killings of Women" with practical tools to strengthen the institutional capacities of Public Prosecutors' Offices in the investigation and prosecution of organized crime cases involving women. The project included a diagnosis of the specific difficulties faced by prosecutors in the investigation and litigation of these cases, through consultation with experts from various member countries. The outcome was the development of concrete guidelines to address the issue.⁷⁵

Recommendations

1. Continue raising awareness and providing training to prosecutors and other justice actors regarding the importance of adequately considering the gender component in cases of gender-based violence in the context of organized or complex criminality.
2. Ensure effective implementation of the tools and guidelines generated through the project by prosecutors and other justice actors. This entails allocating sufficient resources for implementation and monitoring, as well as conducting evaluations to assess their effectiveness.
3. Sustain efforts to prevent gender-based violence in the context of organized or complex criminality through the promotion of comprehensive public policies that address the structural roots of gender-based violence and organized crime. Additionally, implement prevention strategies in the community and strengthen women's capacities to resist and confront violence and organized crime.

2. Youth

Challenges

As a preliminary definition, the group agreed to use the term “adolescents in conflict with the criminal law” as a common designation for underage individuals subject to the juvenile justice system. It also decided to focus on restorative juvenile justice to address the lack of a specialized justice system that protects children and adolescents.

Juvenile justice procedures in the region are adversarial in nature. Measures have been implemented in many countries, moreover, to reduce the minimum age of criminal responsibility, increase custodial sentences, transfer of detainees to penitentiary systems while awaiting trial, and frequent procedural exchanges of guarantees that occur during expedited processes.

Most justice systems in the region have not incorporated the concept of restorative justice into their legal frameworks. As a result, the lack of a common definition and the heterogeneity in the implementation of restorative practices across the region pose a significant challenge when promoting their adoption in courts and prosecutor's offices.

Actions

In September 2022, ILANUD ran a seminar aimed at public defenders in the region. Many public defenders lack sufficient training on juvenile justice and restorative justice, and various courses were delivered to address this.

These covered interdisciplinary and restorative approaches, emotional conflict management, and facilitator skills and techniques.⁷⁶

Moreover, recognizing the importance of providing specialized and interdisciplinary care to adolescents in conflict with the law, consultations were initiated with Public Prosecutors' Offices to ascertain the availability of such services. This initiative led to the identification of eight Public Prosecutors' Offices in the region that were equipped with specialized interdisciplinary teams.⁷⁷ In several cases, these teams worked in collaboration with other sectors of the state.

Efforts have been made to encourage commitment to restorative juvenile justice.⁷⁸ The main objectives included making resocialization a more prominent objective of the adolescent criminal responsibility system, advocating for decriminalization and the adoption of restorative practices, fostering the development of targeted public policies in juvenile justice, and implementing training, capacity-building, and awareness-raising strategies for justice operators to effectively employ restorative juvenile justice mechanisms at all stages of the process.

Additionally, a protocol was developed to provide Public Prosecutors' Offices with a functional model for juvenile criminal justice that promotes social reintegration.⁷⁹ This protocol focuses on the implementation of restorative

processes and the enhancement of existing restorative practices. It was disseminated through awareness-raising courses for prosecutors in Ibero-America. The protocol revolves around two key aspects: the first emphasizes measures that enhance access to justice through the reintegration of young individuals in conflict with the law and reparation for crime victims, while the second aims to strengthen the existing adolescent criminal responsibility systems by fostering a restorative approach.

Juvenile Restorative Criminal Justice Seminar

The main Ibero-American justice networks have shown a clear willingness to prioritize the issue of restorative juvenile justice through regional inter-institutional actions. The creation of a permanent and specialized space - the Restorative Juvenile Justice Technical Working Group - stands out. Coordinated by the Judicial Summit, this working group involves the participation of COMJIB, AIAMP, and AIDEF, with technical assistance from ILANUD. Similarly, within the scope of AIAMP, the Network on Juvenile Criminal Justice and Restorative Justice was created in 2022.

The purpose of these initiatives is to agree on guidelines that facilitate the development of norms that strengthen and increase the implementation of restorative juvenile justice and the use of complementary mechanisms that favor non-custodial measures. This approach ensures that deprivation of liberty is considered a last resort, while also addressing the reparation and restoration needs of crime victims.

Recommendations

1. Prepare reports related to the implementation of restorative juvenile justice, with an emphasis on monitoring and follow-up mechanisms.
2. Address the lack of legal knowledge among adolescents concerning their rights, legal issues, and the institutional framework and resources available to assist them in resolving criminal conflicts.
3. Promote tailored attention for incarcerated adolescents who face multiple vulnerabilities, such as lactating adolescent women with children, persons with disabilities, and migrants, among others.
4. Conduct assessments to gain a more detailed understanding of the framework of needs that must be addressed in order to apply the differential approaches required by intersecting vulnerabilities.

3. LGBTQI+

Challenges

Several deficiencies have been identified in the Central American region with regard to access to justice for the LGBTQI+ community. These include a widespread lack of knowledge and interest among service providers in terms of addressing violence against these populations, which was particularly evident during the COVID-19 pandemic. The criminalization of same-sex relationships between consenting adults poses a significant obstacle to justice for this community.

Furthermore, deficiencies have been identified in the investigation and prosecution of violence cases targeting LGBTQI+ individuals at the regional level due to the absence of gender and diversity perspectives. This situation has resulted in impunity and the marginalization of specific forms of violence against the LGBTQI+ community.⁸⁰

Actions

Projects in this area have aimed to promote the human rights of LGBTQI+ individuals. Publications have been made that provide insights into the human rights situation and strategies for advocacy and strategic litigation by public prosecutors and defenders in the region.⁸¹

Moreover, agreements have been signed with networks of LGBTQI+ organizations in Central America⁸² to promote initiatives that strengthen the work of human rights defenders within these networks. For example, workshops on reporting violations of the rights of the community have been organized, and training on national and international legislation in the field has been provided to network members. Modules targeting public officials have been designed, and legal support and advice have been offered to organizations with legal departments. These efforts aim to promote equality and access to justice for LGBTQI+ individuals in the region.

Recommendations

1. Overcome the lack of knowledge and interest in the subject among justice service providers in the Central American region and beyond.
2. Eliminate criminalization of the LGBTQI+ community, which penalizes consensual same-sex relationships.
3. Strengthen gender and diversity perspectives in the investigation and prosecution of cases of violence against LGBTQI+ individuals to prevent impunity and the invisibilization of violence against this community.
4. Promote human rights for LGBTQI+ individuals through advocacy and strategic litigation, as well as the training and capacity-building of public officials and members of organizations and networks working in this field.
5. Improve coordination and networking among organizations and human rights defenders working on the promotion and protection of the rights of the LGBTQI+ community to ensure more effective and unified action.

