

TASK FORCE ON JUSTICE

The First Meeting of the Task Force on Justice Buenos Aires, Argentina | 20 – 22 February 2018

Introduction

The first meeting of the Task Force on Justice was hosted by co-chair, H.E. Germán Garavano, Minister of Justice and Human Rights, Argentina, in Buenos Aires from 20 – 22 February 2018. The meeting was held alongside with the Elders' Walk for Justice as part of the [#Walktogether](#) campaign for Nelson Mandela's 100th birthday and Namati's [Grassroots Justice Prize Award](#). The Task Force members also visited the Argentine government [Access to Justice Center](#) in Villa 31 and a Community Legal Action Center at Villa Inflammable.

Minister Garavano was joined by two other co-chairs, H.E. Joseph Kamara, Attorney-General and Minister of Justice, Sierra Leone and Ms. Hina Jilani from the Elders. H.E. Ms. Sigrid Kaag, Minister for Foreign Trade and Development, also a co-chair, was represented by Mr. Jelte van Wieren, Director of the Stabilisation and Humanitarian Aid Department, Ministry of Foreign Affairs, the Netherlands. A full list of participants can be found in the annex.

The following documents were provided as inputs to the meeting:

- *Justice for All: Challenge Paper*
- *Task Force on Access To Justice: Consultation Report*

Welcome and Opening Remarks

The first meeting was opened on behalf of Minister Garavano, by Ms. Maria Fernanda Rodriguez, Under-Secretary General for Access to Justice in Argentina. She welcomed the Task Force members and invited them to contribute to stimulating discussions.

Minister Kamara thanked the Argentine government for hosting the first meeting and underlined Sierra Leone's commitment to support the need for access to justice for the people of the world, the good work of the legal aid community, and increase the political will of government.

Ms. Jilani extended a warm welcome to all members and encouraged them to take an integrated approach to access to justice and to work with all partners to bring access to justice to all, including marginalized and vulnerable populations.

Mr. van Wieren, on behalf of Minister Kaag, called for innovative ideas and approaches to access to justice and reiterated the Netherlands commitment to SDG16+ and to the Task Force. He also confirmed their willingness to host the third meeting of the Task Force in The Hague in 2019.

The Challenge – Turning the Ambition of SDG16.3 into Reality

The session was chaired by Minister Garavano. It set the scene for the work of the Task Force and started the discussion on how to address the objectives set out in its Terms of Reference.

Minster Garavano opened the meeting by sharing Argentina's efforts to provide access to justice for all through the [Justice 2020 Program](#). The Minister emphasized that providing access to justice should be at the heart of policymaking, bringing citizens into the justice system, providing them with access to a range of government services, and building trust in the state.

H.E Mary Robinson, of the Elders, reflected on the work of the Commission on Legal Empowerment of the Poor ten years ago many of whose recommendations were still not implemented. She emphasized that we should aim for faster progress for the billions who do not have access to justice and challenged Task Force members to be bold and clear in their work.

Mr. Steven gave a presentation on the proposed work of the Task Force on Justice based on the Terms of Reference. The Task Force members shared their views and expectations for the Task Force:

- To redefine access to justice as a challenge that goes beyond the justice sector, with the aim of ensuring all people understand and are able to benefit from their rights.
- To engage with both supply and demand side of the justice system, working with governments to build justice systems, while empowering citizens to seek justice.
- To articulate a case for investment that demonstrates broad benefits of investing in justice.
- To identify concrete steps for closing the justice gap and for scaling up successful models to achieve SDG16.3.
- To build political commitment and bring pledges on access to justice to the High Level Political Forum in 2019.
- To identify key 'asks' for the global, regional and national movement for justice.

The Justice Gap

This session discussed the extent of the justice gap, asking what people need and want when they seek justice, and exploring data on the quality of justice they receive. It was chaired by Minister Kamara.

The opening presentation by Dr. Muller focused on measuring the justice gap through the collection of data "that relates to the needs and experiences of the users of the justice system."

In his presentation, Dr. Muller:

- Argued that, based on surveys by the [World Justice Project](#) in 45 countries and jurisdictions, between 40 and 70% of people experienced a legal problem in past two years.
- Presented [justice needs surveys](#) by HiiL from 12 countries (The Netherlands, Ukraine, Yemen, Indonesia, Lebanon, Mali, Uganda, Tunisia, Jordan, Kenya, United Arab Emirates, and Bangladesh). If data from these surveys is extrapolated globally, 1 billion people are in need of improved access to justice.
- Identified five problems – crime, land, neighbors, family and employment – that account for 60% of personal injustices.
- Emphasized the importance of using a range of mechanisms to resolve disputes, based on the evidence that 90% of people solve their justice problems outside the formal justice system.

