World Justice Forum
Realizing Justice for All

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World Justice Project

Working Session Summaries

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Agenda 2030: Approaches to Nationalizing and Implementing Goal 16 and Access to Justice

Date: April 30, 2019 13:00 - 14:30
Coordinated By: Open Society Justice Initiative; Legal Aid Board, Sierra Leone

Speakers:
- Fatmata Claire Carlton-Hanciles, Executive Director (Legal Aid Board of Sierra Leone)
- Marina Ilminska, Associate Policy Officer (Open Society Justice Initiative)
- Thomas Probert, Head of Research (Freedom from Violence, University of Pretoria)

Brief Session Overview:
This session proposed key categories of data needed to properly assess national trends relating to Pretrial Justice and to report on the Agenda 2030 Goals to the UN. Recommendations regarding the specific SDG indicators on pretrial detention (PTD) included keeping the current indicator so that comparisons can be made over time, but fine-tuning it to make it more meaningful, and developing new indicators that are simple, do not create perverse incentives (e.g. arrest quotas), and focus on the quality of decision-making as opposed to the outcome of the decision. During the session several initiatives in countries that prioritized implementation of the Goal 16 pretrial detention indicator, such as Brazil, Sierra Leone, and South Africa, were showcased. Links to other Sustainable Development Goals and issues were also discussed, including the need to implement smart policies—such as not using PTD for crimes with a punishment of less than five years or for women who are pregnant or have children under 12—to reinforce the other SDGs.

Full Session Summary:
Background on SDG16 and Pretrial Detention Indicator

2019 is an important year for SDG16, as more than 60 countries are scheduled to report out on Goal 16 as part of the Voluntary National Review (VNR) process. In 2020, SDG indicators are up for review by the Inter-Agency Expert Group (IAEG). The current PTD 16.3.2 indicator has a number of problems in that it:

- Does not assess the duration of PTD, access to legal aid, excessive use of PTD, conditions in detention, or require a breakdown by gender, age, race/ethnicity, income, or type of crime.
- Requires that countries report using proportions, rather than rate per 100,000 people.
- Creates perverse incentives, such as convicting people who are in pretrial detention to produce a better ratio.

Country Case Studies

- **Brazil** reviewed custody hearings and the use of pre-trial detention. It found that 50% were preventative and considered emissary. The Supreme Court also ruled that a mother of children under 12 years of age will not be held in pre-trial detention, unless it is for very severe crimes.
- In **South Africa**, the University of Pretoria collaborated with the national statistical office, Stats SA, to produce the VNR report for SDG16. Stats SA presented data on both the volume and rates of PTD.

Their studies found that the majority of remand detainees were male (97%) and were held in detention for 3 months on average.

- **Sierra Leone** created the Legal Aid Board after the civil war to work closely with government agencies and train customary chiefs. The Legal Aid Board collected data on the number of people who received legal aid representation, the number of inmates discharged through the Legal Aid Board's work, the percentage of youth in PTD, and their data is disaggregated by gender and other demographics. Sierra Leone set its own goals for what it wants to achieve by 2030 and announced last year that it would focus on SDG16 and voluntarily report out on additional indicators.

Questions & Discussion

- Expanding the indicators on PTD is politically feasible, especially compared to other proposed indicators, because the data is already there. If countries are already going to report out on this issue, they should be measuring it in a meaningful way.
- Bail is an important issue that has negative impacts on livelihoods, but it is not as extreme as PTD because people can still work, and there are ways for cases to be dropped.
- Look to the medical field as an example for the justice sector. People do not only see doctors for their medical issues; they are also treated by nurses and paramedics so that doctors are not always the first line of recourse. When you translate this to the law, paralegals can be brought in to serve this same function, but this can cause conflicts with lawyers.

Recommendations:
On Specific Indicators
- Keep the current PTD indicator so that comparisons can be made over time, but fine-tune it and add additional analysis to make it more meaningful.
- See publication "Strengthening Pretrial Justice" for other criminal justice indicators and "baskets" of indicators tested and recommended by OSJI (e.g. indicators on risk to liberty, duration of PTD, frequency and exceptionality of the use of PTD, etc.).
- Focus on the individual (i.e. not types of crimes) as the unit of analysis for indicators on PTD.
- Design indicators that focus on the quality of decision-making as opposed to the outcome of the decision (e.g. differences in decisions for defendants of different races for similar types of crimes, and how this changes over time).
- Indicators should be simple, and should not create perverse incentives (e.g. arrest quotas), use ratios or rates as opposed to absolute numbers, inform policy, and assess the functioning of the criminal justice system.

More Broadly
- Countries should use data that is already available to produce additional analysis and coordinate data-sharing among relevant agencies.
- Study the impacts of the overuse of PTD.

- For countries that are already reporting out on PTD as part of their VNRs, they should improve their reporting using data that is already available.
- Implement smart policies—such as not using PTD for crimes with a punishment of less than five years or for women who are pregnant or have children under 12—to reinforce other SDGs.
- Goal 16 should take on the issue of paralegals, alternative dispute resolution mechanisms (ADRs), and community advice offices.

Resources:
[Strengthening Pretrial Justice: A Guide to the Effective Use of Indicators](), Open Society Justice Initiative

Examining the Contribution of Transitional Justice in Reducing the Justice Gap

Date: April 30, 2019 13:00 - 14:30
Coordinated By: International Center for Transitional Justice

Speakers:
- Santa Falasca, Head of Office, Brussels and the Hague (International Center for Transitional Justice)
- Katy Thompson, Team Leader, Rule of Law, Security and Human Rights, Crisis Bureau (UNDP)
- Marieke Wierda, Senior Policy Advisor Rule of Law (Ministry of Foreign Affairs of the Netherlands)

Brief Session Overview:
In their work to increase access to justice for communities around the world, the Working Group on Transitional Justice and SDG16+ released a report urging policymakers and donors to support transitional justice as one important way to reduce the justice gap. In cases of extreme injustice—including in Syria, Myanmar, and Yemen—decreasing the justice gap is often primarily about stopping, addressing, and preventing the recurrence of large-scale human rights violations. To advance the 2030 Agenda for Sustainable Development in these extraordinary circumstances, extraordinary responses, including transitional justice, are needed so progress toward the SDGs does not leave behind communities with legacies of human rights violations. Transitional justice efforts can put victims at the center of the work and make sure that victims are included in the justice process. Transitional justice can be adapted to different situations and contexts and is flexible about the form that justice takes. Moreover, it can also be designed to tackle problems of scale, address structures of injustices in the form of legacies of violations, and emphasize nonrecurrence. These characteristics make these mechanisms uniquely capable of addressing the justice gap in communities that have experienced repression and conflict.

Full Session Summary:
Legacies of serious human rights violations create unique challenges for making progress toward the United Nations Sustainable Development Goals (SDGs). Where these human rights violations have occurred, transitional justice should be considered as an integral way to increase access to justice and create sustainable peace and development.

In this session, leaders from the International Center for Transitional Justice, UNDP, and the Ministry of Foreign Affairs of the Netherlands discussed findings presented in the report of the Working Group on Transitional Justice and SDG16+ and examined the key role that transitional justice can play in reducing the justice gap. Experts discussed what has worked well—and what has not—and pointed to key considerations when establishing an effective transitional justice process.

Highlights
Target 16.3 of the 2030 Agenda for Sustainable Development outlines the importance of attaining access to justice for all in the creation of peaceful and inclusive societies where accountable and inclusive institutions govern at all levels. An estimated 5.1 billion people around the world currently have unmet justice needs, including 253 million people who live in extreme conditions of injustice. This "justice gap" often looks very different in countries that have experienced conflict, human rights abuses, and repression because these legacies of human rights abuses hinder access to justice, the advancement of the rule of law, and sustainable development.

Although the United Nations Sustainable Development Goals (SDGs) do not directly discuss massive human rights violations and transitional justice, they present common targets and objectives shared by the transitional justice field. In their work to increase access to justice for communities around the world, the Working Group on Transitional Justice and SDG16+ released a report urging policymakers and donors to support transitional justice as one important way to reduce the justice gap. In cases of extreme injustice— including in Syria, Myanmar, and Yemen—decreasing the justice gap is often primarily about stopping, addressing, and preventing the recurrence of large-scale human rights violations. To advance the 2030 Agenda for Sustainable Development in these extraordinary circumstances, extraordinary responses, including transitional justice, are needed so that progress toward the SDGs does not leave behind communities with legacies of human rights violations.

Transitional justice can play a fundamental role in advancing access to justice. Transitional justice efforts can put victims at the center of the work and make sure that victims are included in the justice process. Transitional justice can be adapted to different situations and contexts and is flexible about the form that justice takes. This is particularly important because the role of acknowledgement is meaningful for victims, and transitional justice mechanisms can be tailored with the understanding that an apology is sometimes as important as reparations programs or punitive measures. This adaptability also means that the nature of transitional justice can be more homegrown and directly reflect the needs of the community. Transitional justice mechanisms can also be designed to tackle problems of scale, address structures of injustices in the form of legacies of violations, and emphasize nonrecurrence. These characteristics make these mechanisms uniquely capable of addressing the justice gap in communities that have experienced repression and conflict.

When examining examples of transitional justice efforts in the recent past, however, it is apparent that some of these strengths remain largely aspirational at times. There is ongoing debate about whether transitional justice initiatives have managed to be as transformative as they were intended to be. For example, in South Africa the transitional justice process failed to address structural inequality. In Tunisia, transitional justice efforts failed to meet the expectations of the entire community. In Bosnia, transitional justice processes continue today because of issues in execution. Without a strong culture of evidence-based assessment, it is also challenging to effectively measure what is being done and determine whether transformation is actually being achieved.

All of these examples highlight a number of key considerations when engaging transitional justice mechanisms to advance the SDGs. The international community should think critically about how the transitional justice agenda relates to broader efforts to advance the rule of law, counter violent extremism, address gender disparities, build peace, and increase accountability. It is important to recognize and emphasize the critical role that transitional justice can play in the prevention of human rights abuses. Transitional justice approaches should work to address all violations and injustices, including structural inequalities. These mechanisms should be driven by and based on local priorities and promote participation from all members of the community. It is also imperative to emphasize the long-term nature of the transitional justice process and identify who will work on long-term change. Conversations around the SDG agenda should include space to rethink the work that has already been done in order to identify ways to increase effectiveness and answer key questions about how policy, funding, and engagement with governments can make transitional justice more effective and better able to meet community needs and advance access to justice for all.

Resources:

On Solid Ground: Building Sustainable Peace and Development After Massive Human Rights Violations.
Report of the Working Group on Transitional Justice and SDG16+. May 2019.

Improving Public Health and Reducing the Justice Gap Through Health Justice Partnerships

Date: April 30, 2019 13:00 - 14:30
Coordinated By: Centre for Access to Justice, University College London (UCL)

Speakers:
● Hazel Genn, Director (UCL Centre for Access to Justice)

Brief Session Overview:
There is growing evidence of links between law and health demonstrating that social problems with a legal dimension can exacerbate or create ill health and, conversely, that ill-health can create legal problems. Public health experts have identified social factors as important determinants of health, even more than genes or clinical care. This session discussed the international development of integrating social welfare legal services with health services to address both health and legal needs. Health professionals and legal practitioners have been working to combine their respective services in order to provide more integrated services, such as Medical-Legal partnerships that can help train doctors to identify legal needs and bring legal advice into health provision. Still, there is a need for sustainable resources in the long term. We need to be able to demonstrate the benefits of health justice partnerships, as well as rigorous evidence and an impassioned argument to advance the agenda.

Full Session Summary:
In this session, Professor Dame Hazel Genn presented the benefits of considering the diagnosis and solutions of public health and access to justice issues as a common social area rather than separate fields. The big idea is to address some of the persistent access to justice issues facing the most vulnerable groups in society while at the same time helping to mitigate some of the negative social determinants of health. She mentioned that public health experts have identified social factors as important determinants of health, even more than genes or clinical care. This finding corresponds to the work of access to justice professionals who have identified and are quantifying negative health impacts of unresolved legal problems and access to justice difficulties.

Development of health and legal service integration has been a bottom up development. People on the ground, health professionals, and legal practitioners, have been working to combine their respective services in order to provide a service that is more integrated. There are still barriers. For example, in the field of public health, doctors tend to think of the rule of law at the macro level, considering issues such as clean water, sugar taxes, and alcohol prices, but generally leaving aside institutional factors like social housing, which is very important at the individual and family level. These issues provide examples of the bidirectional link between law and health: law can provide a solution and therefore prevent health problems.

Through two discussion activities, Professor Genn organized a discussion to identify a range of issues at the family and individual level in which legal and health issues are intertwined for low-income people. The participants identified the following issues:
● Combination of legal and health services post natural disasters. A set of problems arise like problems with taxation, corruption and land, and copyrights.
● Sexual and gender legal violence, where there is physical and psychological aggression that can be solved with legal remedies.

- Criminal Law (being in jail affects legal and health status)
- Housing issues
- Different jurisdictions and systems have very different legal needs and problems to be addressed
- Experience from Honduras: getting legal help and delivering justice for families who experienced a homicide helps to improve trauma recovery.
- Nigeria: Important role of paralegals in helping address problems related to land poisoning and pollution-related health issues. As well as inequality in the distribution of health centers making them inaccessible for many.
- Sierra Leone: Paralegals helping to address issues with access to free health care for children under five years.
- Re-imagining attorneys as health providers.
- Bureaucratic impasse when trying to solve a particular problem: is the legal, economic or health area of government responsible for a problem in this intersection.
- Democratic Republic of Congo: Placing lawyers in clinics that provide emergency care to women that were victims of sexual violence.
- Access to health care for marginalized groups.
- Discrimination for HIV: difficulties accessing legal and health services.
- Range of social justice issues for indigenous peoples, e.g. land issues.

After the discussion, Professor Genn picked up on the points that attorneys could be considered to be health providers, because law has the potential to address health issues. She highlighted several interventions being developed such as partnerships between the health and justice sectors by training doctors to identify legal needs and address health concerns. It was also emphasized that legal advice needs to be incorporated into medicine, bringing "law" into health provision. Co-locating services was highlighted as a potential solution to address both issues. Challenges were also identified, including that the professional culture and ethics of each discipline need to change.

A second activity was organized to discuss the opportunities and challenges of creating integrated services. Some of the answers by the participants were:

Opportunities:
- Bringing services to the people, instead of waiting for people to look for services.
- Making invisible people visible. Giving excluded groups a voice.
- Identifying vulnerable local communities that could drive these partnerships
- Local level activities can be scaled up.
- Hearing the message from local communities and communicating it to governments.
- Supporting young professionals to be trained in this area of intersection and ensuring a living wage.
- Identifying the actors who are concerned with these areas, including the role of judges.
- Cross-disciplinary training.
- Return on investment models have been impactful.
- Estimating the economic cost of not resolving these issues helps to make the case.
- Holistic services to provide more effective outcomes and improve health and well-being.

Challenges:
- Securing sustainability and funding.
- Messaging to sustain the projects and build social capital.
- In health, in some jurisdictions, there is a lack of transparency and prevalence of corruption.
- Education challenge: a necessity of better-informed judges that are aware of the health impacts.
- Paralegal programs: understand they have rights.
- Issues in trust: medical systems suspicious of legal services being introduced.
- Operational barriers.

Final Remarks:
Not all health problems will be solved in the health center. More integrated services between the medical and legal professions should be promoted around the world. Still, there is a need for sustainable resources for the long term. We need to be able to demonstrate the benefit of health and justice partnerships. We need more effort to demonstrate these benefits, as well as rigorous evidence and an impassioned argument to advance the agenda.

Legal Tools for Advancing Environmental Justice and Public Health

Date: April 30, 2019 13:00 - 14:30
Coordinated By: ABA Section of Energy and Environmental Resources, United Nations Environmental Programme (UNEP), University of Maryland Transnational Environmental Accountability Project

Speakers:
- Javier de Cendra, Dean (IE Law School)
- Seth A. Davis (Elias Group Former ABA SEER Chair)
- Lee A. DeHihns, Retired Partner (Alston & Bird LLP, Former SEER Chair, ABA Board of Governors)
- Sheila Hollis, Chair, Energy Practice (Duane Morris LLP, Former SEER Chair, ABA House of Delegates)
- Seema Kakade, Assistant Professor and Director of the Environmental Clinic (University of Maryland Carey School of Law)
- Robert Percival, Director, Environmental Law Program (University of Maryland Carey School of Law)
- Claudia Rast, Shareholder (Butzel Long, Former SEER Chair)
- Allan Meso, Environmental Lawyer (United Nations Environment Programme)

Brief Session Overview:
How does the implementation and enforcement of environmental laws address the severe health effects of environmental pollution? This session explored current laws and standards, and outlined how efforts to train lawyers and judges in various countries have helped bridge the gaps between laws and health outcomes for affected populations. Speakers highlighted the importance of empowering local populations through environmental litigation, and emphasized the need to build tools and skills that can be transferred, such as learning to collect information and document health harms, legal education, and legal assistance and council. International training of lawyers in environmental law was also flagged as an important practice, particularly for private legal practitioners, who have been excluded in the past. Speakers also highlighted the significant work that must be done to establish environmental protection as a fundamental right, and to broaden the development community's appreciation of the impact of law and justice on human development.

Full Session Summary:

Introduction
- Seth Davis introduced the working session. He indicated that the speakers would present four different points of view and ways to face current environmental challenges. He also raised the point of recognizing environmental rights as a fundamental right.
- Claudia Rast, who was the moderator, mentioned that the goal of the working session was to share experiences, describe legal tools in environmental contexts, and provide opportunities for collaboration. She quoted Jean-Claude Juncker: "*We all know what to do, we just don't know how to get re-elected after we've done it.*"

Empowering local populations in environmental litigation
- Seema Kakade spoke about the Transnational Environmental Accountability (TEA) Project. Kakade is Assistant Professor and Director of the Environmental Clinic at the University of Maryland Carey

School of Law, where her law students provide pro bono legal assistance to nonprofit organizations advocating for public health and environmental issues.

- This project seeks to empower populations in developing countries harmed by foreign extractive industries and other development projects, and consists of several University of Maryland students and three professors: Jinjing Zhang (an award-winning Chinese public interest lawyer), Robert Percival (an expert in global environmental law) and Seema Kakade. The clinic aims to promote improved environmental performance by multinational companies.
- The TEA project is currently focusing on ensuring the Chinese government pledge to promote a 'green Chinese Belt and Road' is respected. The clinic aims to involve experts and students from other fields such as medicine to benefit from their expertise related to public health issues such as pollution exposure.
- One of their first test projects is coming up. They will travel to a mine in Guinea, where they will help the local community collect and identify the harms that are being inflicted upon them.
- She highlighted tools that can be transferred: i) learning to collect information and document health harms, ii) legal education, iii) legal assistance and council.

International training of lawyers in environmental law
- Allan Meso and Javier de Cendra spoke about a project by the United Nations Environment Programme and the International Bar Association to develop a model curriculum for a continuing legal education program on environmental law. In the past, these initiatives have focused on judges, prosecutors, and officials, but have neglected private legal practitioners.
- This program seeks to enhance skills of lawyers to represent clients more appropriately in environmental protection and environmental rights. The program focuses on six areas, including drafting and negotiation, access to justice, compliance, etc.
- In addition, they seek to ensure that this modern curriculum is taught all over the world in a way that is exciting and "delivered through the best pedagogical tools." For example, making sure they have the best professors and the best technology available. They want to reach dozens and maybe hundreds of bar associations.

Environmental protection as a fundamental right
- Seth Davis and Sheila Hollis explained that even if the rights to clean air and water, and a safe environment may seem to be fundamental, they are not necessarily recognized as such throughout the world. Many countries include environmental protection provisions in their legal frameworks (more than 100), but the USA has yet to acknowledge that a clean environment is a fundamental right entitled to protection under the 14th Amendment.
- Seth Davis highlighted that the United States' Bill of Rights does not contain a reference to a clean or healthy environment, although several state constitutions now do. The federal government has not supported the idea of a clean environment as a fundamental right, and there is skepticism from an increasingly conservative federal court system.
- Sheila Hollis pointed out some challenges connected to climate change. Around the world, the relationship between these four components is crucial: Energy – Power – Politics – Law.

- Hollis mentioned how climate change raises philosophical questions, and how "there is no free lunch on any energy project." She mentioned the case of India, where people die due to heatwaves every summer, so they need air conditioning, which in turn consumes a lot of energy, and has a strong environmental impact.

Sustainability, sustainable development, and corporate responsibility
- Lee A. DeHihns explained that the ABA Rule of Law Initiative (ROLI) has sought to broaden the development community's appreciation of the impact of law and justice on human development. In addition, there is a fundamental connection between rule of law and human rights, on the one hand, and public health, climate change and environmentally sustainable and socially responsible businesses, on the other. He emphasized the ABA's support for implementation of the UN's SDGs, especially those with an environmental focus.

Discussion
- The last part of the working session was facilitated by Claudia Rast, and included questions and interventions from the audience.
- The participants mentioned that business accountability is important (Canada passed a law, but what about the USA and China?).
- The participants also explained that transparency is as important as empowerment. In this sense, we need more monitoring and reporting on environmental issues and more information to measure the direct impacts of the environment on people's health and in their communities.
- The participants stressed the importance of elevating the voices of people who are impacted by environmental issues.
- A representative from Namati mentioned they have used legal empowerment tools and litigation to address issues of environmental law, mostly through paralegals.
- Participants identified possible tools for advancing environmental justice and public health, including counselling, access to information and transparency, technology, community involvement, oversight, multi-stakeholder participation, working with experts/academics, enforcement, legal empowerment, amplifying the voices of people who are affected, storytelling, and empathy.

