

## TASK FORCE ON ACCESS TO JUSTICE

# Consultation Report

*“The Task Force is a vehicle to ensure the roadmap will be delivered.”*

TASK FORCE MEMBER

## INTRODUCTION

A multi-stakeholder Task Force on Justice is being formed to take forward the ‘grand challenge’ on justice identified in the Roadmap for Peaceful, Just and Inclusive Societies.

The Task Force will develop concrete policy recommendations for what it would take to deliver equal access to justice for all. The Task Force will clarify strategies, strengthen political will, build partnerships, and encourage new commitments ahead of the High-level Political Forum in 2019.

This report summarizes a consultation with justice partners on the Task Force. It draws on a consultation meeting held on 22 September 2017, hosted by the Open Society Justice Initiative, OECD, and Namati. It was followed by a series of semi-structured interviews during the latter part of September and early October, and by interviews with 15 members of the Task Force in January 2018. The following have been consulted:

- American Bar Association – Rule of Law Initiative
- Civicus
- The Commonwealth – Office of Civil and Criminal Justice Reform
- Department for International Development – Governance, Open Societies and Anti-Corruption
- Fair Trials International
- International Development Law Organization
- International Legal Assistance Consortium
- International Legal Foundation
- National School of Government International
- OECD Directorate on Governance
- Office of the Special Representative of the UN Secretary-General on Violence against Children
- Open Government Partnership
- Permanent Mission of Argentina to the United Nations
- Permanent Mission of the Netherlands to the United Nations
- Permanent Mission of Sierra Leone to the United Nations
- SDG Fund
- Swiss Federal Department of Foreign Affairs
- Thomson Reuters Foundation – Trust Law Transparency, Accountability & Participation Network
- UNDP – Rule of Law Justice, Security and Human Rights, and Global Focal Point
- UN Executive Office of the Secretary-General – Rule of Law Unit
- UN Foundation
- UNODC – Justice Section
- UN Women
- World Justice Project
- Members of the Task Force on Justice

We also consulted with partners through feedback on this preliminary report, coupled with attending the HiiL Innovating Justice Forum in December 2017, and meetings with other justice institutions and organizations in The Hague.

The report feeds into a revised workplan for the Task Force and will be used to take forward discussions with partners about their contribution to the Task Force, and how the Task Force will help each partner meet its objectives in 2018, 2019, and beyond.

We have consulted on:

- The state of play on implementation of SDG16.3 and priorities ahead of the High-level Political Forum in 2019.
- Objectives and priorities for the Task Force and areas where its work has the greatest potential to make an impact.
- Workstreams to feed into the Task Force, how these will build on existing work undertaken by partners, and where there is interest from partners in leading or contributing to a workstream.

We have mapped major justice events in 2018 and planned reports and other publications. This mapping will be used to explore opportunities for the Task Force to draw on planned research and to develop a calendar of events that will allow a global community of justice actors to feed into the Task Force's work.

*"We need concrete commitments by member governments by the end of the year."*

TASK FORCE MEMBER

## PRIORITIES FOR SDG16.3 IMPLEMENTATION

Partners are generally positive about the impact of SDG16.3 (and the 2030 Agenda for Sustainable Development more broadly). However, they believe that urgent action is needed to build momentum and to demonstrate that an acceleration in access to justice is within reach:

- **SDG16.3 has galvanized partners for justice.** Partners agree that SDG16.3 provides a unique opportunity to accelerate international, national, and local action to further improvements in access to justice. This opportunity is time-limited, however. "We need to tell people what this target means, why it's important, and what it will take to deliver it."
- **The movement for justice is growing in strength.** While partners work on a diversity of issues and priorities, they have a strong sense of common purpose and feel part of a growing movement for justice. The movement is driven by a vision of 'people-focused legal and justice services' and believes in the cross-cutting importance of justice to the achievement of the 2030 Agenda for Sustainable Development.
- **Member states are championing justice.** A growing group of countries are actively seeking to build international support for the implementation of SDG16.3. The following countries were frequently mentioned: Argentina (chair of the G20 in 2018), the Netherlands (home of The Hague, "the international city of peace and justice"), Sierra Leone (chair of the g7+), Georgia (host of the next conference on legal aid and chair of the Open Government Partnership) and Canada (chair of the G20 in 2019).
- **Justice remains marginalized.** Despite these trends, partners believe that justice is "not yet mainstream in the wider development conversation." Historically, the sector has been "inward-looking" and "dominated by lawyers." There is "often a struggle to gain traction" internationally, although justice "comes alive through innovation at national and local levels." A lack of finance reflects a failure

to develop and communicate a case for investment to policymakers. “There is a need to strengthen the business case for access to justice – the economic value that goes beyond the pure moralistic human rights case.” Nor is there yet “a critical mass of commitments” to implement SDG16.3. As a result, there is innovation, but “we’re not seeing implementation at scale.”

