



Justice for All

The report of the
Task Force on Justice

April 2019

Overview

Conference version
www.justice.sdg16.plus

This booklet contains the overview, as well as a list of contents, from Justice for All: The report of the Task Force on Justice. A PDF of the conference version is available at www.justice.sdg16.plus/report

Please use the conference version of the report for citation, reproduction, and adaptation purposes.



This work is licensed under a Creative Commons Attribution 4.0 International License (CC BY 4.0) <https://creativecommons.org/licenses/by/4.0/>. Under the Creative Commons Attribution license, you are free to copy, distribute, transmit, and adapt this work, including for commercial purposes, as long as attribution is given and any changes made are indicated.

Please cite this work as: Task Force on Justice, *Justice for All – The report of the Task Force on Justice: conference version. Overview Booklet*. (New York: Center on International Cooperation, 2019), available at <https://www.justice.sdg16.plus/>

Overview

*from justice for the few
to justice for all*

Justice for All

At the heart of the 2030 Agenda for Sustainable Development lies a vision of a “just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met.”

Justice is a thread that runs through all 17 Sustainable Development Goals (SDGs). Without increased justice, the world will not be able to end poverty, reduce inequality, reach the furthest behind first, create conditions for shared and sustainable prosperity, or promote peace and inclusion.

SDG16.3 promises to ensure equal access to justice for all by 2030. Other targets cover legal identity, injustices such as corruption and illicit financial flows, and the promotion of rights and gender equality.

The Task Force on Justice – an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies – has explored the delivery of these targets in a world where billions of people are not yet able to obtain justice.

Drawing on research by the world’s leading justice organizations and experts, this report provides a first estimate of the global justice gap. It makes the case for shifting from a model that provides justice only for the few, to one that delivers measurable improvements in justice for all

In the past, justice reforms have often focused on institutions that are distant from people and fail to serve their needs. The Task Force proposes a different approach, putting people at the center of justice systems and justice at the heart of sustainable development.

A people-centered approach to justice starts with an understanding of people’s justice needs and designs solutions to respond to them. It is delivered by a justice system that is open and inclusive, and that works in collaboration with other sectors such as health, education, housing, and employment.

Closing the justice gap requires a transformation in ambition – a sustained effort to provide billions more people with access to justice.

To deliver justice for all, countries must resolve people’s justice problems, prevent injustices large and small from occurring, and create opportunities for people to participate fully in their societies and economies.

The global justice gap

Until recently, a lack of justice data has obscured the scale of the failure to meet people's justice needs, but more and better data has become available in recent years. Legal needs, victimization, and specialist surveys now cover a growing number of countries.

The global justice gap has three dimensions:

- **At least 253 million people live in extreme conditions of injustice**

Forty million people are modern slaves, 12 million are stateless, and over 200 million live in countries or communities where high levels of insecurity make it impossible for them to seek justice.

- **1.5 billion people cannot resolve their justice problems**

People in this group are victims of unreported violence or crime. Or they have a civil or administrative justice problem they cannot resolve, such as a dispute over land or the denial of a public service. Almost 60 percent of justice problems are currently unresolved.

- **4.5 billion people are excluded from the opportunities the law provides**

Over 1 billion people lack legal identity. More than 2 billion are employed in the informal sector and the same number lack proof of housing or land tenure. This makes them vulnerable to abuse and exploitation and less able to access economic opportunities and public services.

In total, 5.1 billion people – two-thirds of the world's population – lack meaningful access to justice. While people in all countries are affected, the burden of this injustice is not randomly distributed. The justice gap is both a reflection of structural inequalities and a contributor to these inequalities.

Women and children find it hardest to access justice. One billion children are victims of violence, for example. Half of women believe it is pointless to report a case of sexual harassment to the police.

Poor people, people with disabilities, and people from minority ethnic communities are among the vulnerable groups that find it hardest to access justice. Their experience of injustice increases the likelihood that they will continue to be left behind.



The cost of injustice

In 2010, a 26-year old Tunisian fruit vendor named Mohamed Bouazizi set himself on fire outside a government building in protest at sustained harassment by the police. His death triggered protests that spread first through Tunisia and then across the Arab world.

Bouazizi's case involved justice problems related to documentation (he did not have a permit for his fruit stand, but it is still unclear whether he needed one), abusive justice actors, and an inability to air a grievance. For people like him, injustice leads to lost income and high levels of stress. People with a justice problem lose an average of one month's wages. Many become unemployed. Health impacts are also serious. Around a third of people with a justice problem are likely to experience a physical or mental health problem.