4. Persons deprived of liberty

Challenges

The penitentiary infrastructure in most prisons in Latin America and the Caribbean, coupled with the selective nature of the criminal justice system that disproportionately affects marginalized sectors of society, results in arbitrary restrictions on fundamental rights and limited access to justice for individuals deprived of liberty. Additionally, inmates face communication difficulties, resource scarcity, and overcrowding, which often leads to violence. When individuals from historically marginalized groups are affected, institutional violence becomes even more invisible and exacerbated, exposing them to further harm.

Furthermore, the lack of coordination among public defenders, prosecutors, judges, doctors, psychologists, and social workers presents a significant challenge.

Actions

Efforts in the region pertaining to persons deprived of liberty have focused on access to justice in relation to institutional prison violence and investigating the impact of the COVID-19 pandemic.

To address institutional prison violence, a comprehensive diagnosis was conducted in the Latin American region to identify systems and good practices for ensuring access to justice for victims of such incidents.⁸³

Based on this diagnosis, a Regional Guide for handling cases of institutional violence⁸⁴ within prison system was developed. The guide aims to strengthen the institutional capacities of public defense agencies in managing such cases. It includes a protocol for addressing institutional violence, a case registration matrix, and impact indicators to reduce such incidents. The guide not only raises awareness of the rights of victims of institutional violence but

Systematization of findings on their situation in terms of human rights and advocacy strategies and strategic litigation

Agreements with networks of LGBTQI+ organizations in Central America

also offers comprehensive mechanisms - that extend beyond legal assistance - to remove barriers to accessing these rights, facilitate case follow-up, and foster coordinated action among relevant stakeholders.

This regional project had an impact on the implementation of a System for Registering, Communicating, and Providing Comprehensive Care to Victims of Institutional Prison Violence within the public defense agencies of Argentina, Chile, and Costa Rica. These pioneering experiences are expected to be replicated by other public defense agencies in the region.

With regard to the COVID-19 pandemic, an initiative was undertaken to gather experiences that illustrate the seriousness of prison overcrowding, exacerbated by the risks of virus transmission, and the heterogeneity of responses, even in the face of applicable international recommendations for detention centers.⁸⁵ UNDP, together with the Association for the Prevention of Torture, carried out a COVID-19 Digital Mapping: Justice and Deprivation of Liberty,⁸⁶ which compiles the measures taken by governments in the region to respond to the impacts of the pandemic on their criminal justice systems and places of detention. It includes over 1,000 entries related to legislative, administrative, and judicial measures.

Recommendations

1. Promote the adoption of differentiated approaches in the care of persons deprived of liberty.
2. Improve prison management and explore innovative strategies to promote social reintegration processes.
3. Encourage the formulation of public defense strategies based on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the “Bangkok Rules.”
4. Incorporate a gender perspective in the criminal defense of women in conflict with the criminal law, including those deprived of liberty.⁸⁷

**Regional guide for
action in cases of
institutional violence**

5. Indigenous people, ethnic and religious minorities

Challenges

One of the main challenges with regard to justice for indigenous people and ethnic and religious minorities relates to the lack of recognition of the internal normative systems that exist within indigenous communities, including community protocols, regulations, and tribunals, which are often seen as minor courts. Additionally, many judges are not familiar with relevant international conventions, such as ILO Convention No. 169 or the United Nations and Inter-American Declarations on Indigenous Peoples, Communities, and Nations.

Other obstacles include limited knowledge about judicial processes and available resources, a scarcity of interpreters that can impede legal proceedings and undermine the right to defense, and limitations in accessing virtual systems or internet connections to engage with digitized judicial processes. The lack of financial resources to sustain processes, review case files, or travel to consult historical document sources is a further obstacle.

Moreover, the issues faced by Indigenous peoples are often related to economic and environmental policy interests, further complicating access to justice.

Similarly, drawing from the experience of Afro-descendant communities in Honduras, gaps were identified in terms of legal and institutional knowledge, a lack of political will among justice operators, and systemic racism that poses difficulties in accessing justice. As with indigenous communities, there is limited understanding of community processes and language barriers.

In Colombia, for example, recognition has been achieved for ancestral justice, which is governed by rules and principles, has great cultural strength and community recognition, and promotes the identity of communities. However, there is a differentiated and tense treatment. Indigenous justice practices (and jurisdiction) are constitutionally recognized, but Afro-descendant justice is not, which is why the latter allege a differentiated and discriminatory treatment.⁸⁸

In a separate context, experiences concerning religious minorities in six countries on the continent—Mexico, Haiti, Nicaragua, Venezuela, Brazil, and Chile—revealed that belonging to such groups can be a potential cause of discrimination. However, there remains a lack of development in terms of the multidimensionality of violation environments. This phenomenon was linked to the diversification of religious beliefs and the absence of sufficient specialized legal frameworks in this area. Moreover, existing frameworks predominantly reflect Christian values and beliefs due to the religion's majority status, leading to public policies that impose these values. This dominance also hinders the establishment of more inclusive and effective institutions in this field, impacting the recognition of legal personality for religious communities.

System of Registration, Communication and Comprehensive Care for Victims of Institutional Prison Violence (SIRCAIVI)

Actions

To address these issues, the Permanent Mission of Argentina to the OAS, in collaboration with member states of the Inter-American Association of Public Defenders (AIDEF), has sought to include a call in the Resolution on the Promotion and Protection of Human Rights of the OAS General Assembly AG/RES 2961 (L-O720).⁸⁹ This call urges states to guarantee access to justice with an intercultural approach for the effective protection of the human rights of indigenous peoples, especially their economic, social, and cultural rights.

Direct efforts were made to support an indigenous community in the town of San José Tibceh, in the municipality of Muna, Yucatán, with the purpose of assisting in the defense of their territory against the development of a large-scale solar energy project. This initiative involved negotiations with the private sector and various government entities. It also secured a thematic hearing before the Inter-American Commission on Human Rights, raising awareness of the case and generating greater commitment to it.