Making Legal Technologies Used and Useful: Expanding Access to Civil Justice

Date: April 30, 2019 13:00 - 14:30
Coordinated By: American Bar Foundation, JustFix.nyc, Haqdarshak

Speakers:
- Dan Kass, Co-Founder and Executive Director (JustFix.nyc)
- Asha Krishnan, Co-Founder and Executive Director (Haqdarshak)
- Rebecca Sandefur, Faculty Fellow (American Bar Foundation)

Brief Session Overview:
This session explored emerging evidence of how legal technologies can be made both used and useful in expanding access to justice. It drew on research and practice experience, and discussed the key elements that separate effective technology-based justice interventions from those that are less effective. JustFix.nyc and Haqdarshak served as case studies to showcase how organizations can successfully integrate technological platforms in their work with clients to serve their justice needs in the housing and public benefits contexts. Haqdarshak, for example, trains local entrepreneurs to operate the platform, who collect service fees for its operation, making a sustainable model for the system. JustFix.nyc has an online platform that uses data and technology to fight displacement and expand access to justice. It can automate formal complaints against landlords for neglected repairs or to report harassment, with the aim to correct the legal imbalance between tenants and landlords. The idea behind both start-ups was to use technology to solve problems that everyday citizens face. Not to change laws, but to facilitate access to services, build accountability, and empower citizens.

Full Session Summary:
This working session took a closer look at two organizations that use technology to expand access to civil justice, one in India and one in the United States.

Asha Krishnan presented on Haqdarshak, a technology tool in India that helps people find government welfare programs that apply to them and access their entitled payments. This tool is a mobile platform that is widely accessible in rural areas, and available in 18 languages to expand access. Her organization trains local entrepreneurs to operate the platform, who collect service fees for its operation, creating a sustainable model for the system. Thus far, the platform has reached over 100,000 people.

Next, Dan Kass from JustFix.nyc shared his organization's work on protecting housing rights in New York City. His organization also has an online platform that uses data and technology to fight displacement and expand access to justice. Through the platform, tenants can learn about their housing rights and the steps they need to take to fight eviction. They can also automate formal complaints against landlords for neglected repairs or to report harassment, with the aim to correct the legal imbalance between tenants and landlords.

The original idea behind both of these start-ups was to use technology to solve problems that everyday citizens face. As Dan Kass said, technology cannot solve all problems, but it would be a mistake to think that it cannot solve any problems. In both cases, the idea was not to change laws, but to facilitate access to services, build accountability, and empower citizens. JustFix also sought to build a tool with the input and cooperation of people directly affected by these problems, rather than just building something for them.

The organizations differed on their funding models. In the case of JustFix, they chose to create a nonprofit, to avoid diluting their mission with a hybrid model, and to improve connection and trust with community groups. On the positive side, receiving funds from foundations promotes accountability within the organization. As a downside, however, JustFix has to compete with real estate platforms that offer similar insights, but that are able to generate revenue by charging users for access. For Haqdarshak, the founders decided to create a for-profit model to ensure its sustainability over time, as well as allowing for flexibility with the budget to create and improve the platform. Asha also explained that finding funding for this project from the government would have been difficult, considering it was solving the problem that the government's welfare benefits were difficult to navigate.

Transforming Justice Outcomes with Artificial Intelligence: How to Get Started

Date: April 30, 2019 13:00 - 14:30
Coordinated By: Hewlett Packard Enterprise

Speakers:
- Luis Buezo, Director, WW AI Data and Analytics Practice (Hewlett Packard Enterprise)
- Miral Hamani, Director & Associate General Counsel, Corporate and M&A (Hewlett Packard Enterprise)
- María Ridruejo, Solution Architect, WW AI, Data and Analytics Practice (Hewlett Packard Enterprise)
- Ana Valdivieso, Vice President and Associate General Counsel for Southern Europe and LatAm (Hewlett Packard Enterprise)

Brief Session Overview:
Artificial intelligence is a subset of computer science that is trying to emulate human behavior, and presents numerous opportunities for solving justice problems. In a data-driven world, data transformations that integrate AI are a crucial way for organizations to enhance speed and accelerate time to value. Hewlett Packard Enterprise proposed the following road map for undertaking any data transformation: 1) Implement a modern data foundation (ingest, process, and manage a high velocity data pool.) 2) Transform data collected into insights 3) Predict and anticipate possible future events and support or automate decisions and actions applying AI. Once AI has been integrated into existing applications, it is fundamental that organizations do not allow their AI systems to remain static. The data used for AI processes needs to consistently be re-trained and supported. Finally, at the core of data transformation initiatives are ethical principles, such as the European Commission for Efficiency of Justice Ethical Charter, which organizations must refer to and abide by when integrating artificial intelligence into their work.

Full Session Summary:
Artificial intelligence (AI) presents numerous opportunities for solving justice problems. However, the legal profession is often resistant to integrating technology. Thus far, Information Technology has been most integrated into the legal profession, through its use in courts as a tool for direct assistance for judges, prosecutors, and clerks, administration of the courts and case management, and communications between courts, professionals and court users. Artificial intelligence is a subset of computer science that is trying to emulate human behavior. In a data-driven world, data transformations that integrate AI are a crucial way for organizations to enhance speed and accelerate time to value.

Many organizations are only just beginning to implement data transformation journeys. To implement a data transformation, organizations need to first define the basic challenges and problems they face, identify desired outcomes, and identify transformation initiatives. Data transformations require a large shift towards a "data first" culture within an organization. This shift requires transforming an organization's technology, people, and economics. A data transformation will not succeed if the people within an organization are resistant to change. Furthermore, optimizing business models to build capital, embrace innovation, and implement consumption models that speed growth is crucial to transforming an organization's economics and overall culture.

Hewlett Packard Enterprise proposes the following road map for undertaking any data transformation: 1) Implement a modern data foundation (ingest, process, and manage a high velocity data pool.) 2) Transform

data collected into insights 3) Predict and anticipate possible future events and support or automate decisions and actions applying AI. Once AI has been integrated into existing applications, it is fundamental that organizations do not allow their AI systems to remain static. The data used for AI processes needs to consistently be re-trained and supported. Finally, at the core of data transformation initiatives are ethical principles, such as the European Commission for Efficiency of Justice Ethical Charter, which organizations must refer to and abide by when integrating artificial intelligence into their work.

Questions and challenges raised by audience members during the discussion revolved around the perils of integrating bias into AI systems. A representative of the Alan Turing Institute for AI argued that tools must be built with ethics in mind. The prevalence of AI technology and machine learning today presents an opportunity to measure bias and address it. Third party oversight is also important in monitoring fairness in AI-integrated systems. With respect to AI in the legal profession, the discussion focused on the use of AI in courts. HPE argued that AI is often intended as a decision-support tool rather than a decision-making tool. For example, the use of AI to highlight the case law most relevant to a particular case in order to make the decision-making process more efficient for judges. Judges may make mistakes in decisions and the use of AI has the potential to help minimize those errors. While the application of law is a gray area, and decisions are rarely black and white, there are specific technological interventions that can be made that pose fewer ethical dilemmas. With more data on how court processes work, that data can provide insights into bottlenecks and what processes might mitigate those bottlenecks.

The discussion ended with the following key takeaways for organizations interested in implementing AI: organizations must understand the basics of AI and its potential value, understand the risks associated with AI and follow ethical principles, set up multidisciplinary (Legal and IT) and diverse teams to design, implement and monitor the use of AI, identify potential use of AI based on value and technical feasibility, understand that culture and processes are key for the adoption and control of the technology implemented, measure progress towards goals, and incrementally expand AI to other use cases.

What Will it Take to Bring Social Impact Investing to the Justice Sector?

Date: April 30, 2019 13:00 - 14:30
Coordinated By: Social Finance, Open Society Justice Initiative, Hague Institute for Innovation of Law, City of the Hague

Speakers:
- Maurits Barendrecht, Research Director (Hague Institute for Innovation of Law)
- Matthew Burnett, Policy Officer (Open Society Justice Initiative)
- Gabriela Cervetto Zuffo, Policy Advisor Finance & Legal, Department of Economic Affairs (Municipality of The Hague)
- Christopher Griffin, Visiting Professor and Research Scholar (University of Arizona)
- Wim Jansen, Head, Department of International Affairs (City of The Hague)
- Johannes Schreuder, Inclusive Dialogue with Business Lead (PeaceNexus)
- Shivan Sarin, Associate Director (Social Finance)
- Jelte van Wieren, Director of the Stabilization and Humanitarian Aid Department (Ministry of Foreign Affairs of the Netherlands)

Brief Session Overview:
Social impact bonds have emerged as a promising vehicle for mobilizing public and private financing for social progress. Growing in popularity in areas such as health, education, and workforce development, they have not yet been deployed in the justice sector. During this session, participants shared findings from a recent feasibility assessment of outcomes-based financing for civil legal aid and discussed how justice sector actors might pursue social impact investing to scale-up access to justice interventions. Session presenters highlighted the Pay for Success model, which focuses on long-term outcomes that go beyond specific program outputs and social impact bonds that provide upfront working capital that allows service providers to scale-up their services. To further take advantage of these resources, speakers encouraged legal aid providers to be willing to rigorously test their services, accept contradictory results, and be flexible enough to iterate their programs based on findings. Identified examples of outcomes-based financing models in practice included: the Medical-Legal Partnership in Washington, D.C., the International Committee of the Red Cross Humanitarian Impact Bond, and PeaceNexus's Peace Investment Fund.

Full Session Summary:
This session explored how social impact bonds and other outcomes-based financing models have emerged as a promising vehicle for mobilizing public and private financing for social progress. Despite the growth of social impact bonds in areas such as health, education, and workforce development, social impact bonds have yet to be utilized in the justice sector. The session began by introducing social impact bonds and identifying key themes:

- Social impact goals are clearly defined at the outset, and progress toward them is rigorously measured.
- Partners across the public, private, and social sectors collaborate around shared social impact goals.
- Robust governance and the interjection of private capital ensure accountability and discipline, with payment directly dependent on outcomes achieved.

The Pay for Success model focuses on long-term outcomes that go beyond specific program outputs. For example, the Pay for Success model would better apply to a program that measures how legal aid interventions increase housing stability or reduce emergency room utilization for a specific population, as opposed to focusing solely on case outcomes. Successful Pay for Success strategies include:

- A defined target population
- Measurable impact goals
- Intervention that works
- A capable service provider
- Positive value to society
- Community engagement

The session then turned to how social impact bonds are structured. Typically, private investors provide upfront working capital that allows the service provider(s) to scale-up their services in order to achieve a defined set of outcomes. If the service provider is successful, the outcome payor (typically government) pays back the investors with a modest return. If the service provider does not meet the defined outcomes, the outcome payor is not required to pay back the investors. An in-depth report on access to justice through social impact financing is available here.

The session then turned to challenges around developing an evidence-base for civil justice interventions, which introduced an analogy from software development:

- Alpha-testing: a stage in which developers ensure the program is operational and ready for outside testing—the focus is on trying to "break" the design;
- Beta-testing: a stage in which the program is then released to outside users for an operational integrity evaluation—the focus is on debugging.

The presenter argued that most legal aid providers start and stop with alpha testing, which does not provide a robust enough analysis of their intervention's effectiveness. Instead, legal aid providers should be willing to rigorously test their services, accept contradictory results, and be flexible enough to iterate their programs based on findings.

Presenters then introduced examples of the outcomes-based financing models in practice.

A Medical Legal Partnership (MLP) in Washington, D.C., resulted in legal aid organizations obtaining health records for their stakeholders 12 months before a legal aid intervention and 12 months after, and the data shows that individuals have been positively impacted after receiving legal aid. Both a decline in emergency room visits and hospitalization rates benefits the individual receiving legal aid, the community, and the government or care provider who saves money. While not structured as a social impact bond, this MLP has recently structured an outcomes-based contract with a managed care organization.

The International Committee of the Red Cross (ICRC) launched the world's first ever Humanitarian Impact Bond. The initial funds raised from social investors enable the ICRC to operate and expand the ICRC's Physical Rehabilitation Programme. After five years, the outcome payors, in this case the governments of

Belgium, Switzerland, Italy, and the UK, will pay the investors in accordance with the results achieved. This humanitarian impact bond does not mature until 2022.

PeaceNexus's Peace Investment Fund identifies and invests in companies with large economic footprints in conflict-ridden countries, regions, or cities. As shareholders, PeaceNexus lobbies corporations by highlighting the correlation between financial performance and levels of conflict. Therefore, PeaceNexus's value lies in partnering with the large corporations to influence the adoption of practices that help to alleviate conflict, while ensuring that the companies receive higher returns on their investments. Practices include helping companies to perform a conflict analysis and to develop a grievance mechanism.

Resources:
[Expanding Access to Justice with Social Impact Financing](#)
Given the high unmet need for legal services and significant funding constraints, Social Finance engaged in a study to explore whether outcomes-based social impact financing mechanisms—collectively known as Pay for Success (PFS) strategies—could support scaling effective legal aid programs.

Building the Case: Why Business Needs to be Part of the Movement Towards Global Access to Justice

Date: April 30, 2019 13:00 - 14:30
Coordinated By: Bingham Centre for the Rule of Law with the support of Jones Day

Speakers:
- Stephanie Bandyk, Senior Program Officer (Accountability Lab)
- Arthur Van Buitenen, Policy Advocacy & Engagement Advisor (International Development Law Organization)
- Fredrik Galtung, Founder and CEO (TrueFootprint)
- Teresa Jennings, Head of Rule of Law Development (LexisNexis)
- Oluseyi Ojurongbe, Manager (Sahara Foundation)
- Harriet Territt, Partner (Jones Day)

Brief Session Overview:
The business community undoubtedly has a significant interest in justice and strong rule of law. But how can the business community take a leading role in achieving the SDGs and closing the justice gap? This working session explored the business case for greater engagement by business on justice and the rule of law, including the need for SDGs to be translated and explained in business language (e.g. in terms of risk factors of non-participation and legal implications) and the crucial role for lawyers in arguing why rule of law is in businesses' self-interest. The session also identified ways champions in the business community can promote those efforts such as by developing standards for corporate compliance with the rule of law, ensuring supply/value chain responsibility, respecting existing laws and regulations, and leveraging the voices of local communities.

Full Session Summary:
The purpose of this working session was to discuss the business case for access to justice—or why businesses have a stake in the access to justice agenda and the role that they should play. The session lead began by asking each speaker to pose a question about businesses and access to justice. The questions posed were as follows:

- What is the most effective role that businesses can play in making change and providing for access to justice? (Stephanie Bandyk)
- Is there a lack of businesses engaging in true measurement and programs and change related to rule of law? (Teresa Jennings)
- How do we get businesses to wake up to the role that we think they should play? (Teresa Jennings)
- Should businesses be local, regional, national, or global in working to solve justice problems? (Teresa Jennings)
- What is the quality of sustainability reporting? Are companies reporting their impacts seriously? Are they greenwashing? Are companies actually reporting something that their stakeholders can hold them accountable for, or not? (Fredrik Galtung)
- What benefits have businesses seen from being involved in existing social reconstruction efforts? (Oluseyi Ojurongbe)

- How can we engage with the private sector more than is currently the case? (Arthur Van Buitenen)
- How does business translate its board room willingness to get involved in the march for access to justice to on the ground support? (Arthur Van Buitenen)

The participants then were split into two breakout sessions, where they had smaller group discussions.

Key takeaways from Group 1 (Terry, Stephanie, Oluyesi)
- Businesses' involvement in the SDGs and access to justice is highly dependent on the country, society, and context. It is also dependent on the company bandwidth and buy-in. One size does not fit all.
- Many businesses do not understand the SDGs, so they are less inclined to participate in them. The goals need to be translated for businesses to understand them and care about them. They need to be explained in business language (i.e. risk factors of not participating, legal implications).
- Small businesses also do not see an immediate profit to promoting the SDGs, so they may need other incentives.
- Requests on businesses need to be specific, clear, and related to the business's core skills.
- Partnerships are important to achieve the SDGs, but businesses are wary of partnering, and are unwilling to partner for the sake of the SDGs. Their mindset needs to be adjusted in order to engage in SDG partnerships. One way to adjust this mindset is to highlight the resources that are wasted when businesses do not communicate with each other or with local communities. This often leads to replicated efforts.

Key takeaways from Group 2 (Arthur, Fredrik)
- Rule of law reporting focuses on inputs and not outputs. This would not be acceptable in health or the environment, but is somehow acceptable in rule of law reporting. We need to figure out why this is the case. Is it because companies are less clear on what rule of law outputs are? Is it because it is more difficult to define rule of law outputs?
- Measuring corporate compliance with rule of law is difficult and vague. There is no standard for reporting. In order to make progress on reporting, standards need to be developed, as well as a shared definition of rule of law.
- There is a proliferation of voluntary standards, which indicates the interest of companies in self-policing, rather than abiding by a standardized set of guidelines for rule of law.
- Companies may be less likely to promote the rule of law because then they have to be held to that standard, which is difficult. If they fail to meet these standards, they will be criticized and may become less profitable and popular.
  - How do you embolden corporates to take the "risk" of promoting the rule of law, to take the risk of being held to higher standards, and to take the risk of being criticized?
  - Businesses often default to the lowest level, lowest common denominator, or the least difficult thing to do.
  - No one wants to be at the bottom, everyone wants to be at the top, but there is also a risk of falling if you are at the top. Many people want to stay in the middle because that is safe.

- ○ "Don't have to outrun the bear, just have to outrun you." You don't have to be the best, you just have to not be the worst.
- Where rule of law is now is where environmental sustainability was 20 years ago. But now, environmental sustainability is broken down to the business unit level, and businesses have to report on it. How can we speed up that process for rule of law, and break it down to the business level and promote reporting?
- Reputation is one way to make companies promote rule of law in supply chains and to check companies' behavior.
- How do we define corporate personhood? Can this be a way to promote the rule of law?
  - ○ In the UK, it is an obligation of corporate personhood under the law to look after the environment. It is not an obligation to promote the rule of law.
- Three key elements to promote businesses' accountability to the SDGs:
  - ○ Supply/value chain responsibility (i.e. UK Slavery Act – companies throughout the supply chain are held accountable; clear standard against which companies are measured)
  - ○ Respect for existing laws and regulations
  - ○ The voices of local communities
- If you want businesses to move into this rule of law space and promote the rule of law, you need to make them understand why the rule of law is in their own self-interest. This is where the lawyers come in. We need lawyers to make the case to businesses and to the CFOs about why good rule of law is in their self-interest. (In terms of environmental sustainability, being environmentally friendly results in cost savings. Using less water results in a lower water bill; using less electricity results in a lower electricity bill.)
- There is a difference between rule of law as applied to governments and rule of law as applied to companies. What do companies require of governments in terms of rule of law? What do companies require of themselves in terms of rule of law? The *WJP Rule of Law Index* looks at what companies require of governments in terms of rule of law and the business environment. It doesn't look at what companies require of themselves in terms of rule of law and the business environment.

Full group debrief
- Be afraid of the company that has a clean record and has "never done anything wrong," because that is a red flag. No company has a perfectly clean record. No company has never done anything wrong. All companies have done things wrong and have dirty records.
- It takes courage for a business to do the right thing and call out bad behavior, just like it takes courage for civil society to do the right thing.
- If there is change to be made, it will be a bottom up approach. That is the essence of access to justice.
- We are all starting to change how we look at business. We started the conversation with the understanding that business should be a part of the rule of law conversation, which is a change.

Finally, the session lead asked the speakers for a one-minute pitch on why business is important to rule of law.

- Businesses are people. They care about morality. They care about people.
- Businesses are client-driven, and need to be responsive to their clients. They should reflect the interests and values of their clients.
- Rule of law is being challenged around the world. That is even more reason for business to take the lead and take a role in promoting rule of law around the world.
- SDG16 is the enabler/foundation of all other SDGs. Need SDG16 to make progress on other SDGs.

Bridging the Justice Gap with Strategic Human Rights Litigation

Date: April 30, 2019 15:00 - 16:30
Coordinated By: Open Society Justice Initiative

Speakers:
- Erika Dailey, Senior Officer for Research and Publications (Open Society Justice Initiative)
- Cecilia Forrestal, Human Rights Coordinator (Irish Community Action Network)
- James A. Goldston, Executive Director (Open Society Justice Initiative)
- Mandira Sharma, Co-Founder (Advocacy Forum)
- Andrew Songa, Independent Consultant

Brief Session Overview:
Bridging the "justice gap" requires a mechanism to connect the beleaguered rights holder with the distant duty bearer. Among the most powerful and promising bridges is strategic human rights litigation. This session focused on Open Society Justice Initiative's global multi-year study of good practices which demonstrates the ability of marginalized communities to win unlikely victories. OSJI's findings included that there is a growing demand for justice through litigation as a means to bridge the justice gap. Individual strategic litigation cases should not be viewed as win-lose situations, but instead as a process where cases brought can help to change the political climate and public opinion and increase opportunity for positive changes later on, and that in order to be effective, implementation of court decisions must happen. Other key takeaways from the session included strategic litigation's important role in bringing about structural changes, the fact that law must play a role in consolidating open societies, and the recognition that courts are one of the few places where activists can directly challenge power.