For societies, justice is often the missing link in national development strategies. Economies may perform strongly and health and education improve. But without justice, people will fail to reach their full potential and development will be precarious. By driving exclusion and fueling grievances, injustice also increases the risk of political instability and – as we saw in the period that followed the Arab Spring – violent conflict.

This failure to provide justice is costly.

- At a global level, conflict costs the world around \$2000 per person each year, while countries may lose up to a fifth of their GDP when levels of non-conflict violence are very high.
- Just three types of impact resulting from justice problems – lost income, damaged health, and the cost of seeking redress – cost OECD countries between 0.5 and 3 percent of their annual GDP.
- Everyday justice problems cost more than 2 percent of GDP in most low-income countries.

The benefits of investing in injustice

A growing body of evidence demonstrates that expenditure on people-centered justice can deliver a high return on investment.

Increased justice reduces the risk of conflict and instability. Every dollar invested in justice is likely to return at least \$16 in benefits from reduced conflict risk. In Guatemala, rebuilding the justice system to combat impunity and tackle corruption led to a 5 percent decline in homicide rates.

Tackling everyday justice problems also delivers benefits:

- Specialized courts such as drugs courts reduce reoffending, saving the criminal justice system thousands of dollars per case.

- Restorative justice approaches are highly cost-effective and result in higher satisfaction for victims and reduced offending.
- In England and Wales, the Citizens Advice service helps more than two million people each year with their justice problems. For every dollar invested, the service generates \$2.40 in savings for government and \$14.50 of wider social and economic benefits.

Using the law to release people's economic and social potential is highly cost-effective. Legal identity improves health outcomes while allowing governments to tailor services to those who need them, target cash transfers and other social protection programs more effectively, collect taxes, root out corruption, and evaluate the impacts of policies.

Programs that clarify and strengthen land rights prevent conflict and increase people's ability to participate in the economy. Tanzanian women quadruple their earnings when they live in a community that allows them land rights.

Financing justice for all

How much would it cost to close the justice gap – to meet people's everyday justice needs in an accessible and affordable way?

To answer this question, this report presents the first estimate of the cost of providing universal access to basic justice. Health and education have long had such benchmarks for investment, and the methodology used draws from experiences in those sectors.

This estimate includes legal advice, legal empowerment in communities, formal justice institutions that play a frontline role in resolving conflicts and disputes, and alternative mechanisms to resolve these justice problems. Accountability mechanisms are also included.

In low-income countries, it would cost \$20 to provide each person with access to basic justice services. In middle-income countries, it would cost \$64 per person per year and in high-income countries \$190.

To put these numbers into context, providing universal primary and secondary education in low-income countries costs \$41 per person per year, while providing universal essential health care costs at least \$76.

High-income countries are comfortably able to afford this expenditure, but middle and low-income countries will find it more challenging. Overall, two billion people live in countries that cannot afford even half the cost of providing universal access to basic justice without threatening expenditure on other sectors.

To increase affordability, countries need better data on current resource allocation in order to shift expenditure away from ineffective approaches and target it instead to the most urgent justice needs.

Existing resources could be redirected towards lower-cost approaches with potential to deliver justice at scale, with legal empowerment and non-formal approaches relatively affordable in all countries.

Funding sources need to be diversified. Donor investment in justice has declined by 40 percent over the past four years. In fragile and conflict-affected states, only 1.5 percent of official development assistance is spent on justice. Philanthropists, impact investors, and private sector firms could all play a role in making justice for all more affordable by increasing their investment in people-centered approaches.

Solving justice problems

Six areas account for most justice problems: violence and crime, disputes involving land, housing or neighbors, unresolved family disputes, problems related to money, debt or consumer issues, or those related to access to public services, and legal needs related to employment or businesses.

Each of these problems has structural equivalents – for example, when a community’s land is confiscated without compensation, where inheritance laws favor sons over daughters or wives, or where a minority is denied access to public services.

Justice seekers benefit from approaches that are tailored to each category of problem, but common themes emerge when they are asked how they want their problems solved. Victims of violence and people with legal disputes are often less interested in judgment and punishment than in being listened to and finding a resolution or remedy that allows them to resume their lives.

By taking justice problems as a starting point, countries can design a better journey from that problem to a solution. What matters is both the destination (do people achieve a satisfactory resolution?) and the journey itself (are people treated fairly along the way?).

A justice journey has three stages:

1. Empower people and communities

People are empowered so that they can act when a legal need arises. They are helped to understand the law and seek a solution, with legal aid provided to the most vulnerable.