Thematic hearing IACHR for indigenous communities in Yucatan, Mexico

Throughout the process, there were exchanges of experiences and knowledge, meetings, and training workshops. The United Nations Special Rapporteur on the rights of indigenous peoples was also contacted. The support provided and the lessons learned from the experience may be instructive for the defense of other indigenous communities.⁹⁰

With regard to Afro-descendant communities, efforts were made to facilitate access to justice by strengthening alliances with the Supreme Court of Justice, the National Commissioner for Human Rights, and the Special Prosecutor's Office for Ethnicities and Cultural Heritage. Additionally, a pilot program was launched in Honduras and Guatemala to train and certify translators for the judicial system. Legal advice and case support were provided, including in the formulation of complaints.

In Colombia, inter-jurisdictional coordination between justice authorities has been promoted and protocols of understanding have been drafted. This practice has been socialized at the regional level.⁹¹ The government, together with civil society organizations and representatives of the communities, has embarked on a process of characterization of the (Afro-Colombian) ancestral peoples in order to carry out a social and cultural recognition process, which will later lead to constitutional recognition. Likewise, work has been carried out to provide legal advice and to accompany cases and file complaints.

Furthermore, a training session was organized for 100 Afro-descendant organizations on mechanisms for participation and advocacy for Afro-descendants in the Organization of American States.

Work with religious minorities has involved strategic litigation of specific cases to establish legal precedents that promote the development of new legal frameworks. The most frequently reported cases dealt with the violation of fundamental rights in the name of religion; discrimination and persecution based on religion; the absence of legal structures for the recognition of religious minorities; and the violation of the principle of secularism in matters of public interest.

In 2021, a request for a thematic hearing was made to the Inter-American Commission on Human Rights (IACHR) on the right to freedom of belief and religion, particularly regarding discrimination based on religious beliefs. Within this hearing, there were appeals to the IACHR for the creation of a rapporteurship on religious freedom, the preparation of a thematic report, and the intersectional construction of mechanisms for identifying and addressing cases of violation of religious freedom and religious diversification. This process involves engaging with civil society, governments, and specialists in the religious field, in dialogue with existing international mechanisms.⁹²

Thematic hearing before the IACHR on the right to freedom of belief and religion

Recommendations

1. Continue working on the implementation of intercultural approaches to ensure the effective enjoyment of all human rights of Indigenous peoples.
2. Replicate the lessons learned in the defense of other ethnic communities.
3. Promote training processes on internal normative systems of Indigenous communities and international conventions and declarations by the UN and OAS for indigenous peoples.
4. Raise awareness about the need for cultural interpreters in justice systems.
5. Allocate more financial resources to sustain processes, review files, or to travel to consult historical document sources.
6. Strengthen institutional knowledge about ethnic and religious diversity.
7. Promote awareness processes aimed at eradicating systemic racism.
8. Promote specialized legal frameworks on religious matters that consider religious diversity.

6. Migrants/refugees

Challenges

Migrants and refugees in the region face many complex obstacles to accessing justice.

Given that migration is inherently a cross-border phenomenon, migrants often lack knowledge of available procedures and applicable laws in host countries, as well as of the services available to them. The lack of awareness of their specific legal issues and how to resolve them is a central element in migration processes.

Additionally, there is a lack of legal assistance and representation services in border areas, particularly in extensive and complex territories common to countries in the region. In many cases, the majority of services and assistance offices are located far from the main points of entry into the territory. Language can also be a significant barrier, depending on the migration route.

Legislation that centralizes access to services based on regular migratory status is particularly concerning. Likewise, the execution of expulsion or deportation measures before exhausting available administrative and judicial remedies poses an insurmountable obstacle to access to justice. Increasing securitization policies, moreover, particularly the externalization of security measures, severely affect access to border areas and, therefore, legal assistance.

Finally, the digital divide and the increasing digitization of procedures such as refugee applications and migration regularization have become modern obstacles to access to justice for individuals in these circumstances.⁹³

Actions

AIDEF has conducted a regional diagnostic study on access to justice for migrants and refugees.⁹⁴ National and regional legal frameworks on defense institutions, migration, and refuge were surveyed, as well as best practices adopted by public defenders in the region in this regard.

Based on the information obtained, a Regional Model for legal assistance to migrants and refugees was designed.⁹⁵ It includes a series of recommended actions applicable to all legal representation work for migrants and refugees, with the flexibility to adapt to the structures and possibilities of each public defense institution.

The foundations for the creation of an Inter-American Network for the Defense of People in Mobility were also established, considering existing similar initiatives in the region. This was implemented in 2021 and a protocol for requesting information between public defenders in the region in cases involving migrants and refugees was developed,⁹⁶ along with operational regulations.⁹⁷

A collaboration mechanism among public defenders is in place to respond to the needs of this population, facilitate the exchange of information and jurisprudence, and establish channels of dialogue between network members and international human rights protection bodies.

Within the framework of the UNDP's Regional Strategy for Human Mobility with an Inclusion Approach, the Regional Agreement on Local Governance developed jointly by UNDP and UNHCR seeks to support local authorities in the countries of the Regional Comprehensive Protection and Solutions Framework (MIRPS) in the development of practical approaches across four pillars. These include incorporating forced displacement into local development planning, protection and access to essential services, rule of law and e-governance, and socioeconomic integration and social cohesion. The Toolbox includes a module on access to justice.⁹⁸

Regional model of legal assistance to people in the context of human mobility

Pathfinders for Justice program and the Humanitarian Crises program at the NYU Center on International Cooperation are undertaking a series of activities to mobilize action around the most common justice issues facing refugees, migrants, internally displaced populations (IDPs) and host communities. The Justice for Displaced Populations (J4DP) initiative has two main areas of work: 1. To strengthen knowledge and practice around solutions to justice issues facing refugees, migrants and internally displaced populations; and 2. To act as a convening actor among the global refugee justice and policy communities, which often do not interact even though they have much to dialogue about. From the country approach, the initiative has studied Colombia's policy response to the Venezuelan migration situation.

In September 2022, J4DP published the report "Colombia's Support for Venezuelan Migrants and Refugees"⁹⁹ which highlights Colombia's commitment to integration policy amidst concurrent presidential changes and crises, while calling for greater international financial support. Later in May 2023, J4DP held the "Engaged in the Face of Crisis: Lessons from Colombia's People-Centered Migration and Protection Policy" event, which focused on three key themes: the lessons of Colombia's integration-focused migration policy, the need for greater international financial support to respond to the Venezuelan migration situation, and lessons for other host countries in the region.

Within the framework of initiatives related to refugees, migrants, internally displaced populations (IDPs) and host communities, it is important to highlight Pathfinders' progress towards supporting the Group of Friends of the Quito Process,¹⁰⁰ which is a regional model for humanitarian response to the Venezuelan migration crisis.