Full Session Summary:
In this working session Erika Dailey opened the discussion with an introduction to the purpose and practice of strategic human rights litigation. As she explains, while strategic human rights litigation is widely assumed to be a good practice, Dailey and her colleagues at Open Society Foundation are looking at it more closely, since it is also expensive, elitist, and time consuming. She was interested in discussing the risks and advantages of its use for legal empowerment, as well as if it was useful as a natural catalyst for social change.

Cecilia Forrestal from the Irish Community Action Network talked about the housing crisis in Ireland in 2009. Her organization worked to expose abusive lending practices that caused people to lose their homes. Her organization sought to address the problem by collecting data and making laws and legal solutions more available to people, and countered the narrative that homebuyers were to blame, showing instead that they were victims of abusive lending practices. Their last milestone is a strategic litigation judgment (*Grant v the County Registrar from the County of Laois*), and she argued it was important in order to bring about structural changes.

Next, James Goldston of the Open Society Justice Initiative described some of the work that OSJI is doing on strategic litigation. He argued that this strategy is important, despite its shortcomings. Law must play a role in consolidating open societies, and courts are one of the few places where activists can directly challenge power. Due to concerns about the usefulness of strategic human rights litigation, OSJI carried out a study to take a closer look at its impact. Their findings included that there is a growing demand for justice through

litigation as a means to bridge the justice gap. Individual strategic litigation cases should not be viewed as win-lose situations, but instead as a process where cases brought can help to change the political climate and public opinion and increase opportunity for positive changes later on. They also found that in order to be effective, implementation of court decisions must happen. While lawyers have a key role to play in strategic litigation, in order to fully realize its impact and realize implementation it is important to build partnerships with other actors.

The next presenter was Mandira Sharma, co-founder of the Advocacy Forum in Nepal. Her organization began its work at a time when the exercise of constitutional rights was extremely limited—the war on terror was used as an excuse to suspend rights and abuses, torture and disappearances were widespread. After finding that information and attention on Nepal was lacking at the international level, they realized the importance of documentation and establishing monitoring missions in the country. Later, they used the principle of universal jurisdiction to bring a case against a Nepalese military officer for participating in torture in 2005. While he was acquitted due to a hung jury, the case helped change the landscape of transitional justice, showing that it is possible to fight against impunity.

Finally, Andrew Songa, an independent consultant and legal expert, discussed his experience of strategic litigation in two cases related to transitional justice and democratization in Kenya. The first was recognition of community land rights (the Endorois case), and the second was on behalf of individuals who had suffered torture and unlawful imprisonment as retaliation for protests in the 1980s (the Nyayo House case). In both cases, there was a broad theory of change that the rights of individuals and communities should receive better protection. For both of these instances, he stressed the importance of implementing court decisions in order to make progress on human rights goals. He also pointed out that these court cases built advocacy strategies around these rights, which created a shift in the country's concepts of land restitution and reparations, and helped to put in place a Truth and Justice Commission to investigate human rights abuses. He emphasized the importance of maintaining these coalitions and harnessing the political elements of situations like these to help reach these goals.

Questions after the session included the issue of judicial overreach and avoiding the problem of judicial activism. Andrew Songa explained that challenging the scope of the law should be avoided, and instead cases should seek to express the full extent of the laws expressed in the constitution. Another question was on using international law to bridge the justice gap, despite its lack of national recognition in places like Macedonia. Mandira Sharma explained that national law can be used in conjunction with international law to bring cases, as she did in Nepal, as well as involving international organizations such as the UN Human Rights Committee.

Closing Feedback Loops for Justice: Citizen Helpdesks

Date: April 30, 2019 15:00 - 16:30
Coordinated By: Accountability Lab

Speakers:
- Stephanie Bandyk, Senior Program Officer (Accountability Lab)

Brief Session Overview:
When citizens are mistreated by people in power they often have little capacity to ensure justice. Citizen Helpdesks are pioneering a feedback process through which citizens use information to work with power-holders to fix problems and then disseminate information about the changes, ensuring better and more equal access to everything from healthcare to justice. This session discussed how closing the feedback loop in this way has built trust and transformed governance in Liberia, Mali, and Nepal. The first step in the Citizen Helpdesk cycle is listening. Communities select groups of volunteers who work to collect and later disseminate information. These volunteers function as community frontline associates (CFAs) and interact face-to-face with different stakeholders in the community to understand what problems they currently face. Next, these volunteers routinely gather information on critical problems using community surveys. Once collected, these data are analyzed, checked and synthesized by the Accountability Lab. The information is then disseminated to facilitate conversations with all of the pertinent local stakeholders using the most impactful mediums tailored to the local context, such as radio shows and community meetings. This process ensures that everyone understands how and when something will happen, which builds accountability into decision-making processes and closes the feedback loop that often exists between citizens, governments, the media, and the private sector.

Full Session Summary:
When citizens are mistreated by people in power, they often have little capacity to seek justice. Citizen Helpdesks are an innovative feedback process through which citizens use information to work directly with people in power to fix problems and disseminate information about the changes to the public in an attempt to ensure better—and more equal—access to everything from healthcare to justice.

In this session, Stephanie Bandyk from Accountability Lab discussed some of the tools that can be used to close feedback loops as well as the risks associated with these approaches. To facilitate this discussion, case studies showcasing a few of the ways that Accountability Lab has utilized Citizen Helpdesks and similar interventions to improve access to justice in Nepal and Liberia were presented to highlight the range of problems that can be addressed using the Citizen Helpdesk model.

Highlights
Accountability Lab's model of Citizen Helpdesks is designed to help citizens solve problems in practical and transparent ways to increase and ensure accountability in the development process as a whole. Instead of a single feedback loop, the Citizen Helpdesk platform has integrated feedback loops that cover many different areas, making them an innovative way to solve a wide range of problems.

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problems they currently face. Next, these volunteers routinely gather information on critical problems using community surveys. Once collected, these data are analyzed, checked and synthesized by the Accountability Lab. The information is then disseminated to facilitate conversations with all of the pertinent local stakeholders using the most impactful mediums tailored to the local context, such as radio shows and community meetings. This process ensures that everyone understands how and when something will happen, which builds accountability into decision-making processes and closes the feedback loop that often exists between citizens, governments, the media, and the private sector.

The Citizen Helpdesk model can be adapted to collect critical information to solve long-term community problems as well as to tackle emerging community issues. As one case study to highlight this, Accountability Lab worked to create mobile Citizen Helpdesks to facilitate communications to improve disaster relief efforts following the 2015 earthquake in Nepal. Community agents traveled to 14 of the most-affected areas of Nepal to speak with citizens to identify their concerns and answer their questions. Rumors and misinformation are particularly challenging problems following natural disasters, and the Citizen Helpdesks helped Nepalese citizens obtain critical information during recovery efforts. Following this, Accountability Lab adapted the Citizen Helpdesk model so that community agents could work with the Nepalese to identify and address different problems related to migration accountability in the most earthquake-affected districts of Nepal.

In Liberia, where mining has a significant impact on the economy, Accountability Lab utilized Citizen Helpdesks to address grievances and communication issues between the community and a mining company. During the listening, data collection, and analysis steps of the Citizen Helpdesk model, Accountability Lab identified that more than three fourths of the community was unhappy with the mining company. Following this realization, the Lab was used to share information about the obligations of the mining company and to establish routine dialogue between the community and the mining company via town hall meetings. These processes increased accountability and increased citizen satisfaction with the mining company. The Citizen Helpdesk model also established an environment that fostered routine dialogue between the community and the mining company, making it easier to share information and address grievances in the future.

As these examples highlight, it is important to tailor the Citizen Helpdesk model to each unique problem and context. When designing Citizen Helpdesks, it is necessary to consult local leadership to identify the members of the community that should be consulted before the project is implemented. Key lessons learned from Accountability Lab's work include that the right medium is integral to facilitating communication, and that a cookie cutter approach will be ineffective. Surveys used to collect data should be carefully designed and tailored to each case. Care should also be taken to understand local circumstances that might hinder the project, including respondent fatigue following natural disasters.

To read more about the Citizen Helpdesks model visit citizenhelpdesk.org.

Developing an Access to Justice Index for Indonesia

Date: April 30, 2019 15:00 - 16:30
Coordinated By: International Development Law Organization (IDLO)

Speakers:
- Choky Risda Ramadhan, Chairman of Judicial Monitoring Community (MaPPI); Faculty of Law (University of Indonesia)
- Arthur Van Buitenen, Policy Advocacy & Engagement Advisor (International Development Law Organization)
- Nona Iriana, Head of Politic and Security Statistics Division (BPS-Statistics Indonesia)
- Constantinus Kristomo, Head of Legal Service Division (Ministry of Law and Human Rights West Papua Province Office)
- Diani Sadiawati, Expert Staff for Institutional Interrelations (Ministry of National Development Planning)

Brief Session Overview:
A framework and measurement for access to justice is necessary to ensure the existence of effective legal frameworks and policies to benefit the Indonesian people. During this working session, the consortium working on an Access to Justice Index, including the Indonesian Government, sought input and guidance from Forum attendees on their ongoing process to establish this Index for Indonesia.

Full Session Summary:

Presentation on Access to Justice Index
- Background: In 2011, the legal aid law gave the National Development Law Body at the Ministry of Law and Human Rights (BPHN) the mandate to provide legal aid services as well as monitor and measure the functioning of programs to achieve this aim.
- Indonesian government enacted Presidential Regulation 59/2017 on Sustainable Development Goals and gives the Ministry of Planning and Development (Bappenas) capacity to monitor, evaluate, and report the achievement of SDGs
- Bappenas engaged in consultations with the Dutch government, WJP, and HiiL regarding its conceptual framework. Its definition of access to justice draws on similar ones used by UNDP and ABA ROLI, which are concerned with people's ability to preserve and enforce their rights in compliance with human rights standards, including through both formal and informal processes and justice mechanisms. Their framework is based on three key dimensions:

    1. **Justice/legal problems**: What is the prevalence of different legal problems?
    2. **Mechanisms to obtain justice**: Types and availability of resolution mechanisms, availability of legal aid, the legal framework, the resolution process, and the result.
    3. **Capability**: political resources, social resources, economic resources, and cultural resources.

- All of the dimensions are analyzed with human rights principle to provide a necessary framework for action on human development (UNDP, 2012)
- The Index will rely on both administrative and survey-based sources of data. Work still needs to be done to assess the availability and quality of administrative data, and to design an expert survey instrument where administrative data is not available.
- The government of Indonesia already relies on a number of other indicators and datasets to monitor its performance in other governance areas: Anti-Corruption Behavior Index; the Indonesian Democracy Index; the State Law Index; the Corruption Perceptions Index; the Human Rights Performance Index; and the Indonesian Government Index.

Presentations on Bappenas' Development Plan

- The National Planning Goals on Law and Human Rights (2015-2019) lays out goals around three pillars:

  1. Fair and transparent law enforcement
  2. Effectiveness of prevention and eradication of corruption
  3. Respect, protection, and fulfillment of justice

- This plan is implemented through laws and regulations, priority programs, and priority activities.
- This plan includes a considerable focus on legal aid, as it embodies collaboration between the government and civil society. Much of the work related to legal aid focuses on formalizing/recognizing, training, and monitoring paralegals. Bappenas is hoping to be able to collect data from legal aid providers to inform the Access to Justice Index.

Next Steps:

- Bappenas would like to gather feedback on the Access to Justice Index, including:
  - **Conceptual feedback**: How do others measure or define access to justice? What is left out of their conceptual framework? How should different concepts be weighted in the conceptual framework?
  - **Methodological feedback**: How have others incorporated administrative data into their measurement tools? For legal needs surveys, should they oversample certain populations?
  - **Political and logistical considerations**: How have others ensured the sustainability of their measurement tools? How to ensure the government uses these measurement tools? How to integrate the Access to Justice measurement into the Statistical Agency (BPS)'s work?

- Include as many stakeholders as possible in the designing of the Index, and build partnerships with NGOs to help collect more data.
- Bappenas hopes to pilot the Index soon, and will engage in more multi-stakeholder consultations around the results, especially with legal aid providers and the national statistical office.

How to Use Data and Design to Make Justice Innovations More Effective

Date: April 30, 2019 15:00 - 16:30
Coordinated By: Stanford University Legal Design Lab, Legal Services Corporation

Speakers:
- Margaret Hagan, Director (Legal Design Lab of Stanford Law School)
- Carlos Manjarrez, Chief Data Officer (Legal Services Corporation)

Brief Session Overview:
Effective use of data and design can be a powerful driver of successful access to justice solutions. This session, inspired by the "School of Data" workshops for journalists, educated and empowered those working in the legal and social sector to use these tools effectively. The workshop leads provided an overview on trends in data, noting the explosion in sources of and amount of data, including from sources in the "internet of things" thought to have strictly commercial value, but with ever-increasing applicability to solving larger social and justice problems. Another key trend is that a provider-centric approach to delivering legal services is giving way to a person-centered view of legal needs, driven by survey and other data. For example, increased use of data demonstrated that the allocation of legal provider resources were not well matched to the legal needs of the population, such that, for example, many providers offered family law services when a great number of people reported medical issues as their primary legal need. The working session then described and examined a series of case studies of individuals or organizations that had mined data sources or otherwise used data in order to better understand or tackle a justice problem, such as Clear My Record by Code for America. Outcomes included increased data-literacy, the ability to spot data-project potential, and building a collaborative data and design ecosystem.

Full Session Summary:
The goal of this working session was to teach Forum attendees about how to use data effectively and, more specifically, how to create a data and design project in an area of interest and need that could help expand access to justice. The session started by identifying and categorizing the audience as a way to understand what kind of data and data projects might be of greatest interest. The mix of workshop participants included primarily people providing direct justice services, researchers and intermediaries, and academics, with smaller representations of technologists, policy makers, and donors. The other key categorization question was whether participants considered themselves "data confident," which most in the session did.

Next, the workshop leads provided an overview on trends in data, noting the explosion in sources of and amount of data, including from sources in the "internet of things" thought to have strictly commercial value, but with ever-increasing applicability to solving larger social and justice problems. Along with the rapid growth in the volume of available data, the huge increase in computational capacity and speed means data can and is being used to set justice agendas in very different ways than before. The key trend is that a provider-centric approach to delivering legal services is giving way to a person-centered view of legal needs, driven by survey and other data. For example, increased use of data demonstrated that the allocation of legal provider resources were not well matched to the legal needs of the population, such that, for example, many providers offered family law services when a great number of people reported medical issues as their primary legal need.

The working session broke into smaller groups to allow people to identify not only the caches of data in their area of interest already available to them, but also to brainstorm new sources of useful data that had either not been identified or mined or had not yet been associated with a particular justice problem. After generating many different kinds and sources for data on post it notes, participants were encouraged to group the data sources in types and categories, and to discuss uses of and limitations of the data sources in solving a particular justice problem.

The working session then described and examined a series of case studies of individuals or organizations that had mined data sources or otherwise used data in order to better understand or tackle a justice problem. A few of the eight case studies discussed were:

- Clear My Record (Code for America) which addressed the problem of people who had a right to have minor drug violations expunged from their records but failed to fill out the necessary form; a data project was created to identify eligible people through a records search and then the California Attorney General expunged the records without waiting for individual applications
- The "water bill scraping" project which, based on evidence that the first harbinger of an individual's justice problems was often failure to pay a water bill, used a bot to scrape the water bill database in Baltimore, MD to try to pre-identify people who would soon experience justice problems (such as eviction and other problems that flowed from that).
- Better Legal Internet which is attempting to create standard legal issue and jurisdiction codes to better match those using internet search to resolve a legal problem with jurisdiction-correct information

Several of the case studies prompted questions about quality of data and ethics. Some key insights were offered from workshop participants with expertise in technological solutions to access to justice, such as Natalie Bynum of the Legal Education Foundation and Anjali Mazumder of the Alan Turing Institute. They and others highlighted the need to triangulate to ensure the reliability of data, as well as the need to apply an ethical review to data projects to ensure that they meet ethical standards and do not reinforce bias.

A Model for the Future: Scaling Sustainable Justice Services through Cross-Sectoral Public Financing and Collaboration

Date: April 30, 2019 15:00 - 16:30
Coordinated By: Open Society Justice Initiative

Speakers:
- Donny Ardyanto, Advisor for Legal Empowerment Program (Tifa Foundation, Indonesia)
- Pilar Domingo, Senior Research Fellow (Overseas Development Institute,United Kingdom)
- Gustavo Maurino, National Director of Access to Justice (Ministry of Justice of Argentina)
- Zaza Namoradze, Director, Berlin Office (Open Society Justice Initiative)
- Yevgen Poltenko (Legal Development Network, Ukraine)
- Suzana Velkovska, Program Coordinator (Foundation Open Society Macedonia)

Brief Session Overview:
While pilots projects innovating justice abound, few countries in the world have models that deliver legal services at the national scale. This session explored recent efforts by governments and civil society in a range of countries to bring innovative community-based models to a sustainable, national level. It examined how public financing is being diversified across social sectors and levels of government to enhance access, effectiveness, and sustainability of basic justice services, and the emerging evidence to strengthen policy arguments for institutionalization of these collaborations. Discussants from Ukraine, North Macedonia, Argentina, and Indonesia shared experiences of what is working, including networks of legal aid centers, improvements in cross-sector and local level support, comprehensive legal frameworks for efficient legal aid systems, and advocacy for justice as a social problem.

Full Session Summary:
Introduction:
- Zaza Namoradze began the working session by noting there are **5.1 billion people in the justice gap**, which represents a crisis in access to justice (A2J). In addition, this problem seems to be increasing.
- Lack of A2J is not only a "justice" problem, **it is a social problem**. In this sense, A2J should become a public policy priority.
- We cannot aspire to achieve justice for all if governments do not step in.
- It is important to learn from **experiences from different countries to respond to A2J challenges** to see how closing the justice gap can be accomplished.

Argentina:
- Gustavo Maurino (National Director of Access to Justice, Ministry of Justice of Argentina) explained that the Ministry of Justice in Argentina is running a **network of 90 legal aid centers** that provide different services. These centers are located in disadvantaged communities throughout the country.
- **Cooperation has been crucial.** It is fundamental to engage with local authorities to get to the most disadvantaged communities. In terms of expanding the range of services, cooperation has been key too. **This engagement includes bar associations and law schools, but also goes beyond the justice**

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sector to include other partners in the public administration (social protection, social development, health sector, etc.)

- Legal needs assessments reflected that everyday **problems are interrelated**.
- There are at least **three challenges in terms of sustainability**: i) financial sustainability (it is important to engage with local governments and authorities to cover more geographical areas), ii) guaranteeing cooperation with law firms and law students to be able to expand the range of services, and iii) the capacity to deal with legal needs that have strong social conditions, including poverty and domestic violence. To this end, it is important to address structural problems, and seek cooperation from partners outside the justice sector, to include sectors of social protection, social development, and health services.

Indonesia:
- Donny Ardyanto (Advisor for Legal Empowerment Program, Tifa Foundation, Indonesia), expressed the need of scaling sustainability of civil justice services. He described a legislation adopted in 2011 where NGOs are in charge of providing legal aid.
- Budget only covers 2% of legal needs in the country; therefore, **it is necessary to increase budget for aid**. In Indonesia, local governments can allocate budget for this cause, but it is not a requirement.
- A way to convince local governments to invest in legal aid is highlighting its importance in **reducing poverty**. It is important to convince the government to see justice as a basic essential service.
- Resources obtained through the **private sector and philanthropy** are also important.

North Macedonia:
- Suzana Velkovska (Program Coordinator, Open Society, North Macedonia)
- There have been **improvements on cross-sector and local level support in access to justice**, with the **creation of a center for justice**, and **licensed NGOs providing legal aid**.
- In 2018, there were two OGP commitments to funding and expanding A2J, which was great progress. The OGP platform was useful to promote this idea.

Ukraine:
- Yevgen Poltenko (Legal Development Network, Ukraine) explained that Ukraine is a regional leader in sustainable A2J models based on cross-sectional models. There have been **comprehensive legal frameworks for efficient legal aid systems**, as well as public and private actors working together. They use **legal clinics from universities and pro bono services from lawyers to expand A2J coverage**.
- Despite these advances, the justice gap is still significant. Today, financing A2J initiatives is still optional for local governments.
- He highlighted that they are expecting better budget allocation for local funding of community-based A2J.

A2J as a Social Problem:

- Pilar Domingo (Senior Research Fellow, Overseas Development Institute, UK) highlighted that **justice should be seen as part of the social sector**. Its services are essential:"*How can we turn justice into a social sector, so legal services are seen as essential?*"
- She highlighted the need for **cross-sectoral conversations** and raised important questions. For example:
  - Education: people with higher levels of education will have more A2J (more information leads to better decisions).
  - Inequality: some local governments are richer than others, how do we avoid reaffirming inequalities? Is there a role for national governments to make A2J more equal?
  - Limited resources: there is competition for limited resources between sectors, which means **we must continue to make the business case for A2J** and highlight its importance.
  - It is also important to **consider SDG16 in the context of other SDGs**, as an opportunity to connect all discussions (it must be noted, some SDGs received commitments from donors, while SDG16 has not).
  - It is also important to connect experiences from different countries in topics related to A2J.
- Finally, Pilar Domingo emphasized that having a **user-perspective approach** in A2J topics is essential.