Ms. Gibson focused on the need to improve the delivery and administration of justice. She shared her experience in the Bahamas incorporating information and communication technology (ICT) as an important tool to provide access to justice and measure the justice gap.

Ms. Gibson highlighted an example where ICT tools were integrated in Magistrates Courts in the Bahamas Family of Islands and in Administrator's Offices allowing citizens to obtain certified copies of documents and birth, death, and marriage registrations online rather than having to travel to Nassau. Her remarks underlined the potential for increasing efficiency, reducing delays, and making systems more responsive to people's needs.

Other members noted:

- *The importance of a balance of formal and informal justice systems.* Formal justice systems should be strengthened to deliver fundamental human rights and meet needs for formal redress. They play an especially important role in protecting the rights of women, children and marginalized communities. Informal systems help resolve disputes within communities and minimize the burden on formal institutions.
- *The need for greater innovation in delivering justice.* Innovation is needed in 'products' (the types of justice service that are delivered), 'processes' (the structures that underpin delivery), and 'paradigms' (the way we frame what justice is and what the justice system is for). Other sectors have structured approaches to promoting innovation – for example, work to increase innovation in humanitarian response or the innovation pipeline for the plan to eradicate malaria by 2040.
- *Responsible use of data.* Data and evidence are needed for accountability, but their most important role is to inform policy-making and implementation. Greater efforts are needed to collect, analyze and present justice data in a format that will increase the willingness and capacity of policymakers to act. The Task Force should explore the potential for platforms that allow for the sharing and exchange of standardized data, drawing on models such as the [Humanitarian Data Exchange](#).

Making the Case

This session explored the case for action and investment in equal access to justice for all and strategies for financing justice. It was chaired by Ms. Jilani.

Mr. Pell suggested two approaches to building a 'business case' for investment in justice.

The first is to follow the lead of those in the private sector who understand the importance of the rule of law to inclusive economic growth. The Economist Intelligence Unit's [Global Microscope 2016](#) ranks 55 nations with regard to an array of measures on financial inclusion. Most indicators are linked to the rule of law, such as regularity and supervisory capacity for financial inclusion, regulations on private portfolio, insurance and lenders, and electronic payments.

This index offers the potential for analysis that aims to quantify the economic benefits of strengthening justice systems. It could also help clarify the impact of an inadequate legal infrastructure on poverty and economic exclusion.

Mr Pell also underlined the potential for *pro bono* and other voluntary approaches to help fill the current capacity and financing gap. In countries where lawyers undertake regular *pro bono* work, they have become a crucial resource for providing access to justice for people who are most likely to be otherwise excluded. Law students can also play an important role. In housing courts, for example, they help tenants protect their rights and prepare their cases. Mr. Pell called on the Task Force to explore ways of making the greatest use of *pro bono* legal services.

Mr. Namoradze provided evidence of the costs, both direct and indirect, of not properly addressing the legal needs of people. Estimates from the U.K. government show that unresolved disputes and other unresolved legal problems may cost the economy up to £3.5 billion annually (£1.5 billion in costs to public services and £2 billion in lost income through loss of employment).

In Canada, the Canadian Forum on Civil Justice's Costs of Justice project estimates that individual Canadians spend just over \$7.7 billion annually to deal with everyday legal problems. Per person, Canadians spend on average \$6,100 to resolve their legal problem, almost as much as Canadian households spend on food (\$7,739). State-incurred costs from legal problems include social assistance (\$248 million) employment insurance (\$450 million) and healthcare (\$101 million).

Timely, appropriate and effective legal assistance has a transformative impact on multiple sectors. In Colorado, legal support for consumer protection and to combat fraud produced \$9,365,525 in immediate benefits and an additional \$1,617,034 in longer-term benefits. An estimate by the New York City Bar Association estimates that the city could save \$320 million annually in shelter and housing costs by offering legal support to tenants.

Mr. Namoradze made suggestions on quantifying the financing gap and building a compelling case for investment in justice. He emphasized the importance of understanding the unit costs of successful models of legal assistance, in order to demonstrate how they can be delivered at scale. Examples from the three co-chair countries show what is possible: legal aid counters in the Netherlands, community-based paralegals in each chiefdom in Sierra Leone, and the national network of access to justice centers in Argentina.