Recommendations

1. Increase access to information for migrants and refugees regarding available procedures and applicable services in host countries.
2. Improve coverage of legal advice and representation services in border areas.
3. Advocate for the eradication of legislation that considers regular migratory status as a central factor for accessing services.

Implementing the 100 Brasilia Rules on Access to Justice for Vulnerable Persons

Challenges

As discussed in the previous sections, vulnerable individuals face difficulties in accessing information, identifying their legal issues, and knowing what services are available to resolve them. Furthermore, exchanges between public defense institutions revealed a lack of knowledge about the services available in other countries. The lack of knowledge is often due to the necessary information not being easily accessible on the websites of relevant institutions, which hampers effective and timely referrals.

Another major obstacle to access to justice for vulnerable populations is the disconnect between the extensive regulations on rights, guarantees, and actions in favor of these groups and actual practices. This disparity is reinforced by weak institutional monitoring and evaluation systems, which hinder the ability to gather evidence on the impact of implemented actions. Additionally, conducting institutional studies and research on the topic is often given low priority.

Actions

AIDEF has developed a manual that gathers in a single document the services and best practices presented by each public defense institution in the region regarding each of the groups recognized in the Brasilia Rules.¹⁰¹

Article No. 100 of the Brasilia Rules highlights the need to produce reports to publicize the actions carried out in favor of vulnerable individuals and populations and measure their effectiveness. In this regard, ILANUD has provided technical assistance in preparing such reports to Ibero-American justice networks such as COMJIB and the Ibero-American Judicial Summit. These will be produced biennially.

Application of the Manual of 100 Brasilia Rules

Recommendations

1. Ensure regular updates of the manual to incorporate relevant changes related to the vulnerable groups recognized in the Brasilia Rules and the practices of public defense in the region.
2. Promote reports that measure the effectiveness of the actions taken to support each vulnerable population.
3. Provide technical assistance for the preparation of reports to Ibero-American justice networks such as the Ibero-American Judicial Summit to ensure the effective implementation of the Brasilia Rules and improve access to justice for vulnerable individuals and populations in the region.

Groups in Vulnerable Situations before the Inter-American Human Rights System

This chapter presents the challenges faced by groups in vulnerable situations when resorting to the Inter-American Human Rights System (IAHRS), as well as the actions taken to strengthen their access to justice. It then analyzes the challenges and actions related to community justice in Latin America.

Challenges

In addition to efforts focused on addressing specific groups' access to justice, initiatives aimed at strengthening the defense of rights for vulnerable groups extend to accessing the Inter-American Human Rights System are needed.

Representation before the IAHRS is often thwarted by case processing delays, limited resources of civil society organizations, or cases where public defense institutions cannot litigate against their own state.

Actions

Recognizing the growing number of victims who lack legal representation before the Inter-American System for the Protection of Human Rights, the Red Pro Bono and the Inter-American Public Defenders provide such representation to ensure access to justice before the Inter-American Court and the Inter-American Commission on Human Rights. This initiative is of great importance because, while representation is not mandatory in the proceedings before the commission, it is mandatory before the court. Because of the lack of public policies that enable the population to fully understand their rights and make informed decisions, along with limited promotion of alternative dispute resolution mechanisms and their accessibility, the Red Pro Bono provides on-site assistance and the organization of legal education workshops for individuals to complement this work.

The impact of the inter-American public defender or the free legal representation provided by the Red Pro Bono is not only relevant for directly affected individuals or groups. These legal defenses are also essential for the construction of precedents in the IACHR, contributing to the consolidation and development of international human rights law. This is especially true regarding the protection of the rights of vulnerable people, as they establish clear standards regarding equality, non-discrimination, access to justice, freedom of expression, the right to health, the right to education, and other fundamental rights.

Through its resolutions, the General Assembly of the OAS has incorporated guidelines for public defense, which many public defense institutions in the region have replicated or adopted internally. These guidelines refer to vulnerable groups as a whole as well as to specific groups.¹⁰²

Recommendations

1. Carry out fundraising campaigns or sign agreements with experts and recipients, as well as with mediation or arbitration centers, to cover the costs associated with the IAHRS process.
2. Promote robust public policies that allow the population to fully know their rights and make informed decisions.

Informal, Community and Customary Justice

Challenges

The legal needs of vulnerable populations far exceed the capacity of existing organizations that provide services in this field. Which is why it is so important to diversify the provision of justice for the population.

Iberoamerica exhibits a diverse range of informal, community and customary justice mechanisms. These approaches commonly emphasize accessibility, flexible procedures, and a restorative focus. Mediation, negotiation, facilitation, restorative dialogues, consensus-seeking processes, and other alternative and participatory forms of justice are part of the menu of options for community and non-formal justice. These provide inclusive, reintegrative and peaceful solutions, empowering the community in the process. In all cases, the aim is to prevent conflicts from escalating, to promote agreed-upon resolutions between the conflicting parties, and to enable the full exercise of their rights, which are often hindered by conflicts.

Community and customary justice seek to provide equal and effective access, especially for those groups of people who face greater risk of being left behind. These models of justice generate spaces, practices and policies of prevention, where the needs of people are understood and addressed through the empowerment of communities, including the possibility of the free development of ancestral practices of justice of indigenous peoples and Afro-descendant communities.

Particularly the region has a large number of cooperative conflict resolution actors working on a voluntary basis. This situation jeopardizes the continuity of services and implies the constant replacement of people who have acquired skills for the development of this task. For this reason, it is necessary to count on the support of the state in order to overcome the great challenge of sustainability.

However, despite these difficulties, many countries in the region have successful examples of community and customary justice, which have been regulated and, in some cases, even have acquired constitutional recognition. National and local governments are beginning to understand the importance of integrating and supporting such practices, through the allocation of resources, by developing policies of inclusion in the justice system, as well as providing training and capacity building for actors and organizations that provide non-formal justice.¹⁰³

The implementation process has led to the development of public policies that integrate the regulation, measurement and monitoring of these mechanisms. As such, governments must be very attentive to the challenge of maintaining a delicate balance between these regulations and free development of each community. For this reason, it is necessary to create flexible and differentiated norms, generated and based on general principles that try to take into account the uses and customs of each region, community and people.¹⁰⁴

**Ombudsmen Centers
for Access to Justice
Neighborhood
advocates**

Actions

With regard to community legal empowerment, there are institutional practices within the formal justice system that promote the development of conflict resolution skills and the recognition of rights. In Argentina, for example, there is already extensive experience in provincial and city Ombudsman's offices that have developed community mediation services, addressing neighborhood disputes and focusing on urban coexistence issues. These services are characterized by their speed, confidentiality and by being free of charge. Examples of this approach include the Ombudsman's Offices of Córdoba, Paraná, and Bariloche.