Other Remarks:
- Zaza Namoradze shared a positive experience from Scotland. When they had an economic crisis, they cut many services, but they increased A2J services to increase legal aid, because with the economic crisis they knew people would need more support. However, this has been an exception.
- Participants mentioned the importance of having legal needs assessments (data to understand legal needs).
- The audience emphasized that the whole community faces financing challenges, and that it is important to persuade local governments to provide funding not only based on legal needs ("because it's the right thing to do"), but also for strategic purposes (based on the interests and profits the governments could get).

The Role of Traditional Justice in Post-Conflict Community Building: The Case of Northeast Nigeria

Date: April 30, 2019 15:00 - 16:30
Coordinated By: British Council

Speakers:
- Bob Arnot, Portfolio Lead for Justice Security and Conflict in Sub-Saharan Africa (British Council)
- Ukoha Ukiwo, Technical Lead and Conflict Analyst (Managing Conflict in Nigeria (MCN))

Brief Session Overview:
This session explored how enhancing the functions of traditional rulers in their communities has been an important part of rebuilding, conflict reduction, and building community cohesion in the aftermath of a crisis. Focusing on the northeastern Nigerian states that were subject to the Boko Haram insurgency, participants examined questions regarding the interface between formal and informal systems. Specific techniques – including hosting training sessions where traditional rulers acquire expertise in where their jurisdiction should end and how to transfer these cases to the formal sector, hosting training sessions that inform traditional rulers about cultural differences and ways to employ these differences in the decision making process, and hosting workshops where traditional rulers, judges, police and the media convene and discuss ways in which the challenges they face can be tackled by policy reform – informed a lively discussion about effective strategies for community level informal justice.

Full Session Summary:
The session explored how enhancing the functions of traditional rulers in their communities has been an important part of rebuilding justice mechanisms, conflict reduction, and building community cohesion in the aftermath of the Boko Haram insurgency in north-eastern Nigeria.

The session began with the introduction of the British Council's Managing Conflict in Nigeria's (MCN) program. The MCN Program aims to support Nigerians with conflict resolution, at both the state and local level. MCN works in three northeastern Nigerian states: Yobe, Borno, and Adamawa. These states have been hit hard by the Boko Haram insurgency, which has seen thousands killed, and millions displaced with many still living in IDP camps. Public infrastructure, including administrative buildings, courthouses, and jails have been demolished. The entire fabric of what previously constituted as a formal justice sector has been wrecked. Today, 70-80% of all disputes are handled in the informal justice sector. The state of Adamawa, for example, has 179 judges but 3800 traditional rulers. That said, many traditional rulers lack any real understanding of where their role begins and ends,, and where the formal system is preferable.

The British Council piloted the MCN program with baseline studies that asked local populations a series of questions about their dispute resolution process, such as who is the first person that you go to when you have a problem? To this, most respondents answered traditional rulers; additionally, MCN asked individuals why they went to traditional rulers, and some frequent responses included easy access, trust, and familiarity. MCN's program explores how to further build the capacity of traditional rulers and ensure that they continue to be trusted while becoming more effective.

The session leads then delved into the challenges that MCN faces when building the capacity of traditional rulers. Firstly, the boundaries between the formal and informal systems are blurred as traditional rulers sometimes make judgments on issues that would be better resolved in the formal justice sector, as they

lack formal expertise in criminal and civil law, and many parties fail to recognize this gap in knowledge. Secondly, communities in northeastern Nigeria are no longer homogenous due to the insurgency. However, traditional rulers usually dispense justice based on a narrow interpretation of traditional justice, which does not take into account cultural and religious differences that may exist outside of their immediate communities. For example, Muslim and Christian groups have different legal frameworks for marriage. Thirdly, the lack of communication between the informal and formal justice sectors means that enforcement of decisions by traditional rulers often lacks full implementation. MCN addresses these issues by:

- Hosting training sessions where traditional rulers acquire expertise in where their jurisdiction should end and how to transfer these cases to the formal sector
- Hosting training sessions that inform traditional rulers about cultural differences and ways to employ these differences in the decision making process.
- Hosting workshops where traditional rulers, judges, police and the media convene and discuss ways in which the challenges they face can be tackled by policy reform, as a policy reform is key to creating clear interlinkages between formal and informal sectors

By creating and implementing a code of conduct between traditional rulers and key national actors to create a clear official interaction between the parallel justice systems, MCN hopes, for example, that police will be capable of enforcing judgments handed down by traditional rulers. All of MCN's programs are aimed at boosting the efficiency of traditional rulers as they are the preferred method of dispute resolution amongst locals in northeastern Nigeria.

Systems Change and the Rule of Law Journey in African Courts

Date: April 30, 2019 15:00 - 16:30
Coordinated By: United States Institute of Peace and ALN Academy

Speakers:
- Ena Dion, Senior Program Officer (U.S. Institute of Peace)
- Philippe Leroux-Martin, Director of Governance, Justice & Security (U.S. Institute of Peace)
- Femi Omere, Executive Director (ALN Academy)

Brief Session Overview:
This session explored how and why African courts have developed as they did, and what they need to move effectively into the future. Using Burkina Faso as a test case, it looked specifically at how systems change theory can be applied to African courts to address the critical problems of trust and performance and create a more effective and just system moving forward.To this end, USIP leverages the following four principles at each stage in the process: Act locally – need to act within a system if you are addressing a complex system; Act deeply – follow a process that allows them to move from local events to broader patterns; define high leverage points; Act collectively – involve all systemic actors, "bring the system in the room" to move towards a shared understanding of the overall system; Act iteratively.

Full Session Summary:
This session explored how and why African courts have developed as they have, and what they need to move effectively into the future. Using Burkina Faso as a test case, the speakers discussed how systems thinking can be applied to African courts to address the critical problems of trust and performance and create a more effective and just system moving forward.

Femi began by discussing the state that Africa's courts are in currently. He explained that during the period of European colonization of Africa, the judicial system that was dropped down was alien in lots of respects. If we start at that truth for a moment, without dodging, we are better able to start unpacking some of the details and recalibrating what we have now.

He posed many questions for the group:
- We hear that African courts are in bad shape, but is there any other way for us to view them based on history?
- Given the breakages within the system, generally speaking, do we need to rebuild from the bottom up? Or is it more realistic to look at the broken pieces and see what we can put together to make it work?
- Do we acknowledge and accept that the system breakages that we see within the system are a reality and an inevitability born out of a clear historical background? If that is the case, how do we go about creating a new identity about what that justice system is?
- What are the African stories within our judicial systems? Do they reflect the reality?
- Official court systems in Africa carry the mark of colonialism (i.e. wigs as in the UK), while traditional court systems have their own cultures and traditions (i.e. ethnic gowns). Why do the current court systems in many African countries not embody the practices and customs of the traditional court

systems in these countries? Symbolism is important and incorporating African traditions may create a sense of belonging and trust in the judicial systems.

Ena and Philippe from the U.S. Institute of Peace then discussed a project that they are working on in Burkina Faso to address the problem of trust in the judicial system through a systems thinking approach. For this project, they are partnering with the US State Department. They gave a brief history of Burkina Faso's formal judicial system for context.

- Burkina Faso's formal judicial system is based on modern/colonial law from the French judicial system.
- It was intended to take the place of all other forms of legal systems. However, they quickly realized that this would not be feasible as they only had 50 administrators for thousands of people.
- Customary courts were dissolved because they were deemed to not be progressive. However, the government recognized that this would be problematic, so they created informal tribunals as a replacement.
- Instead of having a unitary legal system as they intended, they ended up having two legal systems running in parallel.

The formal criminal justice system currently works on three levels in Burkina Faso:
- Courts of first instance
- Three courts of appeal in the three major cities
- One court of final appeal in Ouagadougou

However, there are numerous problems in the formal system, such as accessibility, physical distance, performance, lack of personnel, timeliness, and cost. There is also a strong perception that the courts are not trustworthy or there to serve the common interest, that they are corrupt, that they are politicized, and that they are not independent.

There are also two prominent types of informal justice systems in Burkina Faso:
- Customary chiefdoms: Chiefs mediate disputes between people within their jurisdictions. Land disputes and domestic disputes are very commonly brought to these customary chiefs.
- Self-defense groups/vigilante justice: In recent years, these groups have become more prominent and have increased in number. They take on a wide range of disputes. They take the place of the entire criminal justice system – they receive complaints, find evidence, decide punishment for people deemed guilty, and sometimes sentence people to death. These groups were born out of a desire to help communities, and they are made up of members of each community, so they are close to the community. The rules they enforce are a reflection of what the community thinks.

USIP takes a systems thinking approach to justice, security, and peace issues. In Burkina Faso, USIP is trying to improve performance or perceptions of performance of the judicial system. To do so, they are taking into account both formal and informal systems, while acknowledging the limitations. They follow the four principles outlined below at each stage in the process:

- Act locally – need to act within a system if you are addressing a complex system
- Act deeply – follow a process that allows them to move from local events to broader patterns; define high leverage points
- Act collectively – involve all systemic actors, "bring the system in the room" to move towards a shared understanding of the overall system
- Act iteratively

USIP will utilize the following methodology for the Burkina Faso Judicial Systems Project:
- Select local partners
- Hold baseline workshops in the three appellate jurisdictions to create a preliminary understanding of the challenges facing the people and the system
- Confer with the local partners to decide how to start a successful process to solve the issues
- Support establishment of working groups (composition of the groups will depend on the problems identified) that will rely on a systems thinking methodology to understand the structural forces and pressures driving problems of performance and trust in the wider judicial system.
- Convert diagnosis into an initial action plan on the basis of the systemic diagnosis developed by the working group.

The assumption is that this methodology will allow them to engage both the formal and informal systems. However, The U.S. Institute of Peace acknowledged the limitations of their approach. Taking local ownership seriously means that many key decisions are made by local actors and not by USIP. In addition, in the context of a very active customary system, there are many risks arising from the international perception of these systems. On that note, this project will have to contend with some difficult questions: Is there a limit to local ownership? Is there a point at which international actors can or have to become involved?

The speakers then opened the discussion up for questions and feedback on their approach. Participants asked questions about getting buy in from local communities, examples of successful projects using this methodology, and the question of incorporating religious law into justice systems.

What Can Business Do to Advance Access to Justice and the Rule of Law?

Date: April 30, 2019 15:00 - 16:30
Coordinated By: Bingham Centre for the Rule of Law with the support of Jones Day

Speakers:
- Nadiya Aziz, Principal-in-house Legal Counsel (Safaricom PLC)
- Ernest Dwamena, Ghana Country Representative (Touton)
- Miral Hamani, Director & Associate General Counsel, Corporate and M&A (Hewlett Packard Enterprise)
- Ulysses Smith, Director (Bingham Centre Business and the Rule of Law Programme)
- Michael Stopford, Managing Director (Oxford Analytica)
- Gerjanne te Winkel, Partner (Jones Day)
- Ruben Zandvliet, ESE Risk Advisor (ABN Amro)

Brief Session Overview:
There are various initiatives and platforms that show willingness on behalf of the business community to set-up grassroots initiatives that aim at addressing the justice gap, fostering rule of law, and implementing SDG16. However, there are inherent difficulties in scaling these up in a consensual manner. This session discussed the role of the business community in catalyzing action on SDG16 and access to justice, showcased examples, and considered the challenges and practical limitations to scaling up these interventions. Participants heard from Safaricom on implementing an internal strategy to advance and operationalize SDG Goal 16; Touton on forming a public-private partnership to address supply-chain issues;Hewlett Packard Enterprise on developing a socially responsible corporate culture; Jones Day on implementing a project to assist refugee women; and ABN Amro Bank on creating multi-stakeholder platforms between NGOs and governments to ensure compliance with the rule of law.

Full Session Summary:
There are various initiatives and platforms that show willingness on behalf of the business community to set-up grassroots initiatives that aim at addressing the justice gap, fostering rule of law, and implementing SDG16. One ultimate goal is to encourage more business actors to promote the rule of law. To do this, it is important to look at specific examples of how businesses are promoting the rule of law and how to introduce more business to this space without crowding out other actors and drowning the voices of local communities.

To begin highlighting best practices from different industries, we look at the example of Safaricom, the largest telecommunications provider in Kenya. Safaricom frequently engages with smaller companies that argue it is easier to care about the SDGs for larger companies with more disposable income. Safaricom reframes the debate, arguing that the company earns revenue, because it cares about the local community. To demonstrate this, Safaricom implemented an internal strategy to advance and operationalize Goal 16 by making changes to the Board Charter, incorporating the SDGs as a performance measurement, implementing a supplier code of conduct, and working with the Kenyan government to pass anti bribery legislation.

Next, is the example of Touton S.A., a cocoa processing company, and their supply issues in Ghana due to deforestation and child labor. To address supply-chain issues, Touton engaged directly with the government, forming a public-private partnership, as well as civil society and local communities. Touton worked with the government and local cocoa farmers to establish landscape management boards, which drafted their own constitutions. This initiative created the basic infrastructure and institutions to empower farmers to understand their rights, incentivized compliance with labor standards and anti-corruption, and reduced side selling of the cocoa crop. Government cooperation and participation was largely driven by an international treaty the government signed and needed to report to the World Bank on.

Next, is an example within the tech industry, and Hewlett Packard Enterprise's commitment to the SDGs and initiatives to enhance the rule of law. In developing an SDG implementation strategy, HPE first had to define the SDGs most relevant to their business, and build a strategy from there. HPE argues that businesses can and do benefit from a society that is peaceful, in which they can actually conduct business. While businesses may be focused on growing revenue, being a socially responsible company can be lucrative. HPE surveys demonstrate that companies that are socially responsible have better revenue streams than those that are not, particularly in the case of consumer-facing businesses. While there may be a short-term investment, social responsibility pays off in the long run. It is fundamental as a big corporation to show commitment to the SDGs through leading by example. This means having women on the Board of Directors and demonstrating a commitment to working against corruption. Companies cannot only work in countries where they think it may be easier to conduct business. HPE has developed internal processes to ensure employees are trained in fighting corruption and has adopted a zero tolerance to corruption.

Representing the legal industry was the law firm of Jones Day, which implemented a project to assist refugee women who have fled from violence in Latin America. The law firm opened an office in Laredo, Texas, a town on the Mexican border to support women who lack knowledge of their rights, how to access the justice system, and how to apply for asylum. Jones Day brings in clients interested in the project, as in-house counsel, and set up partnerships to assist with the project. Jones Day implemented a similar project in Lesvos, Greece to aid refugees.

Finally, representing the finance sector was ABN Amro bank. ABN Amro's approach to rule of law compliance is focused on risks, and where the bank's actions can have a negative impact on people. Banks are primarily concerned with ensuring their clients are complying with rule of law standards. To ensure this, the bank created multi-stakeholder platforms by building coalitions with NGOs and governments to ensure compliance.

Challenges and questions raised by these specific examples concerned the role of business in society. Should businesses only move in to the rule of law space when policy fails, or should they take a more active role in contributing, together with civil society, in policymaking? Are business obligated to move into spaces when governments falter or do not want to take on issues (such as the refugee crisis)? There is a new paradigm where business and civil society can participate and have a say in how issues traditionally in the domain of governments are worked out. For example, businesses standardizing worker safety in Bangladesh.

However, businesses face both external and internal challenges to acting in the rule of law space. External challenges include a business's decision on whether or not to work with other businesses or to differentiate themselves in this field. Should business leaders in the rule of law space work towards a level playing field

within an industry to incentivize broad adherence to the rule of law, or push for differentiation, whereby some companies excel and build their business model around being a socially responsible company? Furthermore, while leading by example may be important, business leaders should be careful to avoid being accused of insincerity with respect to the rule of law space. Damage to reputation is a powerful incentive and consideration in rule of law compliance issues.

There are also numerous internal challenges for businesses. Convincing businesses to investigate human rights violations requires evidence. Even if the evidence exists, revenue and investor preferences can be a company's main focus (For example, convincing YouTube to remove videos that promote gang violence). There is a tension between stockholders and stakeholders. It is necessary for businesses to convince stockholders to do the right thing and stakeholders to do things right. These are two very different concepts, and it is difficult to assess the right lens to engage stockholders in rule of law issues (i.e. doing the right thing can be profitable). So far, shareholders seem to express little interest in rule of law issues even if damage to reputation can incentivize better compliance.

Furthermore, the issue of the initial motivation for companies to develop an interest in and action on rule of law issues was raised as a challenge. Some companies may face push back from their Board of Directors, CEO, or even middle management who are predominantly preoccupied with meeting targets. In Safaricom's case, the initial motivation to implement the SDGs came from the CEO and trickled down to the rest of the company. Ultimately, leadership is fundamental to the moral makeup of a company and a company's role in shaping the rule of law space. It is important to make the case, whether it is to the CEO or the Board of Directors, that there is a business case for being a socially responsible company and that catalyzing action on SDG16 will bring long-term revenue streams.

Finding the Octopus (Not the Unicorn): Narrative Strategies for Social Movements

Date: May 1, 2019 10:00 - 11:15
Coordinated By: Grist.org

Speakers:
- Brady Piñero Walkinshaw, CEO (Grist.org)

Brief Session Overview:
This session focused on storytelling, narrative, and solutions-based approaches to thinking about cultural change. Narrative frames such as public narrative, the theory of narrative arc in social movements, and audience theory were introduced and applied as tools to real-life case studies, with a focus on the environment and how the story of climate change has evolved over time. The session highlighted the importance of storytelling in binding people together to create common roots and in illustrating how to create positive change. Participants practiced their own stories and strategies applying narrative tools during small group interactive breakouts.

Full Session Summary:
The session explored storytelling, narrative concepts, and solutions-based approaches to social movements. The session began with the introduction of three concepts:

1. **Public narrative**
2. **Theory of the narrative arc in social movements**
3. **Audience theory**

The session lead made use of the concepts above to illustrate an established method to storytelling, arguing that while individuals often find themselves chasing rarity - i.e., the unicorn -there exists a tried and true method in the octopus, or the utilization of storytelling to bolster one's work.

The purpose of storytelling is:
1. To act as a connective tissue that binds people together to create common roots that can resist.
2. To illustrate about how one creates positive social change.

From there, the session lead introduced a public narrative framework pioneered by Marshall Ganz called "The Story of Self, The Story of Us, and The Story of Now," a reinforcing three tier framework that addresses three stories:

- The story of self - (call to leadership)
- The story of us - (shared values, shared experiences)
- The story of now - (strategy/action)

The second and lesser-known framework introduced applies to societal shifts over time and is called a homiletical plot, a narrative tool that finds its roots in the narrative arc of sermons and the hero's journey. The homiletical plot reveals that social movements have a lot in common by highlighting the narrative arc

within themand how fast change happens after a certain stage in progress. The following example of the homiletical plot as it relates to climate change was presented to participants:

- oops…: introduction of the idea that something's not quite right [on climate change - 1988: introduction of reports on climate and warming]
- ugh…: realize the problem is deeper than you think [2006: the inconvenient truth]
- aha…: realize it's probably actually systemic [today: 70% of Americans agree it's a problem]
- whee!: you discover the solution [today: start to have solutions? Green new deal…]
- yeah!!!: you're off and implementing it, and you fix the problem

Historically, change happens fast when you can mobilize groups around the "Whee!" stage.

Audience theory is a hierarchical theory that is best applied in the following order:
1. **Equip the believers**: your base, or those who share your vision. Today, politicians who struggle are those who don't know who their base is.
2. **Bring urgency to the apathetic**: people outside your base, who you can bring urgency to. They might be inclined to agree, but your issue is not currently a priority of theirs.
3. **Build bridges when we can**: win hearts and minds, reach people with whom you might disagree.

Mobilizing the Next Generation to Achieve Goal 16+

Date: May 1, 2019 10:00 - 11:15
Coordinated By: International Youth Foundation

Speakers:
- Sarah E. Mendelson, Distinguished Service Professor of Public Policy(Carnegie Mellon University)
- Ashok Regmi, Global Director, Social Innovation and Citizenship(International Youth Foundation)

Brief Session Overview:
Those born after 1980 have much to gain or lose from SDG16 and can play a key role in the movement for justice. This session highlighted lessons learned in a new initiative to engage this "Cohort 2030," working with educational institutions and city governments as critical partners. The session highlighted three pillars to harnessing Cohort 2030: identifying and elevating the next generation of young civil society leaders and social entrepreneurs; growing the next generation of human rights and development experts; and closing Cohort 2030 data gaps and activating cities as partners in achieving the SDGs. During the session, pilot survey findings on the knowledge, attitudes, and practice of youth on access to justice, reducing violence and corruption, and combating human trafficking were shared—important data for successfully messaging the 16+ Agenda and making the case that not only do these issues matter but the voices of youth are critical.

Full Session Summary:
Through this session, Carnegie Mellon University's Amb. Sarah E. Mendelson highlighted the important role of youth in achieving the SDG16+ Agenda. First, she provided the context of the SDG16+ Agenda. The SDGs can be clustered into three groups: 1) the original MDGs, 2) a climate cluster, and 3) Goal 16+. The 16+ Agenda is particularly interconnected, as it is an enabling goal for many other SDGs. For example, justice inclusivity can potentially address many issues related to inequality. It is also important to emphasize that the SDGs represent a paradigm shift, as they are universal applying to all of us, and came about through an inclusive process, considering the opinion of millions of people from both the global North and the global South. This process reframes discussions as shared opportunities and shared frameworks.
SDG16+ is a timely and urgent agenda in a moment of struggle between open societies and closed societies. Government harassment threatens the viability of an independent civil society, with laws in at least 72 countries restricting ideas in universities, press, and for human rights defenders.