An improved understanding of justice costs will help drive innovation, as new approaches and partnerships will be needed to reach the very large numbers of people currently outside the protection of the rule of law. The Task Force should explore new financing strategies for justice, examining the potential for the diversification of financing across other sectors (social protection, health, land etc.).

What Works

This session explored the strategies, tools and approaches to increase access to justice and how those promoting and defending justice should be supported and protected.

Mr. Manuel underlined the importance of people-centered approaches to justice. Access to justice should be looked at from both sides: how the administrators of justice relates to the end-users and how justice seekers relate to the administrators of justice.

Mr. Manuel shared a comparison of two communities in the Philippines – one supported by paralegals and the other without paralegals. A study showed that community members from the latter themselves developed the confidence and knowledge to take legal issues into their own hands.

Mr. Manuel highlighted how community-based approaches to justice have been successful for land conflicts or violence against women. He suggested building capacity in communities and focusing on paralegals and justice defenders who have deep roots in their communities, and who are best placed to work within the local context.

In her remarks, Ms. Hossain addressed the gaps in the justice sector. She cited a study that found that only 2% of women who experienced violence make any kind of complaints due to lack of access to information or advice. In most cases, the situation is aggravated by lack of access to remedy, or by barriers in the law discriminating against disadvantaged groups.

Ms. Hossain called for greater effort to identify the four billion people excluded from the rule of law and to provide a broader range of services beyond legal assistance. She emphasized ancillary services such as counseling, health, insurance, social security, and emergency shelters.

Ms. Hossain reiterated the importance of improving both formal and informal justice systems, utilizing technology, such as mobile courts, more effectively, and harnessing pro bono services and the work of volunteers.

Other members suggested:

- *The need for innovative financing mechanisms for investing in access to justice.* Only 1.8% of the Official Development Assistance (ODA) is invested in rule of law, but there is untapped potential, given the growing priority for investing in conflict prevention and strengthening fragile states. The Task Force needs further research to understand the potential for greater domestic resource mobilization for justice. The private sector resources and social investment funds can bring new resources to the sector, while increasing innovation.
- *An emphasis on human rights standards when exploring financing.* Justice involves fundamental rights, underlining the need for governments to find new approaches to meeting their obligations.
- *The importance of preventive approaches.* Annually \$9.5 trillion, 11% of global GDP, is lost because of violence. Complementary approaches are needed that bring together the justice sector with those working in other sectors to prevent violence. A shift to prevention could have a broader impact on the case for investment in justice, if responses aim to prevent social problems and disputes, rather than simply to respond to their adverse consequences.

Priorities and Next Steps

Mr. van Wieren chaired the final session of the meeting where priorities and next steps for the Task Force were discussed and agreed.

Mr. Steven presented a summary of results from the first day and suggested a proposed timeline for the Task Force, with a request for comments and guidance from members.

In October 2018, the second Task Force meeting will be hosted in Freetown to discuss emerging findings from the research and to develop structure and content for the report. A full draft of the report will be presented at the last meeting in The Hague in January 2019, where conclusions and recommendations will be strengthened as will the preparation for the report's launch in the spring of 2019. This will provide a platform for finalizing commitments to act.

The High Level Political Forum in July (ministerial level) and September (heads of state and government) will provide political opportunities to announce commitments from governments and other partners, and to build momentum for justice.

Other major opportunities for advocacy and awareness include:

- *Global Rule Of Law Exchange Annual Conference*, Bingham Center for the Rule of Law, 2 May 2018, London. This is an opportunity to focus on the role of the private sector in delivering justice for all.
- *Annual Rule Of Law Meeting*, UNDP, 12-15 June 2018, New York. The Task Force will host a panel on its work and run an invite-only brainstorm session.
- *High-level Political Forum on Sustainable Development*, 9-18 July 2018, New York. This is an opportunity to raise awareness of the work of the Task Force, a year ahead of the parallel events in 2019 where commitments on justice will be launched.
- *10th Anniversary of the Commission on Legal Empowerment of the Poor*, 25 September 2018, New York. This event will be held during the high-level week of the General Assembly. It offers an opportunity for a major political mobilization, with the Task Force supporting the work of key partners such as Open Society Foundation, the Elders, and Namati.
- *The Third International Conference on Access to Legal Aid in Criminal Justice System*, November 2018, Georgia. The Task Force will use this forum to explore recommendations on legal aid for its report.
- *Innovating Justice Forum*, HiiL, December 2018, UAE. The 2017 forum recommended the formation of a working group on innovation to feed into the Task Force. This meeting will mark the culmination of the group's work.