Uruguay also features the Ombudsman model. The city of Montevideo has a Neighborhood Ombudsman's Office that aims for cooperative resolution of conflicts. Another example is the national network of 104 Access to Justice Centers in Argentina, spread throughout the country.

This program, in addition to ensuring the effective realization of the rights of vulnerable groups, stands out for its community mediation services. Seventy-five percent of the cases addressed by these centers are related to family conflicts.

In Mexico the Alternative Justice Centers, sponsored by the country's judiciary, provide people to go before a mediator with the purpose of resolving a conflict, free of charge. In states such as Hidalgo, there are centers dedicated primarily to indigenous mediation. This allows the recognition and protection of the values and internal norms of the indigenous communities, respecting the right to cultural identity. This practice provides effective access to justice due to its flexibility, by being free of charge and providing direct participation of the people involved in the conflict to solve their problems in their own language or dialect.¹⁰⁵ The mediators, who are usually from the indigenous communities themselves, are trained by the judiciary and paid by the court. Also, these centers organize mobile justice brigades where community mediators travel to rural and remote areas to provide their services.¹⁰⁶

Improbable Dialogues Platform

In Colombia, the Improbable Dialogues Platform (PDI) is an organization that promotes and facilitates dialogue, mediation, and negotiation processes for the transformation of conflicts in highly polarized and diverse social contexts. The organization seeks to build agreements for peaceful coexistence and to achieve symbolic recognitions and rights among actors who have been involved in conflict. Participants include ethnic groups, peasants, social leaders, women's groups, and other representatives of minorities and vulnerable groups, as well as entrepreneurs, political representatives, and demobilized individuals from guerrilla groups. The PDI has designed a methodology that allows opposing actors, who would otherwise be unlikely to meet, to engage in meaningful conversations seeking common ground and promoting collective actions that shape community development.

Also in Colombia, there is "Conciliation in Equity," a figure promoted and supported by the Ministry of Justice.¹⁰⁷ This is an alternative dispute resolution mechanism, through which two or more persons solve their conflicts through a third party (Conciliator in Equity), who helps them to build an agreement that has full legal effects. The conciliators in equity are people with community recognition and a high social commitment, who administer justice, motivating the people involved in a conflict to build by themselves, through a mutual agreement, the solution to it.

Recommendations

1. Increase the availability of community and non-formal justice services to ensure broader coverage for neighborhood, family, and community conflicts.
2. Improve the training of cooperative conflict resolution actors to generate decision-making opportunities for conflict protagonists,¹⁰⁸ without assuming authority over the most vulnerable citizens.
3. Incorporate a gender perspective into the training of cooperative conflict resolution operators to prevent the perpetuation of gender inequalities in community and non-formal justice processes.
4. Develop ways of compiling empirical experiences of community and ancestral justice efforts that make it possible to analyze, both quantitative and qualitative data, on processes of transformation of social, family and community relations that are impacted by the aforementioned practices.

Chapter 10

Conclusion and Call to Action

In addition to the initiatives carried out by the associations and organizations within the Ibero-American Alliance for Access to Justice, there are numerous projects undertaken by each member that are not extensively detailed in this report. Consequently, it is challenging to fully comprehend the extensive work being done to enhance access to justice for vulnerable groups.

The actions discussed in Section III of this report have focused on women, especially cases of gender-based violence; restorative juvenile justice to reduce the impact of criminal systems on adolescents; persons deprived of liberty; and the LGBTQI+ community. While some initiatives have been implemented to improve access to justice for ethnic, national, religious minorities and indigenous peoples, there remains ample scope to explore the specific difficulties faced by these groups. With regard to migrants and refugees, actions related to advisory schemes, legal representation, and diagnostic reports have been noted.

It is important to emphasize the urgent attention required for the difficulties experienced by older adults and persons with disabilities. While no specific projects have been initiated to tackle these groups' access to justice concerns, they are considered within the implementation manual of the 100 Brasilia Rules, in training programs for members of public defense institutions, and in the work of the Inter-American Public Defense.

Similarly, there is a need to foster greater coordination with policies for effective access to rights for people living in poverty.¹⁰⁹ The region has a significant group of people living in poverty. However, this analysis does not treat poverty as a separate unit of analysis but rather as an additional vulnerability factor in conjunction with the challenges faced by the identified groups.

It is also relevant to investigate and delve into community and ancestral justice models, as well as alternative methods of conflict resolution. This includes identifying and understanding different dispute resolution mechanisms, how they complement the formal justice system, and which approaches are most effective in specific contexts.

Furthermore, it remains important to continue strengthening the inter-American human rights protection system through access to the Inter-American Public Defender, provision of free legal representation, and community legal empowerment concerning the utilization of and access to the regional protection system. Moreover, these precedents have a profound impact on the national legal systems of the member states of the IACHR. National courts can draw upon IACHR precedents when interpreting and applying domestic laws in cases involving vulnerable individuals or groups, thereby strengthening the protection of their rights at the national level.

Action related to access to justice should be an ongoing process that is constantly renewed. It impels us to reevaluate the provision of justice services, incorporate new conceptualizations, and realize paradigm shifts to ensure justice for all. The great challenge that lies ahead is to fulfill this goal in a region marked by enormous inequalities.

There is a need for more concerted efforts to implement instruments such as the 100 Brasilia Rules to promote access to justice for vulnerable groups. Strategies, programs, and policies need to be developed to promote and consolidate a minimum standard that accounts for diverse geographical and institutional contexts. There is also a need for more data and evidence on formal and non-formal justice systems in Ibero-America, more regional information on barriers to accessing justice for vulnerable populations, and greater use of ICT, taking special consideration of issues related to the digital divide.

Next Steps in the Justice Agenda for Ibero-America

The members of the Ibero-American Alliance for Access to Justice have highlighted some of the practices in the region regarding data and innovation in justice, actions taken for and alongside vulnerable groups, and the status of the process of developing an Ibero-American Convention for Access to Justice. These initiatives demonstrate the region's wealth of commendable practices, projects, and documents that aim to bring justice closer to people and accelerate the implementation of Sustainable Development Goal 16. However, despite these achievements, more is still required. To bridge the justice gap in the region, it will be crucial to identify and address existing needs and opportunities. This involves advocating for political and financial support for projects within the region. SDG17 underscores the significance of partnerships in achieving goals and successfully implementing the 2030 Agenda. The creation of the Ibero-American Alliance and the collective efforts of its members represent significant strides towards realizing that objective, recognizing that cooperation is essential in building just, inclusive, and peaceful societies.