Against this background, a big question that arises is: what keeps us from robust implementation?
The Ambassador listed three causes:
1. **Awareness and knowledge:** people don't know about SDGs, yet over 100 countries have reported on the programs, and we have many high-level meetings in 2019 to increase awareness;
2. **Ownership:** if it's not locally owned, it's not going to be real to people;
3. **Too complicated? :** The new agenda was put together by millions of people weighing in, unlike MDGs determined by a handful of men.

Youth are key to implementing the SDGs because of their fluency in innovation and tech; empathy towards diversity, inclusion, gender; antipathy towards corruption; interest in ethically sourced products; environmentally sound products and concern about climate change. There are three pillars to harnessing

Cohort 2030 (i.e. the young men and women born after 1980)which is being implemented through a collaboration with the International Youth Foundation (IYF):

1. **Identify and elevate the next generation of young civil society leaders/social entrepreneurs**
   a. Convene New Faces
   b. Develop ten-year plan to grow youth-led Cohort 2030
   c. Create and connect networks
2. **Grow the next generation of human rights and development experts:**
   a. Work with universities to prepare students including teach/train, support Cohort 2030 hubs, collaborate + create university consortia around the SDGs
   b. Research lessons learned from field building in international affairs
3. **Close Cohort 2030 data gaps and activate cities as partners in achieving the SDGs:**
   a. ID mayors around the world + local philanthropy+private sector
   b. Conduct random public opinion surveys of local Cohort 2030 to ID passion points
   c. Design/launch social marketing campaigns to grow awareness + demand for implementation + policies
   d. Highlight achievements + gaps around specific clusters of goals

Next, Amb. Mendelson introduced the Cohort 2030 pilot survey in Pittsburgh. A study that fielded an online survey of 494 young people between 18-35 to better understand their perspectives and positions. The main findings can be summarized as:
- A majority (75%) has never heard of the SDGs but find the goals align with their values of equality and justice.
- Human trafficking and modern slavery resonated much more, followed by violence, then corruption and justice.
- Young people are much more likely to engage in activism on human trafficking and reducing violence than fighting corruption or increasing access to justice.
- The actions they would most likely take: voting, boycotting, and sharing information.
- Protesting and donating money are seen as polarizing.
- Setting short-term, attainable goals, and emphasizing success essential to maintaining motivation.

These results help us understand the opinion of the youth. The Cohort 2030 initiative will conduct a set of focus groups and surveys in other cities to order to shape policies and campaigns based on data. Additionally, the Cohort 2030 Initiative will convene city cluster networks to share best practices between sectors; support youth-led efforts on social justice and human rights; create a digital platform that helps shape action; and work with philanthropy on lessons learned from field building in universities to grow the next generation of SDG literate scholars and practitioners.

The Ambassador signaled that there are more donors and philanthropists around the MDGs and the climate agenda than the 16+ goals. Therefore, it will be necessary to attract donors to the SDG16+ agenda. With this in mind, Cohort 2030's desired outcome is to understand local needs and problems, respond to them, and eventually promote resilience and develop positive public opinion.

From the Q&A, a set of challenges were identified in achieving the inclusion of youth in the process of promoting and realizing SDG16+. One question asked how to ensure that youth are actually brought to the table on the topics of peace and justice in light of UNSC resolution 2419. Amb. Mendelson answered that not only youth but also women have been systematically excluded. One way to address this is realizing that the opportunity is to engage at the most local level through a place-based approach. Building alliances of universities and people has high potential for meaningful engagement.

Another concern of the audience was that the Cohort 2030 Initiative seemed focused on university students, a very privileged population. So, how can we engage the disadvantaged kids in the world? The reason the Cohort 2030 approach is practical, is through a need to start somewhere. The effort is not meant to be exclusively focused on university graduates, and there is also an interest in reaching high school students.

The Cohort 2030 generation is not indifferent, and there is a need to broaden the constituency. Young people know how best to connect with other young people. Bringing disconnected children into the fold is key.

Finally, an activity facilitated by IYF's Ashok Regmi to identify the gaps and opportunities for achieving goal 16+ was organized. The gaps mentioned revolved around:
- The exclusion of youth from important decision-making;
- Prejudices and stereotypes against youth;
- Lack of general awareness of the SDGs;
- Bringing together the agenda's urgency and the interest in current trends. As the Ambassador recalled from other meetings: "We need to find our plastic in the ocean", something very visible and relatable that attracts the attention.

Opportunities identified were:
- Opportunities to find new ways of portraying young people, to combat stereotypes;
- Opportunities to convene power, such as youth councils;
- The fact that young people make up a significant proportion of the global population.

Opportunities and Challenges in Documentary Film-making for Change

Date: May 1, 2019 10:00 - 11:15
Coordinated By: United States Institute of Peace; World Justice Project Mexico

Speakers:
- Ena Dion, Senior Program Officer (United States Institute of Peace)
- Matthew Harman, Chief Communications Officer (World Justice Project)
- Roberto Hernández, Senior Researcher (World Justice Project Mexico)
- Philippe Leroux-Martin, Director of Governance, Justice & Security (United States Institute of Peace)
- Alejandro Ponce, Chief Research Officer (World Justice Project)

Brief Session Overview:

Creative communications strategies can play a critical role in building public support and engaging key policy-makers to advance reforms needed to increase access to justice. In this working session the United States of Peace shared how they used documentary filmmaking in order to improve their communication, and highlight their work and processes, through the example of a project in Burkina Faso with police and the community. The World Justice Project showcased its work in Mexico around using statistics and storytelling to combat torture. The positive aspects of documentary filmmaking proved to **powerful empathy-building tools and** useful in **generating conversations** around the subject.

Full Session Summary:

USIP's work in Burkina Faso: Documentary Filmmaking for Advocacy

Ena Dion and Philippe Leroux-Martin presented the first episode (5-6 minutes) in a six-episode series, which describes how USIP implemented a project in Burkina Faso, to help **members of the community and the police work together to strengthen security in Saaba.** Traditionally, these groups did not work together (in fact, there were rising tensions between vigilante groups and the community, as well as with police services), but USIP managed to open channels of communication between the police and the community for collaboration. The film series has received international awards and recognition.

USIP embarked in documentary filmmaking because relying on written reports did not allow them to effectively communicate their efforts, and **found storytelling to be a helpful tool to highlight their work and processes.** It allowed them to be much more effective in "being able to showcase to people the kind of work they do and how they do it".

Documentary filmmaking proved **challenging** for USIP but also **rewarding**. USIP did not want these films to be ads for the organization, and only receive a few hundred views, so they hired independent filmmakers and gave them full editorial independence. This represented **programmatic risks** (for example, conflicting differences and priorities between USIP and the filmmakers, and USIP staff having **no previous experience in documentary filmmaking**), but the series has proven useful for effective communication.

WJP's work in Mexico: Storytelling and Statistics to Combat Torture

Roberto Hernández introduced a video produced by WJP staff for the first Paris Peace Forum, which took place in November 2018. He explained it is still a work-in-progress, so it is not public. However, the video has been used to advocate for new anti-torture legislation in Mexico. As context, **WJP's proposal to**

integrate statistics and storytelling to combat torture was selected by the Paris Peace Forum as one of ten winning projects out of hundreds of projects submitted worldwide.

The video combines data from the first National Survey of Population Deprived of their Liberty (ENPOL), conducted by INEGI, the Mexican Statistics Agency, with qualitative interviews and stories. This video portrays the **widespread use of torture in the criminal justice system**, which results in wrongful convictions and undermines legitimate investigative efforts. The aim of this video is to promote major police reforms in Mexico with better work conditions and better investigation processes.

Roberto Hernández has past experience with documentary filmmaking. He described his previous work to produce "The Tunnel" (El túnel) and "Presumed Guilty" (Presunto Culpable, an award-winning documentary), and how these videos were effective ways of achieving positive policy change in Mexico's criminal justice system.

Alejandro Ponce explained how WJP started producing videos. He mentioned he watched "Presumed Guilty", and felt identified with the character. He later met Roberto and explored the idea of combining research, data and storytelling to elevate the impact of their work. Stories "show contrasts that cannot be shown alone with data".

The positive aspects of documentary filmmaking, such as being a **powerful empathy-building tool and generating conversations,** go hand-in-hand with operational **challenges**. It has also proven to be difficult to generate relationships of trust with the police and criminal justice operators they include in their films. "Police officers have an ambivalent relationship with the law. They are supposed to apply the law, but they also break the law every day. It takes a while to gain their trust", explained Hernández. The greatest challenge is finding people who want to talk about difficult issues (corruption, unacceptable work conditions, or lack of ability to solve crimes following reliable procedures). It is also challenging to find the **correct distribution channels**.

The audience inquired on how WJP works to **protect people who appear in the documentaries** they are producing. Roberto Hernández explained that one way to protect the inmates was not showing the video in public yet. Therefore, it is only shared in one-on-one meetings with low-risk audiences. In addition, sometimes they offer legal support.

Scaling the Wall: Creative Communications to Overcome Silence about Injustice in Myanmar

Date: May 1, 2019 10:00 - 11:15
Coordinated By: British Council

Speakers:
- Caitlin Reiger, MyJustice Team Leader (British Council)
- Vijaya Nidadavolu, MyJustice Strategic Engagement Adviso (British Council)
- Nyo Nyo Thin, Founder (Yangon Watch)
- Naw Maureen KolayCommunity Empowerment Manager (MyJustice)
- Naw Tha Khu Paul, Senior Program Manager (PointB Design and Training)

Brief Session Overview:
As Myanmar emerges from decades of isolation and military rule, MyJustice has provoked a broad-based public conversation about what justice means and where it can be found. Using data about justice needs and perceptions, people joined in Myanmar's largest campaign using social and mass media to challenge injustice. The MyJustice campaign sought to use a wide variety of communication tools that would access and engage the population. This resulted in the "Let's Talk" campaign, which used mass media, social media, and community events to espouse a positive message and advocate for fairness and equality for everyone, especially ethnic minorities, the Muslim population, and the LGBT community. Participants were taught how strategic communications can complement community-based solutions to promote access to justice in a politically informed and adaptive way.

Full Session Summary:
This working session presented the British Council's social change program in Myanmar, which is funded by the European Union. This program sought to build a culture of justice and community engagement in the population, and used a variety of measures, including community workshops, social media campaigns, and buy-in from celebrities in order to meet its goal.

The working group leads from the British Council, Caitlin Reiger and Vijaya Nidadavolu gave some background on the situation in Myanmar. The country was under military rule from 1964 until 2011. Even after the country's transition to democracy, there still was a culture of silence and fear around speaking up about injustice. For many years, leadership had imprisoned and silenced community leaders and dissenting voices, and communities grew to distrust each other, since government informants had been common. Although the government structure had changed, culture change came much more slowly. The government bureaucracy remained the same, as did the education system, which discouraged critical thinking in favor of conformity. Through the MyJustice program, the British Council and the European Union sought to address this situation by promoting access to justice and encouraging citizens to exercise their rights.

To open up the discussion, the working session lead asked attendees to recall a public service campaign. How was it effective, or ineffective, and why? Was there a jingle or a slogan they could recall? The participants decided that a powerful message, or the use of humor or shock, helped the more effective campaigns, while the ones that were more politicized or less concise were more forgettable.

The MyJustice program used evidence from a survey on the status of justice and public opinion in Myanmar in 2017. Findings from the study indicated that while people understood the principles of justice, such as

fairness, equality, and lack of corruption, they did not believe those principles were connected to the law and government institutions. Myanmar's citizens understood their rights, but they tended to believe that the function of laws was to maintain law and order, rather than protect these individual rights. They continued to hold a mindset they made them fear and distrust their government, feel afraid to try to access to the justice system, and unwilling to help each other.

The MyJustice campaign sought to use a wide variety of communication tools that would access and engage the population. This resulted in the "Let's Talk" campaign, which used mass media, social media, and community events to espouse a positive message and advocate for fairness and equality for everyone, especially ethnic minorities, the Muslim population, and the LGBT community. It also included talk shows, a graphic novel, a free rock concert, and featured a movie star who participated in the program as a campaign ambassador. They involved community leadership and opinions to create performances and interactive workshops on the topic of access to justice. During the session, a MyJustice partner (Point B) demonstrated one of the community exercises that had been a part of the project. They brought out a large rope circle that volunteers from the audience pulled on simultaneously, leaning backwards so that the rest of the group would have fallen had a single participant suddenly stopped pulling. This demonstrated community strength and interpersonal trust.

Ultimately the program was widely successful. It reached about 23 million people, and most of those exposed could recall the campaign and had a higher likelihood of awareness of their rights. While measurement of the program impact is still ongoing, they have found that those exposed to the campaign are more likely to support a fellow community member and felt willing to challenge authority. Importantly, the program also managed to garner government support, thanks to its positive rather than critical messaging.

What Does Justice Look Like? Using Hope-Based Communications to Frame Debates with Positive Narratives

Date: May 1, 2019 10:00 - 11:15
Coordinated By: Amnesty International

Speakers:
- Thomas Coombes, Head of Brand and Deputy Communications Director (Amnesty International)

Brief Session Overview:
Hope-Based Communications is a simple, practical tool anyone can use to reframe the messages they are using to make the case for their cause and change public attitudes. Sharing examples of values-based messaging from Amnesty International, other movements and the worlds of business and politics, this session introduced the concepts of narrative and framing along with findings from neuroscience and cognitive linguistics that show why these tools are crucial to winning debates and shifting what is considered "common sense." Hope-based Communications can be explained through five steps, which require five shifts in the way organizations communicate:
1. **Against -> For:** Highlight what we stand for, not what we oppose;
2. **Fear-> Hope:** Change messaging from triggering fear, to inspiring hope;
3. **Victims -> Heroes:** Emphasize support for heroes, not pity for victims;
4. **Threat -> Opportunity:** Create opportunities, drop threats;
5. **Problem -> Solution:** Talk about solutions, not problems;

Full Session Summary:
"The relative freedom which we enjoy depends of public opinion. The law is no protection. Governments make laws, but whether they are carried out depends on the general temper in the country. If public opinion is sluggish, inconvenient minorities will be persecuted, even if laws exist to protect them." –George Orwell

To fight for human rights and justice, we need to win over and shift public opinion in favor of these issues. To do this, we must employ Hope-Based Communications.

Hope-based Communications can be explained through five steps, which require **five shifts** in the way human rights organizations communicate:
1. **Against -> For:** Highlight what we stand for, not what we oppose;
2. **Fear-> Hope:** Change messaging from triggering fear, to inspiring hope;
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5. **Problem -> Solution:** Talk about solutions, not problems;

We understand all communication through our own lived experience, and interpret communication based on stories we already know, the values of our society, and through our own personal identity. However, dominant narratives and the pressures to conform to a larger group can override personal values. Therefore, how organizations frame human rights issue is essential. Sometimes, the way an issue is framed may reinforce the counter-narrative, or the opposite of the message meant to convey. For example, when Turkey jailed Amnesty International staff, Amnesty International circulated an image of staff members in

cages to raise awareness of the issue. This image may inadvertently reinforce the narrative that Amnesty staff are criminals and should be in jail. Arguments like "human rights defendants are not criminals" associate human rights defendants with criminals. In the context of justice, when we talk about justice, we almost always show an image of injustice (i.e. someone behind bars). As an alternative, we must reframe debates by making the case for what we believe in, rather than what we oppose and form positive connections in people's minds with the idea/issue in question.

To do this, human rights organizations must also shift their messaging from stoking fear, to inspiring hope. In a similar vein, organizations must shift their narrative from pity for victims to support for heroes. Neuroscience demonstrates that fear and pity triggers defensive instincts in the brain. When human rights organizations discuss the dangers of a world without human rights protections, they stimulate negative reactions in the brain. However, hope lends itself to empathy, an emotion in the same part of the brain where happiness resides. While fear and anger may mobilize the public in the short-term, hope organizes individuals around issues in the long-term. Inspiring an emotional reaction sometimes requires organizations to take a risk. Modern technology can revolutionize the way organizations distribute core messages with little cost. Any human rights organization can run ads on Facebook at low cost.

In addition to disseminating messages of hope, it is imperative to shift from warnings of potential "threats" to messages about opportunities. Human rights messages do not need to focus on protection, but rather should frame human rights as the glue that binds us together as human beings. Instead of telling the public what will happen without human rights, showing what positive change looks like is a more effective argument. Historically, the language of victory has not been associated with human rights causes. This needs to change, as people do not want to join an initiative that represents misery and failure. In Amnesty International's case, the language around human rights shifted from "fighting" to "building." This gives the public the promise of joy if they take part in the movement. Emphasis should shift from saying what is popular to making popular what needs to be said.

Finally, beyond using language focused on the opportunities provided by human rights work, it is important to shift from discussing problems to emphasizing solutions. Hope-Based Communications need to give people visions of the future and to answer the question: What does our world look like when we achieve our goals? Human rights and justice should not be perceived as issues only related to criminals and very vulnerable individuals, but should be understood as applying to everyone. Human rights organizations need to work hard to paint a picture of a better world. To convey the universality of human rights, organizations need to tell positive stories about their work and decide how to articulate what their "perfect world" looks like. What does the world look like when we have realized justice for all?

Resources:
[A Guide to Hope-based Communications](#)
A hope-based communications strategy involves making five basic shifts in the way we talk about human rights. This guide has been produced in collaboration with Thomas Coombes to help you apply to any aspect of your daily work.

Advancing Environmental Justice through the Escazú Agreement and Aarhus Convention

Date: May 1, 2019 11:45 - 13:15
Coordinated By: World Resources Institute

Speakers:
- Carole Excell, Acting Director, Environmental Democracy Practice (World Resources Institute)
- Csaba Kiss, Environmental Attorney(Environmental Management and Law Association (EMLA) (Hungary))

Brief Session Overview:
During this session, the presenters discussed the use of international agreements to advance environmental justice in Europe and Central Asia and in Latin America and the Caribbean. The Aarhus Convention came into effect in 2001, and specifically applies to the 40 countries. It is not an environmental treaty per se, and does not provide classic environmental protection because it does not protect a particular part of the environment. Instead, it links procedural rights to a human right. The Escazú Agreement was signed in March 2018 after a six-year negotiation process. This agreement specifically applies to Latin America and the Caribbean, where conflicts over natural resources are increasing. Four environmental defenders are killed every week, which is part of the reason for creating the agreement. The agreement intends to increase the number of national laws addressing matters regarding environmental protection. Participants explored challenges with these two agreements, including implementation gaps and a potential excess of agreements, but also opportunities, such as expansion of a similar agreement to Africa.

Full Session Summary:
During this session, the presenters discussed the use of international agreements to advance environmental justice in Europe and Central Asia and in Latin America and the Caribbean.

To help frame the conversation, speakers used interactive online surveys to poll participants on key questions including on:
- The most pressing environmental democracy challenge in their country;
- The most pressing environmental justice issue in their country;
- Whether a non-binding international legal declaration or guidelines make a real impact on access to justice.

Participants identified access to environmental information, inclusive participation, populism, and the free, prior, and informed consent of local communities as pressing challenges to environmental democracy. Lack of awareness and understanding of how to use environmental rights, and corruption by state and business were identified as the most pressing environmental justice issues. And participants overwhelmingly agreed that a non-binding international legal declaration or guidelines could make a real impact on access to justice.

Background:
The Aarhus Convention came into effect in 2001, and specifically applies to the 40 countries included in the Aarhus region. It is not an environmental treaty per se, and does not provide classic environmental

protection because it does not protect a particular part of the environment. Instead, it links procedural rights to a human right. It has three pillars:

- **Access to information** – the government has to proactively provide information to the public, and provide information upon request (with certain exceptions).
- **Participation in decision-making** – participation must happen as early as possible, and public comment must be taken into account.
- **Access to justice in environmental matters.**

The Arhaus Convention also has specific provisions concerning access to justice:
- Enforcing the right to access environmental information.
- Making sure participation in environmental decision-making is meaningful.
- Providing for remedies for the breach of law relating to the environment.
- Setting standards for access to justice (fair, equitable, timely, and not prohibitively expensive).

The convention has its own infrastructure and machinery, including a compliance mechanism. This mechanism, the Compliance Committee, consists of nine members (including NGOs). Anyone can submit a communication to the committee, which provides non-binding recommendations. Through the findings of the Compliance Committee, we have learned of the following violations:
- Restrictive interpretation of the notion of public concerned (CZ).
- Accusing environmental activists in the mass media of manipulation (ES).
- Making people wait for one year for a review in case an information request is refused (AT).
- Informing the public about a project only via internet (ES).
- Not involving all the affected public into the decision-making process (UK).
- Allowing the public to comment a permitting process only at a later stage.

The Escazú Agreement was signed in March 2018 after a six-year negotiation process. This agreement specifically applies to Latin America and the Caribbean, where conflicts over natural resources are increasing. Four environmental defenders are killed every week, which is part of the reason for creating the agreement. The agreement intends to increase the number of national laws addressing matters regarding environmental protection. It includes the following specific rights and obligations:
- Includes a right to a healthy environment.
- Guarantees assistance and obligation to minimize barriers related to Access to Justice.
- Groundbreaking provisions –
    - Protecting environmental defenders;
    - Guarantees of timely, early participation in decision-making;
    - Facilitating access to justice.