2. Access to people-centered justice services

People have access to services that are responsive to their needs and offer alternative and less adversarial pathways to justice. One-stop shops provide a range of services under one roof, while specialist services help those with more complex problems.

3. Fair outcomes

People achieve a resolution to their problem that is fair and meets standards for human rights. Remedies are appropriate and promote reconciliation. Data is used to judge whether people receive a satisfactory resolution. Grievance mechanisms listen and respond to those who feel badly treated.

Preventing injustice

Justice systems must prevent problems as well as working to resolve those that have already occurred.

Prevention reduces the harm people suffer by focusing on the root causes of injustice. When there are fewer disputes, lower levels of violence, and people have proper legal protections, societies are more likely to be peaceful and to prosper.

Prevention makes sense for four reasons. First, the justice gap is too wide to be bridged with traditional approaches and tools. Second, justice is needed for communities and societies, not just for individuals. Third, justice systems can increase resilience, by helping people protect their rights or by providing space for peaceful contestation. Finally, prevention is cost effective – for people, for society, and for the justice system itself.

Because it is forward-looking, prevention requires a transformation in justice systems, as justice collaborates with other sectors to address the root causes of disputes and avert violence, conflict, and human rights abuses.

Effective prevention strategies:

■ Promote trust in justice systems

They provide people with a reasonable expectation that their rights will be protected, their disputes managed peacefully, and that they will be safeguarded from abuses of power.

■ Tackle the root causes of injustice

They provide legal identity and other documentation and empower communities and marginalized groups to realize their rights and overcome unfairness.

■ Use the law to reduce risk

They strengthen legislative frameworks for violence prevention and implement laws and regulations that make it less likely that disputes will arise or escalate.

The Path to Justice for All

There is no single recipe for delivering justice for all. All countries must increase access to justice based on their own context and priorities, in line with human rights standards and their commitment to delivering the 2030 Agenda.

But people across the world have many shared aspirations as they seek justice. Countries grapple with the same challenges as they work to meet these aspirations.

Justice reform can be challenging. Elites benefit from the status quo and justice professionals may feel threatened if systems are opened up to new ideas, approaches, and providers. Ministers of Justice often struggle to compete for resources with other more powerful sectors.

Closing the justice gap requires a transformation in ambition – a sustained effort to provide justice to billions more people. It requires confronting political obstacles to change and building confidence among justice leaders so that, with the right policies and investment, they can deliver substantial increases in justice.

But there is growing momentum that helps leaders build support for change. Justice systems from around the world are exploring new ways to put people and their needs first. Awareness is growing of the benefits of investing in justice, while local and global movements campaign for justice for all. Lawyers, judges, and activists are often powerful advocates for reform, while the private sector has incentives to mobilize for an improvement in the legal environment.

Four levers can help national reformers as they work towards justice for all.

- Data and evidence create awareness of the scale of the problem, while demonstrating how solutions can be cost-effective.
- Innovation brings new players into the justice sector and develops approaches that can deliver justice at scale.
- Smarter financing strategies redirect resources away from ineffective approaches and towards what works. They also attract finance from other sectors and from non-traditional investors.
- New governance models and shared standards increase coherence in a justice system, enabling a greater diversity of partners to work together towards a shared result.

Agenda for action

At a national level, the Task Force makes three sets of recommendations:

- **Resolve the justice problems that matter most to people**
understand justice problems through regular surveys · recognize, finance, and protect justice defenders · provide access to people-centered justice services · use cost-effective alternatives to help people resolve disputes and gain redress.
- **Prevent justice problems and create opportunities for people to participate fully in their societies and economies**
implement multi-sectoral prevention strategies · increase independence, combat corruption, and ensure independent oversight · tackle structural injustices, provide universal access to legal documents, and help people make better agreements · strengthen laws and regulations that reduce the risks of violence and the number of disputes.
- **Invest in justice systems and institutions that work for people and that are equipped to respond to their need for justice**
provide open access to justice data · create a supportive regulatory environment for innovation · develop a national roadmap for financing justice for all · increase representation in the justice system and implement new governance models.

The 2030 Agenda's commitment to justice for all requires intensified international cooperation and revitalized partnerships for justice. Recommendations for international action include:

- **Support national implementation**
Convene pathfinder countries, register voluntary commitments to implement SDG16.3, and help governments develop credible, realistic, and funded strategies to implement these commitments.
- **Increase justice leadership**
Hold a biennial meeting of Ministers of Justice, Attorneys General, and other justice leaders as a platform for countries to share experiences, explore recommendations, and strengthen cooperation for justice.
- **Measure progress**
Agree a new SDG16.3 indicator to measure progress on civil justice, supplementing existing criminal justice indicators, with voluntary national piloting ahead of its integration into the global indicator framework.