The regional institutional framework for access to justice has laid a solid and inclusive foundation. The community of practice forged by the alliance, as evident in this report, shows strong leadership from the justice sector and pre-existing regional alliances of various stakeholders. This leadership is difficult to find elsewhere in the world, which is especially significant for Latin America and the Caribbean, the most unequal region on the planet.

The global justice crisis highlights the need to design institutions that place people at the center of development. An effective strategy must prioritize justice and, more broadly, the rule of law in institutional reforms. Globally, the 2030 Agenda has called for action to achieve just, peaceful, and inclusive societies, which undoubtedly will not be achieved through fragmented leadership. This global commitment has established a platform for all of humanity, ushering in a new paradigm: the people-centered approach. This report serves as both a milestone and a starting point for the natural qualitative leap in the global roadmap adopted in 2015.

Ibero-America demonstrates robust and sustainable alliances that are unparalleled worldwide. Networks, information exchanges, and the construction of regional consensus on visions and ways of working have led to the formation of structures that bring together civil society, prosecutors, judges, defenders, justice ministries, and legal professionals in the exercise of public interest law. They now have a regional coordination platform based on the common understanding that gave rise to the Ibero-American Alliance for Access to Justice.

The establishment of the Alliance and this report, in particular is a first step towards a development agenda grounded in a comprehensive regional vision of justice. This report has provided a platform for inter-sectoral dialogue at a regional level, fostering agreements, progress, and shared visions which are evident in the implementation of evidence-based public policies and a new normative framework rooted in human rights. Consequently, **the call made by this report** is to expand the efforts initiated by the alliance and consolidate them in defining the **regional agenda for access to justice by 2030**. The following actions are necessary:

- Accelerate training for data collection and information systems with a people-centered approach.
- Promote the creation of governance indexes for access to justice with an inclusive approach to provide a panoramic view of institutional provision of justice services.
- Strengthen the relationship between formal and non-formal mechanisms and deepen knowledge of the functioning of existing non-formal mechanisms in the region.
- Expedite access routes and institutional structures for vulnerable groups.
- Promote the participatory creation of the Ibero-American Convention for Access to Justice, a new specialized normative instrument for access to justice for all.
- Enhance exchanges between regions.

By taking these steps, concrete milestones are expected to be achieved by 2030, ensuring that no one is left behind and that all stakeholders are engaged in the process.

Annex I

Group 3: Universal/Regional normative frameworks according to vulnerable group:

GROUP	NORMATIVE INSTRUMENT
GROUPS IN VULNERABLE SITUATIONS	100 Brasilia Rules on Access to Justice for persons in vulnerable situations ¹¹⁹
WOMEN	<ul style="list-style-type: none"> • Convention on the Elimination of All Forms of Discrimination Against Women • Latin American Model Protocol for the Investigation of Gender-related Killings of Women (femicide/feminicide)¹²¹
ORGANIZED CRIME AND WOMEN	United Nations Convention Against Transnational Organized Crime ¹²²
PERSONS DEPRIVED OF THEIR LIBERTY	Principles and Good Practices on the Protection of Persons Deprived of Liberty in the Americas ¹²³
INDIGENOUS PEOPLES	United Nations Declaration on the Rights of Indigenous Peoples ¹²⁴
NATIONAL, ETHNIC, AND RELIGIOUS MINORITIES	Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities ¹²⁵
MIGRANTS	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ¹²⁶
REFUGEES	Convention Relating to the Status of Refugees ¹²⁷
LGBTQI+	Guidelines on International Protection: Gender-Related Persecution ¹²⁸
CHILDREN AND ADOLESCENTS	Convention on the Rights of the Child ¹²⁹
OLDER PERSONS	Inter-American Convention on the Human Rights of Older Persons ¹³⁰
PERSONS WITH DISABILITIES	Convention on the Rights of Persons with Disabilities ¹³¹

Endnotes

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- 6 Available at: <https://www.un.org/es/common-agenda>
- 7 Available at: UNDP Rule of Law and Human Rights Global Programme <https://www.undp.org/rolhr>
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- 61 Towards a Latin American agreement for access to justice. Available at: https://acij.org.ar/wp-content/uploads/2021/07/Hacia-un-Acuerdo-Latinoamericano-por-el-Acceso-a-la-Justicia-4_5_21.pdf
- 62 Consideraciones y Propuestas Preliminares de Organizaciones de la Sociedad Civil en Torno a una Futura Convención Iberoamericana de Acceso a la Justicia. Available at: https://porelaccessoaljusticia.org/?utm_source=mailup&utm_medium=email&utm_campaign=general
- 63 XXVIII Ibero-American Summit of Heads of State and Government, held on March 24 and 25, 2023.
- 64 Consideraciones y Propuestas Preliminares de Organizaciones de la Sociedad Civil, document prepared by Civil Society Organizations, led by GJN and ACIJ. Available at: <https://porelaccessoaljusticia.org/wp-content/uploads/2023/05/CIAJ-Documento-de-propuestas-de-OSC.pdf>
- 65 Available at: <https://comjib.org/convenio-iberoamericano-de-acceso-a-la-justicia/>
- 66 Therefore, the works will go beyond the 100 Brasilia Rules, which continue to be recognized as having a high axiological value as an informer of the contents of the CIAJ.
- 67 Collaborative mechanisms or also called, depending on the country: alternative, arbitration or community.
- 68 Available at : https://repositorio.cepal.org/bitstream/handle/11362/43595/S2200798_es.pdf
- 69 100 Brasilia Rules on access to justice for people in vulnerable conditions. Available at: <http://www.cumbrejudicial.org/comision-de-seguimiento-de-las-reglas-de-brasilvia/documentos-comision-de-seguimiento-de-las-reglas-de-brasilvia/item/817-cien-reglas-de-brasilvia-actualizadas-version-abril-2018-xix-cumbre-judicial-asamblea-plenaria-san-francisco-de-quito>
- 70 The primary goal of the inter-American system is to safeguard and defend the human rights of all individuals under the jurisdiction of OAS member states. This system involves several key components that contribute to its protective framework (1): The Inter-American Commission on Human Rights (IACHR), (2): The Inter-American Court of Human Rights, and (3): The American Convention on Human Rights.
- 71 Document available here. Editorial preparation by the United Nations Entity for Gender Equality and the Empowerment of Women and the Office of the United Nations High Commissioner for Human Rights.
- 72 Available here within the record of the Fifty-first Regular Session of the OAS General Assembly - Minutes and Documents Volume I (Guatemala City, Guatemala (Virtual Format) from November 10 to 12, 2021) – Promoted with the support of AIDEF.
- 73 RGE-AIAMP statement on prevention of gender-based violence during the COVID-19 emergency
- 74 Recommendations for Public Ministries on actions to protect women’s rights during the COVID 19 Pandemic - – REG-AIAMP.
- 75 “Organized or complex crime and violence against women. Proposed guidelines for the MP/F/PG members of the AIAMP” - Prepared by the REG-AIAMP with the technical support of the Spotlight Initiative of the European Union, through UN Women.
- 76 Important to highlight is the seminar offered by ILANUD to AIDEF in September 2022, aimed at public defenders in the region; as the first Diploma course on “Juvenile Criminal Justice with a restorative perspective”, organized and executed jointly with the Judicial Training Center of the Autonomous City of Buenos Aires (CABA).
- 77 The project focused on the document “Mediation and Restorative Agreements” AIAMP-ILANUD.
- 78 The “Decálogo de los Fiscales Iberoamericanos sobre Justicia Juvenil Restaurativa” of AIAMP and the “Declaración sobre Justicia Restaurativa en el Sistema Penal Juvenil” of AIDEF
- 79 “Protocolo para la derivación de casos a prácticas de justicia juvenil restaurativa”, AIAMP, with the support of the EUROsocial Program of the European Union.
- 80 Publication “El derecho humano al respeto a la orientación sexual y la identidad de género en El Caribe y en América Latina : situación actual y perspectivas” – ILANUD and Inter-American Institute of Human Rights (IIDH), with the support of the International Bar Association.
- 81 Publication “El derecho humano al respeto a la orientación sexual y la identidad de género en El Caribe y en América Latina : situación actual y perspectivas” – ILANUD and Inter-American Institute of Human Rights (IIDH), with the support of the International Bar Association.
- 82 See Project at www.centroamericadiversa.com – With the participation of REDLAD in this initiative sponsored by the European Union and created