- Provides improvements in substantive rights.
- Includes specific requirements addressing vulnerable groups, including a requirement to provide legal assessment.
- Committee on implementation and compliance – The agreement recognizes that in many countries in Latin America and the Caribbean, implementation is the difficult part. The laws exist, but they are

not implemented. This committee exists to address the problem of a lack of implementation and compliance.

The Escazú Agreement is part of the SDG process, and aims to ensure SDG16, namely, equal access to justice in environmental matters. While only one country has ratified this agreement so far, civil society is working to ensure government participation.

Discussion:
After the presentation about these two agreements, there was a brief discussion about bringing this type of agreement to Africa. A participant from the United Nations Environment Programme (UNEP) also discussed a global pact that is being considered. He expressed his concern about the global pact. A number of countries have not expressed an appetite for a global pact, so he does not think this will go far. He explained that the general attitude is that there are already over 500 multilateral agreements, and the environmental protection community is struggling to implement them, so there is hesitance to add another one.

There was also a discussion of the role of international development finance institutions in ensuring environmental protection and justice. The Asian Development Bank, World Bank, and International Finance Corporation have strict standards on environmental and social considerations. The International Finance Corporation, for example, requires consultation of local communities and public participation. However, there are no rules on environmental defenders. Thus, there is still work to do on these standards.

Algorithms in Justice and Justice in Algorithms: Fairness to Whom?

Date: May 1, 2019 11:45 - 13:15
Coordinated By: Alan Turing Institute, Center for Democracy and Technology

Speakers:
- Jeroen van den Hoven, Professor of Ethics and Technology (Delft University of Technology)
- Jens-Henrik Jeppeson, Representative and Director for European Affairs (Center for Democracy and Technology)
- Anjali Mazumder, Thematic Lead on AI, Justice and Human Rights (Alan Turing Institute)
- Florian Ostmann, Policy Fellow (Alan Turing Institute)

Court Digitalization and Online Dispute Resolution: How Courts are Using Technology to Deliver More Modern Justice

Date: May 1, 2019 11:45 - 13:15
Coordinated By: The Legal Education Foundation, National Center for State Courts, Pew Charitable Trusts

Speakers:
- Lester Bird, Principal Associate, Civil Legal System Modernization Team (Pew Charitable Trusts)
- Natalie Byrom, Director of Research and Learning (The Legal Education Foundation)
- Jim McMillan, Senior Court Management Consultant (National Center for State Courts)

Brief Session Overview:
Court systems around the world are recognizing that to truly deliver justice, they must modernize both their host systems and their approaches. This session first described the trends and successes in automation, such as the use of Legal XML to standardize and streamline the eFiling and eService submission process, as well as the challenges of sustainability and public access. To address these challenges, speakers recommended the use of open sources and widely used software. The session then looked at how Online Dispute Resolution has enabled new approaches in the area of high-volume, low-value claims important to everyday litigants by leveraging features such as asynchronous communication, legal information and triage, mediation and negotiation spaces, and document creation, storage, and court payment.

Full Session Summary:
Court systems around the world are recognizing that to truly deliver justice, they must modernize both their host systems and their approaches. To successfully digitalize their systems, courts must provide external services/connections, apply standards (recognizing and benefiting from commonalities between courts), improve sustainability, use the cloud, use open-source, share code, share mentoring and innovation, and address organizational and legal barriers. To open connections, courts need to implement electronic communication standards, such as Legal XML, to standardize and streamline the eFiling and eService submission process. A Legal XML system is both interactive and enforces standards and rules. Basic court record functions are the same everywhere. Using these standardized processes to enforce rules and procedures is crucial for improving access to justice by increasing transparency about court case status**.** One obstacle to court modernization is that courts often lack the budget for technological advancements. Courts can improve sustainability by using open sources and widely used software. In recent years, there has been a trend towards courts using cloud storage. Finally, innovation is a crucial component of automatizing courts. One example presented of this is court use of NoSQL programs, such as MongoDB, an open-source, document-oriented database to improve efficiency.

An example of civil court modernization efforts is Pew Research Center's work on Online Dispute Resolution in the US. With respect to the US context, there has been a dramatic increase in cases with self-represented litigants, which has changed how users interact with a court system built primarily for lawyers to navigate. Online Dispute Resolution is a court-annexed, public facing digital space in which parties convene to resolve their civil dispute or case. Fundamental components of ODR include that it exclusively operates online, is designed to assist litigants in resolving their disputes, and is supported and hosted by the judicial branch. Key features of ODR are its asynchronous communication (both parties do not need to be in the platform at the same time to resolve disputes), legal information and triage (gives people legal information as they navigate their dispute), mediation and negotiation spaces, and document creation,

storage, and court payment. The goal of ODR is to facilitate speedier resolutions to cases, greater engagement among litigants, fairer outcomes, and to increase court efficiency. An underlying goal of introducing ODR is to not only bring technology into the courts, but to leverage technology to improve the court process and use court modernization as an opportunity to reevaluate underlying court processes and systems.

A final example of court modernization efforts is the reform program that is currently being led by the UK government. The reform program is unprecedented in scale and scope, and intends to move activity out of courtrooms, expand the use of video technology, introduce online end-to-end processes, and promote the use of online negotiation, mediation, settlement, and development of new asynchronous processes. Policy makers have been concerned to understand the impact of the reform program on access to justice, however their attempts are hampered by the absence of consistent frameworks to evaluate the impact of these measures on access to justice. Digitalizing courts offers the potential to capture better data to help understand what works in helping individuals access justice. However, to do this, it is fundamental to develop an evaluation framework for digital reform efforts capable of measuring access to and the fairness of the justice system. Existing frameworks lack objective measures of procedural justice, fail to examine the relationship between demographic characteristics and subjective perceptions of procedural justice, and lack measures on substantive justice of outcomes, as well as on systemic bias in the court system. Through an examination of UK case law, the Legal Education Foundation developed an irreducible minimum definition of access to justice, which comprises access to the formal legal system, an effective hearing, a decision in accordance with the law, and a legal remedy. The LEF advocated for the adoption of this definition to evaluate digital court systems. For each dimension of access to justice (formal legal system, effective hearing, fair decisions, and legal remedies), there are data that should be collected as part of the evaluation framework. This includes collecting survey data on attitudes to the legal system, geo-demographic data on court users, data on types of claims initiated, data on perceptions of procedural justice, data on engagement with legal support, management information data as proxy for engagement, data on types of cases reaching judicial determination, research on judicial attitudes and behavior on decision making, and data on enforcement rates and time to enforcement.

In conclusion, as courts digitalize, it is vital to ask technology companies capable of developing digital solutions to ensure that settlements reached are in accordance with people's rights. Concerns raised by audience members to court digitalization efforts include ability of the developing world to access technological frameworks, the effectiveness of existing systems, institutional bias in online systems, and potential pushback from the judiciary.

Frontline Justice Services Providers and Community Paralegals: Elevating the Voice of the Field

Date: May 1, 2019 11:45 - 13:15
Coordinated By: Centre for the Advancement of Community Advice Offices South Africa, Indonesian Legal Aid Foundation, Namati, Open Society Justice Initiative

Speakers:
- Peter Chapman, Senior Policy Officer (Open Society Justice Initiative)
- Walter Flores, Director (Center for the Study of Equity and Governance in Health Systems)
- Sumaiya Islam, Senior Policy Officer (Open Society Justice Initiative)
- Tshenolo Masha (Centre for the Advancement of Community Advice Offices South Africa and ProBono.org)
- Violetta Odagiu, Executive Director (National Paralegal Association of Moldova)
- Eleanor Thompson, Lawyer (Namati Sierra Leone)
- Febi Yonesta, Co-chair (Indonesian Legal Aid Foundation)

Brief Session Overview:
This working session focused on the need for recognition of the role of community paralegals, justice advocates and independent justice service providers in realizing access to justice. It discussed policies that create enabling environments for community-based paralegals, such as effective legal aid policies, the recognition of paralegals in law, and formalized working structures. The session also discussed the necessary safeguards needed to ensure their independence and sustainability, including the need to sufficiently resource paralegal efforts. Participants debated the responsibilities, scope of work, and models of funding for community paralegals. The session highlighted recognition efforts in diverse contexts, including the importance of political recognition, and sought to clarify the relationships to, and distinctions from, other professionals in the justice sector and other related services. It offered concrete discussion of how national policies can support and promote accessibility of community-based justice providers.

Full Session Summary:
This session consisted of sharing experiences and perspectives on the legal developments, challenges and opportunities impacting community paralegals and frontline justice advocates in different countries. The first part of the session gave participants the opportunity to describe their organization's work, the role of community paralegals and frontline justice actors in strengthening access to justice and why meaningful legal and policy recognition of that role is important. First, Eleanor Thompson, from Namati in Sierra Leone, spoke about her work with paralegals and her experience addressing access to justice problems. Her organization provides legal education to help people solve their problems. She pointed out that the team is composed primarily of specialists, particularly on land and environmental issues. Paralegals in Sierra Leone are recognized as legal aid providers within the legal aid policy and law. Paralegals need to be accredited by the legal aid board and need to have received a certain level of training. As a positive effect, such political recognition of paralegals has translated into a commitment to train paralegals in remote areas to help the formal sector.

Next, Febi Yonesta, from the Indonesia Legal Aid Foundation, described the historic role of community paralegals in social justice movements in Indonesia and how they engage with and support paralegals from various sectors of communities including labour communities, farmers and women led community groups.

In 2011, the government passed laws recognizing paralegals, setting the scope of work and qualifications, as well as the regulation of funding from national and local governments. In 2018, there was a petition to change the regulation to limit the scope of services that paralegals could provide, arguing before the Supreme Court that the provision of legal services did not comply with other laws. Febi suggested that the private lawyers and judiciary did not fully understand the role and approach of community paralegals and may have been confused by the definition of paralegals, as they understood the paralegals to be assistants to lawyers and not the providers of legal aid in remote areas.

Tshenolo Masha, from the Centre for Advancement of the Law in South Africa, presented the South African context. She pointed out there is no formalised community-based framework for community paralegals, rather some paralegals work in private firms, some in the government and some in civil society. The focus of her organization's work is on community-based paralegals. She mentioned that the Justice Ministry recognised the importance of community-based paralegals, but there has been no further action. The Centre for Advancement of Law envisions that recognition needs to come with regulation, yet regulation is still missing. This has raised questions. Should such regulation be a self-regulated framework or a heavy-handed state approach? Such questions also imply the need to define what a paralegal is as well as a paralegal's scope of work. Masha ended by noting that despite the lack of formalised working structures, paralegals in South Africa continue to work resiliently.

Walter Flores, from Guatemala, stated that the concept of paralegals does not exist in Latin America. What exists is long history of human rights defenders. This broad category includes lawyers and grassroots activists, the majority of whom are volunteers and represent a variety of sectors (e.g. environmental rights, indigenous rights). In Guatemala, this figure is around 10,000, and to become one they need to have a backup constituency in the communities. The only public figure related to paralegals is the national ombudsman who helps to enforce and facilitate paralegals' work. As a principle, no defenders use public funds to remain independent. The main problem human rights defenders have is self-protection. In Latin America, a large number of human rights defenders have been murdered, in addition to facing state and law enforcement persecution.

Violetta Adagiu, from Moldova, discussed her experience as the director of National Paralegal Association. Paralegals started activities in Moldova in 2010, when Moldova adopted a good framework and legal aid law recognising the activity of paralegals.

The second round of comments focused on the protection offered by frameworks and the challenges and opportunities facing paralegals. In Moldova, one of the benefits of the protection framework is improved capacity to challenge public authorities. Lack of money and human resources remains a challenge. Overall, there is still good communication with the state, which may open additional opportunities.

In contrast, Sierra Leone views paralegals as a necessity to realize access to justice for all. To this end, it has a formal legal aid act giving them recognition. After the revolution in Sierra Leone, institutions were weak, especially the judiciary, creating a gap in justice services. Currently, due to personnel issues, access issues, and affordability, the formal justice system cannot adequately address the legal and justice needs of the population. The informal system fills some of the gap, particularly for rural populations. (A survey study showed that legal problems were more effectively solved by informal mechanisms.) One of the challenges however, is that despite recognition, civil society organizations do not automatically receive funding.

Therefore, a growing challenge is to sufficiently resource the legal aid act so that it can be effectively enforced.

Febi, from Indonesia, discussed the opportunity to fill gaps in regulation by including diverse civil society organizations. Such opportunities include agreeing on a definition of who is a paralegal, avoiding the exclusion of certain paralegal models, determining the required qualifications for paralegals, and training paralegals to solve issues in remote areas where there are no lawyers.

In South Africa, there is an opportunity to attract young people to the paralegal profession to promote sustainability. Additionally, there is an opportunity for outside organizations to provide in-kind support such as training and highlight the impact of community paralegals through research and evidence. The question of receiving public funding must be considered. While accepting public funding may bring about potential challenges to independence, these challenges must be weighed against existing budget realities.

In Latin America, one of the main challenges to promoting access to justice is the unequal geographic distribution of lawyers and the lack of interest in social justice work, not the lack of them. Mr. Flores was more sceptical of accepting public funding, noting that it would create perverse incentives. He closed by noting that effective ombudsmen are an essential component for the protection of human rights and human rights defenders.

During open discussion, participants identified challenges such as:
- Better training and support for paralegals;
- Challenges to recognition of paralegals in specific countries;
- Challenges to finding funding from government and private institutions;
- Sustaining and expanding paralegal movements in the absence of policy recognition;
- Ensuring that paralegals are able to operate independently while receiving public funding;
- Vested interests and resistance from lawyers.

Participants also identified opportunities such as:
- The growing public recognition of the community paralegal profession globally;
- The opportunity for lawyers to be more involved in the access to justice movement and support the role of community paralegals; and
- The opportunity to build a global movement to support legal empowerment and invest in people-centred approaches to justice reform.

How to Achieve a Level Playing Field for Innovation: A Dialogue on Regulating Legal Services in the 21st Century

Date: May 1, 2019 11:45 - 13:15
Coordinated By: Hague Institute for Innovation of Law

Speakers:
- Maurits Barendrecht, Research Director (Hague Institute for Innovation of Law)
- William C. Hubbard, Chair of the Board of Directors (World Justice Project)
- Rebecca Kourlis, Executive Director (Institute for the Advancement of the American Legal System)
- Noleen Leach, Head of the Unit for Applied Law (Cape Peninsula University of Technology)
- Trevor Pegley, Managing Director (Visionhall Information Systems)
- Thomas Susman, Strategic Advisor (American Bar Association)

Brief Session Overview:
To bridge the justice gap, innovation is needed, yet the regulation of legal services and procedural rules create obstacles. The Innovation Working Group of the Task Force on Justice has called for a "level playing field." In this working session, representatives of the access to justice movement and organized bars considered case studies from South Africa, the United States and elsewhere and engaged in constructive dialogue. The session considered three issues: How to regulate high quality justice journeys that lead to fair solutions? What should the focus be on regulation and deregulation efforts? And how to create a level playing field?

Full Session Summary:
The session took place on the basis of an Issues Paper prepared by HiiL (Maurits Barendrecht) with input from the Dutch Ministry of Justice and Security on Issue 1. The paper was further refined, and the dialogue was facilitated, by the following Working Session Leads: Rebecca Kourlis (Executive Director IAALS), Karin Bruinenberg (NL Ministry of Justice and Security Adviser on Innovation and IT), William Hubbard (Chair Board of Directors World Justice Project), Thomas Susman (Strategic Advisor Government Affairs American Bar Association), Noleen Leach (Head Unit of Applied Law, Cape Peninsula University of Technology), Trevor Pegley (Director Visionhall), Noleen Leach (Head Unit of Applied Law, Cape Peninsula University of Technology).

This session summary reflects the issues as presented to the participants of the Working Session and takeaways from the dialogue. This working session was not intended to be a traditional panel. The organizers wanted it to be an active sharing of skills, knowledge and resources, collectively applied to specific problems and contexts with concrete takeaways. The takeaways below do not reflect the opinions of individual participants, but summarize the skills, knowledge and resources shared.

Issue 1: How to regulate high quality justice journeys that lead to fair solutions? A government perspective

SDG 16.3 | The Ministry of Justice and Security of the Netherlands and many other ministries in the world are working on their access to justice agendas. They are inspired by the trends reflected in the report 'Equal Access to Justice for Inclusive Growth: Putting People at the Centre', by the Organisation for Economic Cooperation and Development..

Complex pathways | The report indicates that justice systems are made up of a series of complex pathways or 'justice chains'. It provides guidance on how to effectively measure and address people's legal needs and incorporate people-centred perspectives when designing and planning responsive and integrated legal and justice services.

Towards people-centred design and delivery | As recognized in the report, good practices on a more people-centred service delivery are emerging, but limited. Data necessary to measure access to justice in a holistic manner does not yet exist. This complicates assessing the effectiveness of justice and legal interventions.

Regulating professionals is current approach | The Minister of Legal Protection of the Netherlands is responsible for the functioning of the national formal justice system, including ADR. The current institutional frameworks are aimed at effective delivery of services by professionals. The quality of these services is guaranteed by rules and regulations aimed at amongst others upholding the high standard of the legal professions, such as bailiffs, notaries, and lawyers: a profession-centred perspective.

How to ensure quality of people-centred delivery? | Recognizing that the rule of law is not the exclusive domain of law professionals only, and keen to further explore a more people-centred service delivery in the justice sector, the ministry would be interested in learning from experts how to rethink the traditional approaches to delivering legal and justice services, as advocated in the report, by focusing first and foremost on responding to people's needs and to personalize services.

Which indicators? The ministry is particularly interested to learn:
- How to ensure the quality of legal services delivered, when adopting a more people-centred service delivery in the justice sector
- How to incorporate the traditional core values of the rule of law, such as accountability, impartiality, fairness, and legality.
- The report mentioned seven people-centred design criteria, that could (additionally?) be used to measure the quality of services: 1) accessibility, 2) availability, 3) prevention, proactivity and timeliness, 4) appropriateness and responsiveness, 5) empowerment, 6) equality and inclusion, and 7) outcome-focus and fairness.
- How to operationalize these criteria?
- Could lessons be learned from the OECD healthcare quality indicators (box 5.3)?
- As the report states, 'People's needs and experiences are key to identifying innovation potential in and provide the rationale for reflecting on the delivery of legal and justice services'. The ministry is open to learn how a more people-centred legal service approach has enabled innovators to deliver top-notch innovative legal services to the public, while maintaining the traditional core values for the quality of the rule of law.

Takeaways on the kind of problem | The problem is multifaceted and consists of a series of interrelated issues. Finding a framework for tackling the problem is already a difficult task. A more explorative process is perhaps needed, gradually developing a shared understanding and scenarios for action. The paradigm is

changing. Perhaps this cannot be captured well if we continue to consider step by step changes in current rules.

Takeaways on needs for scalable services | In order to close the justice gap, we should be creating an environment that is empowering tech-based solutions that are scalable, and that are fitting the needs of the most vulnerable, as well as those of the middle class, small businesses and other citizens. The Task Force on Justice Report summarizes the areas where innovation is happening and needs to be scaled: see overview below.

This is an interesting test case for the adequacy of current regulation. Who would be allowed to perform these activities? Who could provide the tools for these activities? Would these organizations or individuals have access to capital and revenue models under these rules? Would lawyers, courts or outsiders be allowed and best placed to develop these services and implement them in a scalable way? What are the barriers to implementing supporting technologies such as cloud tech?

Takeaways on goals | Participants tend to agree that the main goal of regulation should be consumer protection: the user-centred perspective. Protection of lawyers against competition is not included in the goals. Lawyers should be protected, however, from interference by governments and other powerful interests, because they may have to assist citizens in standing up to power. Regulation models should be evidence-based. Risk to consumers and complexity of services to be rendered should be central elements, or at least among the guiding principles.

Takeaways on risks | Beyond general worries about quality, the participants did mention few examples of risks against which consumers should be protected. The risk of "exploitation and selling hope to people in a vulnerable position" was mentioned. How is this risk, which is more or less associated to any service or product offered to consumers, to be regulated? Health care services regulation is a source of inspiration.

Legal and justice services are different in some respects: for instance, equality of arms is one of the values that should be protected.

Takeaways on transforming regulatory space | There is broad agreement that opening up the regulatory environment is required. When there is a regulator, the regulator will start making rules. The risk of overregulation has to be managed. Prioritising a good framework for the most important areas for access to justice (most urgent legal problems) is recommended. Perhaps creating regulatory panels for these areas is an option.

Takeaways on free zones and sand boxes | The current situation may require kick-starting innovations so that the justice gap can be closed in a foreseeable future. A presumption of no regulation, would that work for certain areas? The concept of regulation free zones could be developed. Sandboxes are another useful concept. In this environment, regulation would not be the starting point, but would gradually develop on the basis of needs and risks associated to the particular service.

Takeaways on type of rules | Complexity in the regulatory environment is a barrier to innovation and effectiveness. A principled based, multi-factor regulatory framework may lead to uncertainty: "gray is costly".

Issue 2: What should be focus of regulation and deregulation efforts?