- **Intensify cooperation**

Form an alliance of international and regional justice partners to provide more coherent support for justice for all and a funders collaborative to increase the proportion of international finance that flows to the justice sector.

- **Build the movement**

Amplify demand for change through global, national, and local movements that campaign for justice for all.

Call to action

To accelerate progress, the Task Force calls on all partners to come together in a global and sustained effort to deliver justice for all by 2030.

- **Governments** should develop strategies, allocate resources, and the partnerships needed to deliver justice for all.
- **Justice professionals** should work closely with governments in leading a shift towards people-centered justice.
- **Other sectors** must play an increased role in the delivery of justice.
- **Civil society** can do more to empower justice seekers and help reach the furthest behind first, if given space to operate.
- **The private sector** can help develop new ways of meeting people's justice needs at low cost.
- **International and regional organizations** should provide more coherent support and increased financing for implementation of the SDG targets for justice.
- **Foundations and philanthropists** should support people-centered approaches and priorities such as the role of justice in prevention.

Finally, the Task Force's call to action is addressed to people themselves, as justice seekers, volunteers, and supporters of justice systems. They must be empowered to play a central role in the creation of a more just world.

Contents of the Justice for All report

The Task Force on Justice.....	3
Acknowledgements	7
Abbreviations	8
Definitions	9
Overview	10
Part 1: Why We Need Justice for All.....	20
Chapter 1: The Justice Gap.....	22
Justice for All?.....	23
Collecting People-Centered Justice Data	24
A Justice Gap with Three Dimensions.....	25
<i>People living in extreme conditions of injustice · People who cannot resolve their justice problems · People who are excluded from the opportunities the law provides</i>	
Barriers to Justice for All.....	32
Chapter 2: The Case for Action.....	36
Investing in Justice for All.....	37
The Cost of Injustice.....	38
<i>Injustice is costly for people and communities · The costs weigh on societies and economies</i>	
The Benefits of Investing in Justice.....	41
<i>Reduced risk of conflict and instability · Increased capacity to prevent and solve everyday justice problems · Release the economic potential of more just societies</i>	
Financing Justice for All	45
<i>The cost of justice for all · Is justice for all affordable? · What strategies can increase affordability?</i>	
Spotlight 1: Reaching the furthest behind first.....	52
Part 2: Building Just Societies	54
Chapter 3: Solving Justice Problems.....	56
Transforming Justice	57
Understanding Justice Problems	58
The most common justice problems.....	60
Better Justice Journeys	61
<i>Empower people and communities · Access to people-centered justice services · Fair outcomes</i>	

Chapter 4: Preventing Injustice 70

The Shift to Prevention 71

Why Prevention? 72

What Kind of Prevention? 73

Preventing and de-escalating disputes · Preventing violence · Preventing conflict and instability · Promoting inclusion and protecting rights

Making the Shift to Prevention 81

Promote trust in justice systems · Tackle the root causes of injustice · Use the law to reduce risk

Spotlight 2: Responding to mass human rights abuses 84

Part 3: Pathfinders for Justice 86

Chapter 5: Leading the Change 88

Towards Justice for All 89

The Path to Justice for All 90

Models of change · Obstacles and opportunities for reform · Global momentum for justice

Levers of Justice Reform 95

Use data and evidence to steer reform · Unlock the transformative power of innovation · Implement strategies for smarter justice financing · Build more coherent and inclusive justice systems

Chapter 6: Agenda for Action 100

A New Vision of Justice for All 101

An Agenda for National Action 102

Resolve the justice problems that matter most to people · Prevent justice problems and create opportunities for people to participate fully in their societies and economies · Invest in justice systems and institutions that work for people and that are equipped to respond to their need for justice

An Agenda for International Action 103

Call to Action 104

Spotlight 3: The people who provide justice 106

Appendix 1: Methodology 108

Appendix 2: What Works Around the World 110

Endnotes 112

The Task Force on Justice is working to accelerate implementation of the commitment made in the 2030 Agenda for Sustainable Development to provide equal access to justice for all. The Task Force, which is chaired by ministers from Argentina, the Netherlands, Sierra Leone, and the Elders, is an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies.

TASK FORCE 
ON JUSTICE
PATHFINDERS FOR PEACEFUL, JUST AND INCLUSIVE SOCIETIES