by the Costa Rican Organization MULABI Latin American Space for Sexualities and Rights (MULABILATINO.ORG) in cooperation with the Italian Organization Terra Nuova (terranuova.org) together with the organizations AERCIGAY (Italy); ASPIDH Arcoiris Trans (El Salvador - ASPIDH | Asociación Aspidh Arcoiris Trans (aspidhsv.org)); Colectivo Unidad Color Rosa (Honduras - CUCR- Colectivo Unidad Color Rosa (cucrhn.org)); LAMBDA (Guatemala - Inicio - Asociación Lambda (asociacionlambda.org)) and Red de Desarrollo Sostenible (Nicaragua - RDS – Red de Desarrollo Sostenible – Promoción, información y comunicación para el Desarrollo Humano Sostenible (rdsnicaragua.org)).

83 Available here and titled “Diagnóstico de la violencia institucional en las prisiones de América Latina” – AIDEF, with support from the EUROsociAL+ Program of the European Union

84 The “Guía Regional de atención integral a víctimas de violencia institucional en las prisiones de América Latina” – AIDEF, with support from the EUROsociAL+ Program of the European Union.

85 Available in the publication “El sistema penitenciario ante la encrucijada producto del COVID-19” – ILANUD. Regarding the care of persons deprived of liberty, the contributions are worth highlighting of instances such as AIDEF and ILANUD in the observations submitted before the Inter-American Court of Human Rights (hereinafter “I/A Court HR”) in the processing of the Advisory Opinion 29 of 2022. In this consultation, the Inter-American Court had the opportunity to prepare its jurisprudence on the differentiated approaches to care with respect to certain segments of the population deprived of Liberty.

86 UNDP, APT (2020) https://www.apt.ch/en/news_on_prevention/new-digital-mapping-justice-and-deprivation-liberty-latin-america-and-caribbean

87 Available here within the record of the Forty-ninth Regular Session of the OAS General Assembly - Minutes and Documents Volume I (Medellín, Colombia June 26 - 28, 2019) – Promoted with the support of AIDEF.

88 Pathfinders for Peaceful, Just and Inclusive Societies y la Alianza Iberoamericana de Acceso a la Justicia, Grupo de trabajo sobre justicia propia, comunitaria y no-formal y el ODS16+: Consulta sobre justicia propia, comunitaria y no- formal y el ODS16+ en América Latina, marzo 2023.

89 Available here within the registry of the Fifty Ordinary Period - Minutes and Documents Volume I (Washington, D.C. October 20 - 21, 2020) - Promoted with the support of AIDEF.

90 Details of the case and lessons learned can be found available here. Work carried out from Redlad and the Citizen Forum of the Americas, based on the leadership of the Consejo Regional Indígena y Popular de Xpujil- CRIPX.

91 Pathfinders for Peaceful, Just and Inclusive Societies y la Alianza Iberoamericana de Acceso a la Justicia, Grupo de trabajo sobre justicia propia, comunitaria y no-formal y el ODS16+: Consulta sobre justicia propia, comunitaria y no- formal y el ODS16+ en América Latina, marzo 2023.

92 Project website available here – REDLAD.

93 Below are the links to all the products of the project: “Diagnóstico sobre Acceso a la justicia de personas en contexto de movilidad humana: Diagnóstico regional y buenas prácticas,” “Elementos para la constitución de la Red Interamericana de Defensa de Personas en contexto de Movilidad,” “Modelo Regional de Defensa de Personas en Contexto de Movilidad,” “Protocolo de Actuación para las solicitudes de Información entre defensorías públicas de la región en casos de personas migrantes y refugiadas,” and “Reglamento de AIDEF para el funcionamiento de la Red Interamericana de Defensa de Personas en Contexto de Movilidad” - AIDEF, with support from the EUROsociAL+ Program of the European Union.

94 Idem.

95 “Modelo Regional de Defensa de Personas en Contexto de Movilidad” - AIDEF, with support from the EUROsociAL+ Program of the European Union.

96 “Protocolo de Actuación para las solicitudes de Información entre defensorías públicas de la región en casos de personas migrantes y refugiadas” - AIDEF, with support from the EUROsociAL+ Program of the European Union.

97 “Reglamento de AIDEF para el funcionamiento de la Red Interamericana de Defensa de Personas en Contexto de Movilidad” - AIDEF, with support from the EUROsociAL+ Program of the European Union.