Members suggested other meetings for the Task Force to focus on. The G20 finance ministers track and the World Economic Forum were identified as opportunities to extend the conversation on financing justice.

Task Force members discussed the proposed workplan and workstreams that will take forward in-depth research, while providing an opportunity for multiple justice partners to contribute to the research. The following recommendations were made:

- The *Justice Gap Working Group* should provide a new estimate of the scale of the need for justice. It should also focus on how the indicators for SDG16.3 can be improved, allowing the Task Force to propose new indicators ahead of the revision of the global indicators in 2020. The working group should work with existing initiatives such as [SDG16 Data Initiative](#), in order not to duplicate efforts.
- For the proposed working group on the *Case for Investment*, members underlined the importance of involving experts from the private sector (including those working in financial services) and from ministries of finance. A positive narrative is needed to incentivize investment.
- Members were strongly supportive of *High-level Group on Justice for Women*, which will be led by UN Women. This group should focus on a range of issues important to women, including

violence and other criminal justice priorities, but also civil justice issues such as family law and land rights.

- The need for early work on the *Call to Action* was endorsed. A working group will focus on national implementation. Another group is needed to build political momentum. Members are keen to use their networks to advocate for justice at the highest political level in 2018 and 2019.

Members concluded the meeting with agreement on the following strategies:

- Be clear about the transformation we want to achieve and create shared awareness among partners about how this change can be achieved.
- Build a political strategy for change at global, national and local levels, and aim to create pressure from the top and the bottom.
- Seize opportunities and moments where the Task Force can persuade governments, international and regional organizations, and other partners to make commitments to act.

Reflections and Closing Remarks

The meeting was closed by H.E. Jorge Faurie, Minister of Foreign Affairs and Worship, Argentina. Minister Faurie congratulated Task Force members on a successful first meeting.

He highlighted the work being done in Argentina on SDG16 to fight corruption and to ensure that government institutions provide accessible and efficient access to information and justice to citizens. Minister Faurie also highlighted Argentina's efforts to share experiences and exchange lessons in the region, as countries come together to provide access to justice for all.

Given its role in promoting inclusive growth and reducing poverty, Minister Kamara and Ms. Jilani proposed to the Minister that he raise the issue of the need for financing access to justice as a topic for the upcoming Meeting of G20 Finance Ministers. The Minister agreed that he would discuss this proposal with the Argentine Minister of Finance.

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THE FIRST TASK FORCE MEETING PARTICIPANTS

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Co-Chairs

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Sigrid Kaag*	Minister for Foreign Trade and Development Cooperation, the Netherlands
Joseph Kamara	Attorney-General and Minister of Justice, Sierra Leone
Hina Jilani	The Elders

Members

Alejandro Alvarez	Director, Rule of Law Unit, Executive Office of the UN Secretary-General
Donny Ardyanto	Program Advisor of Legal Empowerment and Access to Justice, TIFA Foundation, Former Co-chair of the National Working Group on Achieving the Sustainable Development Goal 16, Indonesia
Jim Goldston*	Executive Director, Open Society Justice Initiative
Pablo de Greiff*	Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, United Nations Office of the High Commissioner for Human Rights
Sara Hossain	Hon. Executive Director, Bangladesh Legal Aid and Services Trust
Kalthoum Kennou	Judge at the Court of Cassation, Tunisia
Vivek Maru*	Chief Executive Officer, Namati
Allyson Maynard-Gibson QC	Barrister, Former Attorney General and Minister for Legal Affairs of The Bahamas
Athaliah Molokomme*	Ambassador and Permanent Representative of Botswana to the UN Office in Geneva, Former Attorney General, Botswana
Owen Pell	Partner, White & Case - <i>via teleconference</i>
Marta Santos Pais*	Special Representative of the Secretary-General on Violence Against Children

* Unable to attend the first meeting of the Task Force

Sherpas for the Co-Chairs

Maria Fernanda Rodriguez	Under-Secretary, Access to Justice, Ministry of Justice and Human Rights, Argentina
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Other Participants

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