Different levels of regulation can be relied on:
- **Regulation of professions** | In many countries, the legal profession has worked with government to regulate the professions. This is usually combined with reserved activities: only certain qualified professionals can give legal advice, assist people in court procedures or execute certain transactions for them. In other countries, no or only few reserved activities exist (Finland, countries in Eastern Europe).
- **Regulation of entities** | Regulation can also focus on entities (firms, companies) rather than individual professionals.
- **Regulation of procedures** | Court procedures, and other (administrative) procedures giving access to solutions, can be regulated along the lines of general principles or in a more detailed way.
- **Regulation of activities** | The regulation can also focus on how to perform a certain activity.

Who regulates? | Regulation can be left to the professions, to the courts, or to an independent regulator. Germany and England have professional regulators that are independent of the profession (the bar). The 2018 review of legal services regulation in Scotland suggests one independent regulator for all professions, entities and activities. For procedures, the courts (and other providers of procedures) themselves may determine the rules of procedure. Their activities may be supervised by another body. Rules of procedure can also be codified in formal legislation.

Takeaways on the level of regulation | Outcome focused regulation may be a better perspective than the current focus on provider regulation. Health care regulation and financing focuses on specific treatments and drugs, which have to be tested against clear criteria. If provider regulation is considered – for certain reserved activities – regulation of the level of individual providers has to be complemented by regulation of entities.

Takeaways on who regulates | The participants tended to adhere to the principle of independence. The body setting, interpreting and enforcing the rules should be independent of the professions and entities supplying justice services themselves. Can courts be seen as independent for this purpose? Judges may be close to the legal profession and some new services may "compete" with courts, or influence their caseloads and revenue-models. Transparency is an important value when setting up a regulatory body.

Takeaways on representation in regulatory bodies | Regulatory bodies are creating structures that make it hard to have all interests be represented fairly. The consumers/endusers of services should be represented.

Issue 3: How to create a level playing field?

Traditional providers (courts, legal professions, providers of informal justice) struggle to serve individuals in a scalable way. This market is shrinking in some countries (see Henderson, Legal Market Landscape Report, Commissioned by the State Bar of California, 2018). A variety of start ups, NGOs, mediators, ADR platforms, experts and innovators offer new types of services. The most promising innovations are often linked to traditional court processes and legal services. So innovations need to comply with regulation for professions and rules of procedure. This creates tensions and barriers to innovation (Innovation Working Group of the Task Force on Justice, Innovating Justice: Needed & possible, 2019).

One example is the model of community paralegals. In many countries this model is restricted by rules not allowing paralegals to charge a fee for their services, or prohibiting them to give legal advice (see Noleen Leach, The Paralegal and the Right of Access to Justice in South Africa, 2018).

On the other hand, courts and the legal profession are also restricted in what they can offer to the users of their services. Rules of procedure make it difficult to innovate court interventions. Tendering rules do not allow courts to implement useful innovations such as off the shelve case-management systems. Rules regarding ownership of law firms make it difficult to attract outsides capital and relevant know how. Lawyers working for individuals do not have access to business models that are available to other providers of consumer services (Hadfield and Rhode, How to Regulate Legal Services to Promote Access, Innovation, and the Quality of Lawyering, 2015).

What can be a strategy to gradually create a more level playing field for all providers of justice services?

From the perspective of providers of innovative services, a secure way of gaining access to the market of legal and justice services is lacking. From the perspective of providers in the system (courts, legal professions) providers of new services can be seen as unwelcome

Takeaways on interaction with government agencies | Innovators assisted by HiiL's Accelerator program describe how they rely on individual contacts within ministries, courts or bar associations. They often depend on links to services supplied by government agencies and courts (data, calendars, integration in existing services, APIs).

Takeaways on implementing improved processes | Some innovations are alternatives to current processes in courts or elsewhere (case-management systems, innovative court procedures). Effective services may also contain elements of legal advice, resemble adjudication in some way or somehow help in enforcing rules (informing, information gathering, blaming, shaming, praising). These services may be close to

reserved activities or activities provided by government agencies and courts. Overall, leaders of these organizations may or may not be willing to cooperate with private sector service-providers to achieve their own goals and targets.

Takeaways on level playing field | Many promising innovations get stuck in pilots, because there is no process for accepting and scaling "treatments" that are better than current processes and procedures. A more structured process for testing, accepting and broadly implementing improved treatments would streamline innovation.

Innovation and Reform in Criminal Justice: Just Outcomes, Procedural Fairness, and Community Justice

Date: May 1, 2019 11:45 - 13:15
Coordinated By: Center for Court Innovation

Speakers:
- Adam Mansky, Director of Criminal Justice (Center for Court Innovation)

Brief Session Overview:
The Center for Court Innovation is renowned for its work reforming the New York criminal justice systems with ambitious, cutting-edge projects and offering its technical expertise across the US and internationally to jurisdictions seeking to reform their own systems. This session explored the three principles that drive the Center's work and how they translate into practice and programming: just outcomes, procedural fairness, and community justice. The session shared some of the lessons learned from the Center's efforts and invited attendees to share and troubleshoot their own efforts at justice reform. The experience of the Center for Court Innovation highlighted three key lessons learned. First, while outcome fairness traditionally has been measured by the determination of whether the conviction has been properly achieved, a just outcome should also consider whether the disposition and sentence is seen as appropriate in the eyes of a victim and the community. Second, procedural justice should be emphasized, and, third, justice reforms should embrace community justice.

Full Session Summary:
This session explored the key principles that inform the Center for Court Innovation's work and highlighted the ways in which these principles have been harnessed to create innovative, extensive criminal justice reform across New York City.

In the United States, there is a crisis of legitimacy in the criminal justice system. Questions that prompt people to identify the words they associate with criminal justice now commonly elicit responses including "mass incarceration", "racism", "wrongful conviction", "harsh consequences", and "discrimination". Few people seem satisfied with the way the system performs, which is likely a result of the justice system's tendency to emphasize binary outcomes: jail or no jail; and monetary fine or no fine. Even where a judge wants to use alternatives to incarceration, outcomes will continue along this traditional binary trend unless community-based programs are readily available as viable, easily accessed, and properly coordinated options.

New York City is safer now than it has ever been in the past, but the criminal justice system continues to face serious challenges. With innovative pilots and large-scale programs, the Center for Court Innovation has worked in New York City for more than 25 years to forge an ambitious vision of what criminal justice can look like in the United States. The organization serves more than 25,000 people each year in a wide range of operating programs throughout the New York area. Three key principles animate the Center's work and criminal justice reform: just outcomes, procedural fairness, and community justice.

One example of how these principles are reflected in the Center for Court Innovation's work is the Brooklyn Justice Initiatives project, a program that centralizes access to social services for the Brooklyn Criminal Court, which serves a borough of 2.5 million residents. It seeks to improve the handling of criminal cases by

providing judges and prosecutors with community-based sentence options. In Brooklyn Justice Initiatives, staff social workers court liaisons work with judges, prosecutors and defense attorneys to coordinate and maximize the use of community-based services, such as mental health counseling, job training, and drug treatment. This approach decreases the criminal justice system's reliance on pretrial detention, incarceration and conviction, improves public safety and compliance with obligations, increases access to social services, and offers more just outcomes.

The Red Hook Community Justice Center, in a low-income neighborhood, also in Brooklyn, New York, was the first multi-jurisdictional community court in the United States and is another example of an innovative program created by the Center for Court Innovation. In this model, a single judge hears low-level cases that would normally be handled by multiple courts. The Justice Center takes a restorative approach to delivering justice, making the justice process more visible to the community that has been impacted or harmed by the crime and makes it social services available to court users and the greater community on a voluntary basis. To increase accountability, compliance with community restitution and social services mandates are closely monitored by the judge throughout the process, as they are at Brooklyn Justice Initiatives.

The Center for Court Innovation has also designed an early diversion program, called "Project Reset", to allow individuals arrested for low-level offenses to participate in proportionate, community-based interventions. A range of different programs, including restorative justice circles and facilitated workshops, are used to increase accountability while keeping participants that successfully complete the programming out of the formal criminal justice system.

These examples highlight several lessons to consider when working on criminal justice reforms. First, while outcome fairness traditionally has been measured by the determination of whether the conviction has been properly achieved, a just outcome should also consider whether the disposition and sentence is seen as appropriate in the eyes of a victim and the community. Additional considerations for determining a "just outcome" are whether the outcome is effective, proportional, and meaningful to the defendant.

Second, procedural justice should be emphasized. People-centered justice processes increase confidence and trust in the system, which result in higher rates of compliance. When defendants feel that they are treated with respect, understand what is going on in their case, and feel that they have a voice, they are more likely to perceive the process as fair, even if they lose their case. Increased trust can also improve the relationship between communities and the criminal justice agencies that serve them.

Finally, justice reforms should embrace community justice, the idea that justice must be created for, with, and by the community. Justice processes should be grounded and oriented towards the community and its residents, particularly disenfranchised and marginalized groups. This facilitates long-lasting reform and change that would otherwise not be possible.

Justice for Children: the Challenge to Achieve SDG16+

Date: May 1, 2019 11:45 - 13:15
Coordinated By: Working Group on Justice for Children, Pathfinders for Peaceful, Just and Inclusive Societies

Speakers:
- Jennifer Davidson, Executive Director CELCIS and Inspiring Children's Futures (University of Strathclyde)
- Kristen Hope, A2J Research and Advocacy Advisor (Terre des Hommes)

Brief Session Overview:
This session discussed The Challenge Paper on Justice for Children which outlines the distinctive needs and rights of children in relation to their context as victims, witnesses and offenders in both criminal and civil disputes, and also explores the broader understanding of access to justice as a process that underpins and creates conditions for the realization of all other rights. Participants discussed two main challenges. First, the challenge to ensure the empowerment, participation, and engagement of children in all decisions that affect their lives. And, second, the challenge to secure high level sustained political commitment to accelerate the achievement of high quality justice for children, including prioritizing financial resources and investing in the necessary skills.

Full Session Summary:
The aim of this session was to discuss the *Challenge Paper on Justice for Children.* This report outlines the distinctive **needs and rights of children in relation to their context as victims, witnesses and offenders in both criminal and civil disputes**. It also explores the broader understanding of access to justice as a process that underpins and creates conditions for the realization of all other rights. Participants provided feedback and insight on the paper's content, its tone and angle, and identified opportunities to maximize the impact of key messages.

As context, this report was commissioned by the Pathfinders for Peaceful, Just and Inclusive Societies' Task Force on Justice, and the aim of this paper is "to highlight the distinct realities of justice for children internationally and inform the next steps for implementation of SDG 16+, with children and their needs and rights specifically in mind". This report will be launched in July.

Jennifer and Kristen provided the background and scope of the Justice for Children (J4C) initiative, and highlighted the importance of J4C in realizing SDG16.3. Kristen offered a visualization exercise (participants closed their eyes and imagined a child, and tried to visualize what are the justice needs of a child). The speakers explained children are a critical piece of achieving justice for all; however, they are one of the most vulnerable population groups. The speakers highlighted that children are **active agents of change**, and not just passive subjects.
They have identified **10 challenges in justice for children** (7 crucial and urgent; 3 foundational).

Crucial and urgent:
1. Prevent violence;
2. Guarantee the inclusion of all children;
3. Promote equal access, benefit, protection, and support;

4. Prevent unnecessary criminalization;
5. Eliminate arbitrary and unlawful detention;
6. Safeguard children recruited, exploited by armed, violent extremist and other criminal groups;
7. Ensure legal identity (making sure children are visible in the eyes of the law and have legal capacity).

Foundational:
1. Secure empowerment, participation and engagement (both bottom-up, starting with children, and top-down, from organizations to children);
2. Sustain political commitment;
3. Respond with evidence-based policies.

Andrew Goudie (Professor of University of Strathclyde in Glasgow) stressed the importance of building **political commitment** (with specific **budget** lines) to the challenges that were identified, and explained "justice" does not only include the justice system, but the access children have to other services (justice is a social problem).

Jennifer Davidson highlighted the **importance of data to offer a compelling narrative**. "When you have data, it draws people's attention to it".

Group discussions:
Participants discussed two main challenges (there was not enough time for the third topic).

A. **Ensure the empowerment, participation, and engagement of children in all decisions that affect their lives.**
   a. Participants agreed on the importance of **empathy education** (to understand justice needs) as one of the most important parts of how societies change. Attendees stressed that language should be more friendly and accessible (to facilitate understanding, but also to change structures, for example, transiting from "empowerment" and "youth" to "agency" and "young people").

B. **Secure high level sustained political commitment to accelerate the achievement of high quality justice for children, including prioritizing financial resources and investing in the necessary skills.**
   a. One of the highlights of this discussion was the difference in timeframes in public policy. Plans to improve justice for children are 10-15 years, political agendas last around 5 years, but budgets mostly focus on 1 year.

Opportunities to Strengthen Collaboration Between Justice and Global Health

Date: May 1, 2019 11:45 - 13:15
Coordinated By: The Global Fund to Fight AIDS, Tuberculosis and Malaria

Speakers:
- Ralf Jürgens, Senior Coordinator for Human Rights (Global Fund to Fight AIDS, Tuberculosis and Malaria)
- Jeanie Kim, Project Head, Health Law and Equality (Open Society Foundations)
- Suzana Velkovska, Program Coordinator (Foundation Open Society Macedonia)

Brief Session Overview:
In order to effectively address global health issues such as HIV/AIDS, people and institutions focused on public health and those focused on justice must work together. Discrimination and other human rights abuses all impact the effective treatment of global health epidemics. This session explored how to build support and partnerships between these two interconnected fields. Speakers and participants discussed how to make the case for integrating legal empowerment and justice approaches into health programs, and identified three key opportunities to strengthen collaboration between justice and global health, including: increasing funding for justice related public health work; moving from ad hoc, small scale programming to comprehensive programming brought to scale; and embedding justice programs into existing strategic public health frameworks such as those for HIV and TB.

Full Session Summary:
There is [growing evidence and recognition that funding access to justice work can advance both human rights and health rights](). Stigma, discrimination, and lack of access to justice hinder progress in the fight against some of the world's most pressing health issues such as HIV, tuberculosis, and malaria. But progress is being made. Increased movement towards programs that are contextualized to local circumstances and consider the unique justice needs and health gaps of high risk, vulnerable populations (e.g. people who use drugs, sex workers, patients in palliative care, people living with HIV, and marginalized ethnic groups such as the Roma) are showing strong results. To sustain momentum in the growing health and justice field, the Open Society Foundations and the Global Fund to Fight AIDS, Tuberculosis and Malaria are [working to establish proof of concept of health justice links and test theories of change]() and working on the crucial questions of: what does it mean to bring justice to the health field? And what is the best way to do it?

Studies of pioneering approaches reveal several key lessons. First, the development community must have a broader definition of health. Social factors such as stigma and discrimination can vastly exacerbate the health risks of vulnerable populations. Discrimination can reduce the quality (or impede entirely) high risk groups' access to health services, and laws and practices, such as criminalization, can push high risk populations underground where health conditions deteriorate. Second, approaches to legal empowerment must be contextualized to the specific needs of marginalized groups. And third, successful approaches have often supported community based, community led projects. For example, by training members of the specific communities as paralegals. For many vulnerable populations, access to justice and access to lawyers is just as important to health as access to condoms and needles.

[The case study of the Roma in Macedonia]() illustrates these points. Research has shown that the health of the Roma population is worse than the average Macedonian. Roma have a shorter life expectancy, higher

rates of chronic diseases, and are often denied access to even basic health services. Community based paralegal programs have helped address these issues. As a result, this approach has been recognized and funded by the Ministry of Labour and Social Policy.

These types of programs can have big impacts on health. However, to date, such programs have been small scale and limited in country coverage. As a result, there is a significant opportunity to strengthen collaboration between justice and global health.

The first opportunity is to increase funding for justice related public health work. To this end, the Global Fund has made promoting and protecting human rights and gender equality one of the four pillars of its global strategy for 2017 - 2022, helping drive an increase in funding over the next three years of more than $67 million dollars in 20 target countries.

The second opportunity is to move from ad hoc, small scale programming to comprehensive programming brought to scale. Comprehensive approaches include those featured in the Global Fund's technical brief *HIV, Human Rights and Gender Equality*, such as training lawmakers and law enforcement officials, improving legal literacy, and strengthening legal services. Evidence exists that these programs have both positive public health outcomes (e.g. greater knowledge of HIV status and greater uptake of prevention services and treatment services) when brought to scale. Importantly, evidence suggests that these programs have the most positive outcomes when implemented as a fully scaled package of programs rather than standalone interventions.

The third opportunity is to embed justice programs into existing strategic public health frameworks such as those for HIV and TB. This would allow programs to transform from donor reliant projects into national plans. Integration is a key component of such an approach, where legal services are brought into healthcare services. This can be done, for example, by funding a preexisting HIV prevention program but adding a paralegal component (rather than creating a separate program). A key benefit of this approach is a focus on ensuring sustainability.

These opportunities come with important challenges. First, there is a challenge within the public health community to increase capacity to better support justice programing, while simultaneously building broader ownership of the human rights and access to justice related links to public health outcomes. Second, there is the challenge to achieve better coordination and collaboration with public health partners in countries, as well as integrating and linking larger scale justice and health programing to existing programs and interventions to improve coordination across all stakeholders. Third, there are important country level challenges such as ensuring the uptake of and sustainability of programs and increasing the capacity of recently engaged countries to effectively implement newly established programs.

A few questions were left for future consideration, such as how can there be more interaction, coordination, collaboration between all those who fund access to justice work in countries? Today, there is an opportunity to increase the overall level of work being done in a country to increase access to justice. In order to do so, the development community must address the siloing of health donors from justice donors. Currently there is not enough interaction, not enough communication, and no sufficient exchange of information or a willingness to work together. This is a critical challenge that must be addressed in order to realize access to justice and health for all.

Civil Society Inspiring Government Action: Effective Investigations to Bring Accountability in Transnational Crime

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Environmental Justice Foundation, Wildlife Justice Commission

Speakers:
- Olivia Swaak-Goldman, Executive Director (Wildlife Justice Commission)
- Environmental Justice Foundation

Brief Session Overview:
This working session focused on how civil society can undertake investigations of transnational crimes to collect evidence and press governments to take action. The Wildlife Justice Commission (WJC) discussed civil society's role in bridging the enforcement gap when intergovernmental or governmental approaches fail to address pressing issues. Specifically, the WJC presented its approach to the lack of enforcement of laws related to wildlife crime and the urgent need to acknowledge it as transnational organized crime. The WJC presented its intelligence-led approach to investigations and the role of public hearings as the ultimate means to generate government accountability if all else fails. The Environmental Justice Foundation (EJF) presented its approach documenting illegal fishing through film-led investigations to bring about government enforcement. These approaches are essential to fill gaps left by a lack of enforcement of laws against illegal fishing. During the session, both organizations highlighted the fact that without government action, durable reform is not possible. Therefore influencing government strategies and priorities is crucial.

Full Session Summary:
This working session focused on how civil society can undertake investigations of transnational crimes to collect evidence and press governments to take action.

The session was led by two organizations: the Environmental Justice Foundation (EJF) and the Wildlife Justice Commission (WJC). The Environmental Justice Foundation is a UK based organization working on the frontlines of environmental destruction to investigate, document and expose environmental and human rights abuses. The Wildlife Justice Commission (WJC) is a Dutch organization that combines collecting compelling evidence of wildlife crime through in-depth, intelligence-led investigations with high-level political engagement with governments and law enforcement agencies to put an end to wildlife trafficking.

The objective of the session was to demonstrate how investigative work done by NGOs on transnational crimes can be used as evidence to compel government action. The session featured a presentation of each organization's approach to achieving this goal.
WJC: The WJC takes a truly investigative approach: conducting (undercover) investigation and cooperating with local law enforcement agencies in order to disrupt and help dismantle organized criminal networks involved in transnational wildlife trafficking. The WJC' strategy involves the following steps:

1. Investigative work is done by the WJC to create actionable evidence
2. Engagement with local law enforcement authorities regarding the evidence
3. If there is a positive response, the law enforcement authorities will act upon the evidence -creating a potential for future cooperation

4. If there is no response, pressure on governments – contact local embassies to apply behind the scenes pressure
5. If that doesn't work, public hearing to raise the issue to a panel of influential experts (last resort)

The WJC has had success in recent years taking down large-scale operations. They publish investigative reports and detailed case logs about each case, available here: https://wildlifejustice.org/our-work/

The EJF also uses investigative work, focusing on cases of environmental damage, often linked to other human rights abuses. EJF conducts investigations and records documentary features exposing the environmental and human rights abuses it encounters. It then provides the footage to local news agencies in an attempt to force government action.

Their most successful case has been working with the Thai government to curtail the rise of illegal fishing in the country. Fishing boats are also a vehicle for human trafficking gangs in the region, and EJF has worked with the Thai government to take down these networks.
The EJF also works with the European Union and international suppliers of seafood to provide information on seafood supply chains and supports the EU and international suppliers in their pressure on the Thai Government to eliminate illegal fishing practices.

Both organizations pointed to the fact that without government action, nothing concrete and lasting can happen. To this end, both organizations put an emphasis on to pressure governments into action. Influencing government strategies and priorities, while daunting, is the determining factor. Without local government actors and local government pressure, durable change cannot happen.