98 PNUD – ACNUR Caja de Herramientas <https://www.acnur.org/noticias/comunicados-de-prensa/acnur-y-pnud-presentan-caja-de-herramientas-para-ayudar-gobiernos>

99 Available at: <https://cic.nyu.edu/resources/colombia-support-venezuelan-migrants-refugees/>

100 The Quito Process is the name given to the meetings and commitments established between Latin American countries to coordinate the response to the Venezuelan migration crisis. The Group of Friends (Switzerland, United States, Spain, Germany, Canada and the European Union) was created with the intention of making visible and maintaining the Venezuelan migration crisis among the priorities of the international agenda for the protection and integration of Venezuelan refugees and migrants, as well as to count on their technical and financial support when developing the agreed measures and actions. Available at: <https://www.procesodequito.org/es/que-hacemos>

101 Manual to Apply the 100 Brasilia Rules – AIDEF.

102 This work has been carried out based on the Principles and Guidelines on Public Defense in the Americas since 2011 by including specific sections on access to justice for vulnerable groups within the framework of the Omnibus Resolutions of the General Assembly of the OAS.

103 Pathfinders for Peaceful, Just and Inclusive Societies and the Ibero-American Alliance for Access to Justice, Working Group on Customary and Informal Justice and SDG16+: Consultation on Customary and Informal Justice and SDG16+ in Latin America, March 2023.

104 Idem

105 Mediación indígena Acercando la justicia, WJP, 2021: <https://worldjusticeproject.mx/wp-content/uploads/2021/11/Reporte-Mediacion-Indigena.pdf>

- 106 Op.cit. Pathfinders, Consultation on Customary and Informal Justice and SDG16+ in Latin America, March 2023.
- 107 Conciliación en Equidad, Ministry of Justice, Colombia, 2023: <https://www.minjusticia.gov.co/programas-co/MASC/Paginas/conciliacion-en-equidad.aspx>
- 108 In the exercise of their autonomy of will, confronted parties resolve their conflicts, either directly or with the assistance of neutral third parties who facilitate dialogue and the search for solutions to the conflict. This selfcompositive category includes mediation and conciliation. Arbitration is heterocompositive, since the arbitrator has an action determined by law, rather than intervening because of the will of the contracting parties, . Ver. <https://www.redalyc.org/pdf/3221/322132552006.pdf>
- 109 In 2001, the Committee on Economic, Social and Cultural Rights (E/C.12/2001/10, para. 8), defined poverty as a human condition characterized by constant or chronic deprivation of resources, capacities, options, security and power necessary to have an adequate standard of living and enjoy other civil, cultural, economic, political and social rights
- 110 During the Second Preparatory Meeting for the XX Ibero-American Judicial Summit in Lima, Peru, held in October 2019, an important milestone was reached. For the first time, the intention to establish a consolidation strategy for the 100 Brasilia Rules was expressed, with the aim of promoting their recognition as a legally binding international text. Later, the Plenary Assembly of the XX Ibero-American Judicial Summit ratified the strategy outlined in the Second Preparatory Meeting, which emphasized the need to transfer and coordinate, with the Ibero-American Summit of Heads of State, the efforts to consider the 100 Brasilia Rules as a binding international text applicable to both the Judiciary and the general public. This commitment aligns with the broader framework of the SDGs outlined in the 2030 Agenda.
- 111 Action Program, XXVII Ibero-American Summit of Heads of State and Government. Available at: https://www.segib.org/wp-content/uploads/PdA_ANDORRA-ES.pdf
- 112 COMJIB, Delegate Committee Meeting Minutes, Barranquilla, Colombia, 2022: Available at: <https://comjib.org/wp-content/uploads/2022/02/ES-Acta-Reunion-Comision-Delegada.pdf>
- 113 COMJIB, XXII Plenary Assembly, 2022. Available at: <https://comjib.org/wp-content/uploads/2022/07/ES-Declaracion-XXII-AP-21-07-22.pdf>
- 114 Available at: <https://www.segib.org/cumbres-iberoamericanas/camino-a-la-xxviii-cumbre/>
- 115 Available at: <https://www.segib.org/?document=declaracion-de-la-xxviii-cumbre-iberoamericana-de-jefas-y-jefes-de-estado-y-de-gobierno-republica-dominicana-2023>
- 116 Available at: https://www.segib.org/wp-content/uploads/Narrativo_III_PACCI_230323_Es.pdf
- 117 The 22 Ibero-American countries share a common legal culture, which has fostered significant advancements in the institutions, networks, and instruments that form the foundation of Ibero-American legal cooperation. These collaborative efforts are closely aligned with SDG16, Peace, Justice, and Strong Institutions. The primary objective is to enhance access to justice and strengthen legal cooperation mechanisms throughout Latin America; 241. To achieve this, the SEGIB will promote coordination among the diverse actors within this institutional framework in order to establish shared priorities and synergies that contribute to the reinforcement of their respective work streams and overall Ibero-American cooperation in the legal field; 242. Additionally, efforts will be made to promote instruments that provide a reference framework for national public authorities when developing regulatory frameworks or public policies in various domains, such as digital rights, data protection, rare diseases, consumer rights, among others.
- 118 Within the framework of the PIPA, the existence of the Ibero-American Program for Access to Justice (PIAJ) should also be noted, which has contributed to the preparation of the Agreement referred to in the preceding paragraph. Likewise, the Program carries out cooperation actions to reinforce national public policies on access to justice and contribute to guaranteeing the right to effective judicial protection of vulnerable individuals and groups.
- 119 <http://www.cumbrejudicial.org/comision-de-seguimiento-de-las-reglas-de-brasilvia/documentos-comision-de-seguimiento-de-las-reglas-de-brasilvia/item/817-cien-reglas-de-brasilvia-actualizadas-version-abril-2018-xix-cumbre-judicial-asamblea-plenaria-san-francisco-de-quito>
- 120 https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw_SP.pdf
- 121 Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género (femicidio/feminicidio) | UN Women
- 122 <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf>
- 123 <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/mandato/basicos/principiospl.asp>
- 124 https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf
- 125 <https://www.ohchr.org/es/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>
- 126 https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cmw_SP.pdf
- 127 <https://www.acnur.org/media/convencion-sobre-el-estatuto-de-los-refugiados>
- 128 <https://www.acnur.org/fileadmin/Documentos/BDL/2002/1753.pdf>
- 129 <https://www.un.org/es/events/childrenday/pdf/derechos.pdf>
- 130 http://www.oas.org/es/sla/ddi/docs/tratados_multilaterales_interamericanos_a-70_derechos_humanos_personas_mayores.pdf
- 131 <https://www.un.org/esa/socdev/enable/documents/tccconvs.pdf>

For more information:

<https://www.sdg16.plus/ibero-american-alliance>

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