- **Justice drives progress across the development agenda.** Partners underline the importance of connecting SDG16.3 to the human rights framework and community. The 2030 Agenda aims to realize the rights of all, while the implementation of SDG16+ must be based on international human rights standards. Partners emphasize broader links with poverty, education, and health, and the connections with SDG10.2 on social, political and economic inclusion.
- **SDG16.3 brings new challenges.** Universality is a “game changer,” bringing a new focus to injustice in higher-income countries, but its implications are yet to be fully explored. At the same time, a “new model” is needed to support justice in the most vulnerable countries, and to explain the role that justice will play in delivering the Secretary-General’s prevention agenda. UN reform will bring increased pressure to demonstrate shared results.

*“We can’t do everything [but we] need a common agenda of how targets can be achieved, which is realistic and achievable.”*

TASK FORCE MEMBER

## PRIORITIES FOR THE TASK FORCE

Partners would like a Task Force on Justice to contribute to the following objectives:

- **Make 2018 a ‘year of justice.’** In 2018, the Elders will #WalkTogether to celebrate the Mandela centenary, with Namati leading on the justice theme within this campaign. Other partners aim to scale up their activities and advocacy, through major events, reports, and initiatives (see page 6 onwards). A ‘big push’ on justice in 2018 will provide a platform for “increasing commitments from member states to take justice forward ahead of the High-level Political Forum in 2019.”
- **Bring together data on what people need and want from justice.** A number of partners have access to growing data from legal needs surveys. The results have significant, and largely untapped, potential to influence policymaking, and offer an opportunity to provide a more grounded understanding of the ‘justice gap’ (beyond the Commission on Legal Empowerment’s estimate of 4 billion people outside the protection of the law).
- **Improve measurement of access to justice.** There is widespread dissatisfaction with the current indicators for SDG16.3, combined with agreement that survey approaches can be scaled up. This requires working with the Inter-secretariat Working Group on Household Surveys, the Praia Group on Governance Statistics and other bodies, ahead of the revision of the official indicators. “We need a series of incremental criteria against which state performance can be measured...so you can say to states we have a way of watching the choices you’re making.”
- **Strengthen the link from evidence to action.** The Task Force should increase “understanding of what works, in what context, and at what cost.” This is not a matter of spreading “best practice,” with local knowledge and adaptive approaches – “not the cut and paste approach which has been used in the past” – of paramount importance. But justice is an area characterized by “strong peer-to-peer networks” and learning between countries, especially where “there is a shared legal heritage.”

However, policymakers need greater access to evidence and innovation. “There is a need to share experience globally so it comes back to the local context and informs local conversations.”

- **Build the business case.** Finance is a priority for all partners. A case must be made for investment, based on a clearer understanding of costs and benefits of implementing SDG16.3. Partners are especially keen to demonstrate impacts on inclusive growth, employment, inequality, health, and education. “There is a lack of understanding of the link between access to justice and development and social inclusion.” The Task Force might also identify stages of the ‘justice journey’ where reforms and innovation will have a disproportionate impact on outcomes.
- **Develop a more compelling narrative.** Many partners identify the need for improved communication and for a “new language” – “tapping into the notion of movement-building”- that reaches those outside the justice sector. Those deprived of justice need a stronger voice, while young people can be mobilized through their commitment to fairness and justice. Grassroots legal activists bring new energy that should be tapped, as should the link to the “inclusive societies” dimension of the 2030 Agenda.
- **Establish an action platform.** There is a need to promote networking, partnerships and exchange amongst national and local leaders on justice issues, connecting both state and non-state actors, and involving non-lawyers and paralegals. Partners feel these networks of reform-minded people can serve to share insights on how to best to respond to justice challenges. It will strengthen local and regional networks of people who are actively going to pursue this agenda and “Integrate local experiences with international conferences and dialogues, and share experience globally so it comes back to the local context and informs local conversations.”
- **Deliver concrete outcomes.** Partners do not want “just another report.” The Task Force should act as a mechanism for bringing partners together behind a common strategy for addressing a “massive justice deficit.” It must directly increase the ability of partners to work with governments to accelerate delivery of SDG16.3. And it should trigger “game-changing” global and national commitments on finance that draw on both public and private sector funding. “Most important is that participating governments all make significant commitments to implement access to justice that will be publicly declared at the July 2019 high level panel.”
- **Enhance the commitment of governments on SDG16.3.** Active engagement from Task Force members with as many governments as possible will be crucial to making progress on SDG16.3 around the world. Partners agree that we need to work on getting commitments from governments to do more. The Task Force should be “an advocacy group, campaigning for acceleration of SDG 16.3”.

## WORKSTREAMS, CALENDAR AND WORKPLAN

The consultation also led to the definition of the workstreams for the Task Force, and linkages were made between ongoing work by partners and Task Force activities in each workstream. Based on inputs from partners, a Justice Calendar was compiled containing forthcoming events and reports in 2018. Details on both are included in the Draft Work Plan, available separate to this report.