However, while local government action is necessary, so too is international collaboration. Both organizations pointed to the fact that their work is a drop in a (literal) ocean of issues. As one of EJF's videos demonstrated, some of the illegal trade they uncovered takes place in the middle of the Indian Ocean, far away from governmental regulation and oversight. In order to bring these networks to justice, local authorities are not enough. Such supply chains cannot exist without the underlying international demand. Therefore, the pressure that EJF puts on the EU and international companies to end illegal fishing and poaching is essential.

Digital Identity: Helping Redefine Access to Justice

Date: May 1, 2019 15:30 - 17:00
Coordinated By: InternetBar.org Institute

Speakers:
- Jeff Aresty, Founder (InternetBar.org)
- Scott Cooper, VP, ANSI (retired)
- Daniel Rainey, Member of the Board of Directors (InternetBar.org)
- Donald R. Rawlins, Principal (Rawlins LLC)
- Kristina Yasuda, Director of Digital Identities (InternetBar.org)
- Manreet Nijjar, Co-founder (Truu)
- Tey Al-Rjula, CEO and Founder (Tykn.tech)

Brief Session Overview:
The Invisibles is the first digital identity project that focuses on the standards needed to facilitate the scaling of digital identity projects beyond local populations. This session presented and gathered feedback on: case studies where secure, trusted digital identities for doctors in the UK and refugees in the Middle East have been built; proposed standards for creation, verification, and use of standards for creating digital identities for disenfranchised populations; and an expanded vision of access to justice in the digital age. Speakers emphasized that it is critical that access to justice be understood as more than just access to courts and formal legal systems, but also include access to basic human rights related to identity: the right to exist, the right to control one's identity, and the right to have access to opportunity The session highlighted a number of methods to improve the provision of digital identity including creating a standardized system, using vaccination records, and leveraging a distributed multi-organizational approach.

Full Session Summary:
To achieve access to justice, one of the first steps is to be recognized. Mr. Daniel Rainey started this session by stating that we must understand access to justice as more than just access to the courts and formal legal systems. Access to justice includes access to basic human rights related to identity: the right to exist, the right to control one's identity, and the right to have access to opportunity. During this session, speakers presented their research and initiatives to understand, make visible and change the realities of people who lack identities and therefore lack access to justice and human rights. The session also considered how to control our digital identities and how to use them to improve access to opportunities. The objective of these projects is to build a long-term approach to producing international standards that are recognized around the world.

"The invisibles" (i.e. refugees lacking identification), suffer unnecessarily because their papers were either destroyed during conflict or they have fled their homeland and left them behind. Not just birth certificates or passports, but educational degrees and diplomas. In this sense, they have 'frozen capital' and lack a means to convert this capital into value. Even if their basic needs are being met (bread, bath, bed) in camps, their lives stagnate while they wait on decisions regarding citizenship and access to work or education. Living in limbo is obviously detrimental to their mental health and is avoidable. Mr Rainey sees the need for a long-term approach to create international standards, with a focus on a humane process that offers safe, secure and respectful treatment, in which a digital identity system is created that can be used by all.

Mr Cooper recognises the need to help refugees help themselves. In order to facilitate this and allow them to work and look after their own families, we first need to standardize how states process refugees. Often refugees are held up *en route* to somewhere else, displaced and stateless, belonging to the world but not to any particular nation.

Mr Cooper stated that the World Trade Organisation uses safety standard criteria as a means of excluding trade or prohibiting products which do not meet certification criteria. He mentioned various ISO's related to quality management, worker safety, global supply chains, anti-bribery, and anti-corruption and stressed that laws need to both reflect and enable these standards in order to help unfreeze the frozen capital necessary to refugees creating a decent livelihood.

Mr Rawlins referred to nation states as the customers for identification, as it is the nation states who ultimately decide who receives identification. Identity registries were historically dominated by paper registries. Today there are different types of identifications, the most common being the credit card sized plastic cards with magnetic strips or electronic chips. The United States uses standardized driving licenses. The EU uses a chip that is recognized in all the countries, as well as MERCOSUR. India has paper IDs with a QR code that can be scanned to identify the person and link it to one of the biggest biometric databases in the world, containing more than one billion entries. Some systems are integrated with credit cards and medical records. However, examples of cultural limits to identification cards also exist. Similarly, in some countries, women are not permitted to independently apply for passports, which affects families and children. Having some kind of standardised system could help address these issues.

Tey Al Rjula then introduced himself as the invisible man. His Dutch ID card says 'onbekend' (unknown) by place of birth even though his place of birth is Kuwait, where during the Gulf War all his documents were destroyed. He does not have the certificate he was issued at birth. He emphasised that 290 million children under the age of 5 are without a birth certificate. He was allowed to stay in the Netherlands by applying for citizenship as a refugee. And, unlike many other refugees, Tey waited only 2 years for his citizenship to be processed, rather than the expected five years. While he is grateful, two years of his life were spent in limbo. Many young people in refugee camps find themselves in a similar position, and, in addition to being excluded from education and health opportunities, often fall prey to human traffickers.

A more efficient and effective means of personal registration would remove some of the risks these people face. Mr. Al Rjula created a start-up aiming to use emerging technologies to tackle the lack of technology and infrastructure for issuing ID. His insight was that progress can be made to reduce the number of invisible children through the use of vaccination records. Vaccinations have a penetration rate among children of 95% in the world (even in Zambia the penetration rate is 93% while only 10% of children have a birth certificate). If we have a digital vaccine record, we can issue a free birth notice. We could have a basis to start a proper process to give them birth certificates.

Dr. Manreet Nijjar was a senior doctor of infectious diseases in the National Health Service (free health care service in the UK) when he had suspicions that some of his colleagues had used fraudulent documents in order to secure employment as doctors and specialists within this health care service. He reported this but nothing happened. He started doing some research on digital identity systems that could be used for the verification of credentials. He is convinced that trust is essential.

He felt that if governing bodies like the British Medical Association had approved and registered a doctor's credentials in a digital registration system, this would be a trusted authority. He stressed that we should take a 'distributed multi-organizational approach' to join up trusted authorities, decentralising control and giving it back to the individual instead of old, centralized systems. Decentralisation is important given that we know it can be safer. Whenever we keep sensitive information in one place, it becomes a target for hackers. Mr. Al Rjula offered an example of how leaked information surrounding the identity of refugees could be potentially dangerous given that many of them have fled due a risk of genocide.

Kristina Yasuda then spoke about 'Peace Tones', which helps 'copyright' music produced by artists so any royalties are paid to them. She mentioned that, until now, musicians have been losing rights to their works and are being exploited. She stated that there has been a paradigm shift in how we look at digital identity and that we need to adopt a bottom up approach. The idea is to tie the music's intellectual property rights to the digital identity of the person. This would help people in countries where the copyright process is complicated and difficult.

During Q&A, both Mr. Al Rjula and Dr. Nijjar were asked what they thought of blockchain technology. Dr. Nijjar stated that it was one of five technologies he uses and stressed its positive use in conjunction with other tools. Mr. Al Rjula was very enthusiastic and felt that if we could apply a digital signature to block chain technology, it would be very powerful.

Diverse Pathways to Everyday Justice: Leveraging Customary and Informal Systems in Realizing Justice for All

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Cordaid

Speakers:
- Rea Adaba Chiongson, Senior Legal Advisor on Gender (International Development Law Organization)
- Pilar Domingo, Senior Research Fellow (Overseas Development Institute (United Kingdom))
- Lisa Denney
- Arezo Mirzad, Programme Manager Security & Justice (Cordaid Afghanistan)
- Enid Mutoni, Regional Programme Manager - Africa (International Development Law Organization)

Brief Session Overview:
Customary and informal justice systems provide vital pathways to everyday justice, and are essential to fulfilling the promise of justice for all reflected in SDG16. Discussion focused on how efforts to achieve SDG16 can engage with the opportunities and challenges associated with justice pluralism. There is no possibility of realizing this ambitious goal of justice for all by 2030 without considering, and carefully evaluating, the vital role of customary and informal justice systems. Customary and informal systems present unique advantages. These systems are the only dispute resolution fora available in some communities, and therefore allow people to seek justice when they would otherwise be excluded entirely. These systems often have high levels of use and acceptance in the communities that they serve because they are geographically closer, faster to resolve disputes, trusted more than formal court-based systems, more cost effective to use, and are more familiar in terms of linguistic and cultural relevancy. Yet, all justice systems—whether formal or informal—have shortcomings. Therefore, it is particularly important to consider how informal systems treat vulnerable and marginalized groups within their respective communities. Ultimately, improving outcomes should be the goal when engaging the complexities of legal pluralism and customary systems.

Full Session Summary:
The United Nations Sustainable Development Goals (SDGs) outline 17 broad global targets intended to guide development policies toward a vision of a "just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met" by 2030. While justice is a core thread throughout the 2030 Agenda for Sustainable Development, target 16.3 specifically recognizes the importance of access to justice for all in the process of promoting peaceful and inclusive societies where accountable and inclusive institutions govern at all levels around the world.

There is no possibility of realizing this ambitious goal of justice for all by 2030 without considering, and carefully evaluating, the vital role of customary and informal justice systems. In this session, experts from Cordaid, ODI, and IDLO discussed the unique advantages and risks posed by informal justice systems and highlighted key considerations for engaging with informal systems based on their experiences working to advance access to justice for all.

Highlights

Customary and informal justice systems take many forms. In Africa, these systems frequently include traditional and religious leaders outside of court-based systems as well as local counsels excluded from "mainstream" justice institutions. In Latin America, informal justice systems are seen as coexisting governance structures that govern indigenous communities. These systems are more proximate to the communities who use them, but community forms of indigenous justice have even been used to inform justice processes in urban areas. In Afghanistan, most of the population relies on informal justice mechanisms, which most commonly take the form of *shura* and *jirga* dispute resolution bodies within the country. These informal mechanisms are not only used to adjudicate common interpersonal disputes, but are also routinely used to settle a number of government issues.

All justice systems—whether formal or informal—have shortcomings. Meeting the global goal of access to justice for all entails identifying and addressing the shortcomings in customary systems. In light of the fact that these systems are often the most accessible dispute resolution option, it is particularly important to consider how informal systems treat vulnerable and marginalized groups within their respective communities. For example, while women can access *shuras* in Afghanistan, they still face substantial documentation hurdles for issues related to property disputes. Some informal systems reinforce outcomes that are harmful, including the practices of female genital mutilation (FGM) and forced marriage. Informal systems are also often viewed as being entrenched in tradition and slow to change, with many drawing criticism for their lack of an appeal process and exclusion of youth, women, and vulnerable groups.

Despite these shortcomings, customary and informal systems present unique advantages. These systems are the only dispute resolution fora available in some communities, and therefore allow people to seek justice when they would otherwise be excluded entirely. These systems often have high levels of use and acceptance in the communities that they serve because they are geographically closer, faster to resolve disputes, trusted more than formal court-based systems, more cost effective to use, and are more familiar in terms of linguistic and cultural relevancy. Some informal systems are dynamic and flexible, but even those systems that are slow to change can still adapt and change over time.

Improving outcomes should be the goal when engaging the complexities of legal pluralism and customary systems. It is important to consider the question "what is justice?" with an open mind and acknowledge that the answer varies widely and will impact the structure of the informal systems that are observed. With customary systems, you are not only engaging with justice but with customs, norms, power structures, and other interests. To facilitate change in this reality it is necessary to frame conversations around what the community wants and needs and how the actions of the customary system might be impeding that. To harness informal systems to bridge the justice gap, it is imperative to explore interfaces and try to determine what sort of relationship formal and informal systems can have, to empower justice seekers to enhance the demand for justice and options available for accessing justice, and to identify potential reforms in informal systems.

Evidence-Based Family Justice

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Hague Institute for Innovation of Law (HiiL)

Speakers:
- Maurits Barendrecht, Research Director (Hague Institute for Innovation of Law)
- John-Paul Boyd, Principal (John-Paul Boyd Arbitration Chambers)
- Brittany Kauffman, Senior Director (Institute for the Advancement of the American Legal System)

Brief Session Overview:
Family justice issues are among the top legal problems that must be solved through people centered, evidence based approaches. But how to implement this mantra? During this session, family justice experts reflected on recommendations for parents and justice workers who have to deal with justice issues around separation/divorce. Speakers emphasized that the evidence collected for evidence-based approaches should focus on outcomes, and that practitioners should leverage interdisciplinary approaches to family justice. Speakers also flagged the need to stop investing in solutions that do not work and focus on methods that have proven to be more effective, but recognized that this requires making administrative changes that would facilitate practitioners' ability to put evidence-based findings into practice. Looking ahead, Speakers agreed that more evidence was needed to develop policies and put findings into practice to ensure better justice outcomes.

Full Session Summary:
Hosted at the Hague Humanity Lab, this session looked at the concept of evidence based, people centered approaches to family justice, which may be applicable to other areas of the justice system.

Brittany Kauffman of the Institute for the Advancement of the American Legal System shared her experience on models for designing and scaling non-adversarial family justice proceedings. She made the case for evidence-based approaches, especially focusing on the outcomes and applying knowledge from other disciplines to find what works best for delivering justice in a family setting.

Kristen Hope of Terres des Hommes reflected on the importance of children as agents in decision-making processes. She emphasized the value of interdisciplinary approaches to family justice and the combination of international evidence and local, community-based practices.

John-Paul Boyd, who had practiced family law for many years and now works in research in family law, was able to offer his experience. He talked about a profound crisis of access to justice in Canada, citing the low level of spending on family justice compared to criminal justice, and individuals' lack of consistent legal representation from start to finish of the process. He also characterized the problem of family justice as being complicated, and would like to be able to give parents a set list of options for their situations, and use alternative dispute resolution mechanisms as an alternative to deliberating cases in court. He suggested putting the best interests of the children as a good place to start when reforming the system.

Participants agreed that mediation and conciliation should be attempted before going to a judge. Litigation was found to be the least effective, most expensive, and most harmful to those involved – but the Canadian justice system is currently structured to funnel disputes through this mechanism. John-Paul argued that it

was important to stop investing in solutions such as this that do not work, and begin to focus on methods that have proven to be more effective.

They also agreed that more evidence was needed to develop policies and put findings into practice to ensure better justice outcomes. One of the most significant barriers to implementing evidence-based policy were restrictive rules and barriers. For example, in the United States, in some state systems there must be a court hearing on every divorce case, even when the parties are in complete agreement. It is important to shift away from the entrenched court-based system when alternative methods of achieving family justice. Unless there is evidence that a party is being coerced into agreement, this approach seems paternalistic – thus administrative changes need to be made in order to put evidence-based findings into practice.

John-Paul Boyd explained that data suggests that current configurations of justice systems do not invest in what works. In fact, they tend to perpetuate certain practices that are known not to work, for example: language in legislation which is adversarial instead of promoting mediation and arbitration. There is a need to identify levers capable of shifting existing paradigms and to demonstrate their cost effectiveness.

During the session HiiL presented the Family Justice Catalogue Uganda; an evidence-based guideline that aims to help people and professionals who are dealing with family conflicts to reach solutions. The participants expressed the importance of including recommendations on the mediation process in the guideline. Participants also raised the question as to how western research applies in the context of non-secular, religious family justice. Furthermore, one family judge indicated that guidelines containing interdisciplinary knowledge could help judges in their daily work, because the tools that judges have to support them in their decision-making are limited. The participants also focused on the evidence and the importance of defining 'what works' for people. Evidence can be used as leverage in order to break the barriers of convincing practitioners and decision-makers.

The Hague Rules: Improving International Dispute Resolution in the Field of Business and Human Rights

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Center for International Legal Cooperation (CILC)

Speakers:
- Ashwita Ambast, Legal Counsel, Permanent Court of Arbitration (PCA)
- Jan Eijsbouts, Professor of Corporate Social Responsibility and Professorial Fellow (Institute for Corporate Law, Governance and Innovation Policies at the Faculty of Law, Maastricht University)
- Abiola Makinwa, Senior Lecturer in Commercial Law (The Hague University of Applied Sciences)
- Giorgia Sangiuolo, Academic Coordinator (King's College London)
- Martijn Scheltema, Partner (Pels Rijcken & Droogleever Fortuijn)

Brief Session Overview:
A deficiency in global law is the gap in legal remedies available to those affected by transnational enterprises. The creation of the Hague Rules on Business and Human Rights Arbitration intends to help close this gap. This session discussed the utility of international dispute resolution in the field of business and human rights and the viability of the Hague Rules to enable businesses and people to resolve their disputes in a consensual and legally binding way. The session highlighted that an arbitration solution to this specific aspect of the justice gap may be attractive to both corporations and victims due to its properties of neutrality, enforceability of cross border arbitral awards, and procedural flexibility of both the applicable law and the process. The main challenge, on the other hand, is that arbitration is a voluntary, consent-based process. Among the central issues under consideration for the continued development of the Hague Rules are the four key areas of consent, composition, confidentiality, and cost.

Full Session Summary:
In April 2013, the [Rana Plaza garment factory](#) in Bangladesh collapsed killing over 1,130 workers and injuring more than 2,500. Investigations into the collapse identified regulatory and worker safety compliance issues as important contributing factors to the building's collapse and the resulting deaths. The aftermath of the incident underscored a significant deficiency in global law and access to justice, in particular by highlighting a gap in legal remedies available to those affected by transnational enterprises.

There are several reasons for the business and human rights accountability gap. Multinational enterprises are not a single legal entity and not subject to a single global legal system. Multinationals are organized around one brand and one profit, but have only limited liability. Moreover, they possess rights but no duties under international law. In general, States are unable or unwilling to hold multinationals accountable, and as a result, the market is an ineffective accountability mechanism. Likewise, judicial remedies are still underdeveloped, with national law scattered and negotiations for an international treaty only in initial stages.

At the same time, in 2011 the UN Human Rights Council unanimously endorsed the [UN Guiding Principles on Business and Human Rights](#), which is considered to be the authoritative global statement on state and corporate accountability for human rights. The principles rest on three pillars: a treaty based duty of the State to protect human rights, corporate responsibility to respect human rights, and access to remedy for those whose rights are violated. The third pillar, access to remedy, however, remains inadequately

implemented. What is clearly lacking is an adjudicative, legally binding system for multinationals and victims.

The creation of the [Hague Rules on Business and Human Rights Arbitration](#) seeks to help close this accountability gap and provide access to remedy to hold businesses accountable for human rights violations. An arbitration solution to this specific aspect of the justice gap may be attractive to both corporations and victims due to its properties of neutrality, enforceability of cross border arbitral awards, and procedural flexibility of both the applicable law and the process. The main challenge, on the other hand, is that arbitration is a voluntary, consent-based process.

To examine these issues and the role arbitration can play in addressing international dispute resolution in the field of business and human rights (BHR), the Business and Human Rights Arbitration Working Group developed the working paper "[Elements for Consideration in Draft Arbitral Rules, Model Clauses, and other aspects of the Arbitral Process](#)."

Among the central issues under consideration for the development of the Hague Rules are the four key areas of **consent**, **composition**, **confidentiality**, and **cost**. The principal points of discussion, recommendations, and the path forward for this session focused on these four areas.

Consent was considered first. Consent is the bedrock of any arbitration. For arbitration to take place at all, both parties must first agree to proceed with arbitration and also agree on the various parameters that will govern the arbitration. A key takeaway from the experience of the arbitration action under the Bangladesh Accord is that <u>any underlying arbitration agreement and rules aimed at BHR disputes should be clear on the basic parameters that will govern the arbitration, including the seat of the arbitration, the applicable law, the appointing authority, and the administering institution.</u>

Additionally, three types of disputes were identified as fitting for arbitration:
1. Disputes between victims and corporations, based on the latter's alleged human rights violations.
2. Disputes between a corporation and one of its business partners, arising from the latter's breaches of its contractual obligations to respect human rights (e.g. suppliers in a supply chain), and
3. Disputes between victims of human rights violations and a corporation, where victims may rely on an intra-businesses arbitration clause granting them the third-party beneficiary right to autonomously litigate against one of the stipulating business parties.

Various legal ramifications connected to each of the three categories were discussed, such as whether the underlying legal basis for the case would be tort or contract based, and the reasons for the parties to consent to arbitration. For multinationals, in addition to accepting their corporate responsibility to respect human rights, which includes allowing access to remedy, a key motivation could be the governance-based incentive of increased control over the proceedings. For example by being better in control of the appointment of the arbitrator and agreement with the claimants on the applicable procedural and substantive law rules.

For victims of alleged human rights violations by the multinational, the incentive could be the availability of a consensual procedure with an international and enforceable binding outcome rather than a contentious and protracted litigation.

Next, the **composition** of a tribunal was considered. The process for parties to agree on a presiding arbitrator can be fraught and result in "unicorn chasing" — the practice of requesting an arbitrator with highly specific experience and characteristics. A key question for the future of the Hague Rules is whether it would be appropriate to have pre-established panels of arbitrators with experience in BHR that would be available to be appointed when cases arise. However, a lingering question was if such panels should exist, how should they be managed?

It was also considered whether there should be a default principle of party autonomy in the appointment of arbitrators to BHR disputes. In regards to this question, the consensus was that control of the proceedings was important. Parties should have control over the appointment of arbitrators as well as over the way proceedings move forward.

The session also considered what specific qualifications should be required to serve as a business and human rights arbitrator? Three opinions were identified. First, in some circumstances an arbitrator may not need legal knowledge. Examples exist where non-lawyers are able to adjudicate disputes justly. Second, in the case of a sole arbitrator, legal knowledge may be a prerequisite to serve as an arbitrator, but if disputes were to be decided by a panel there may be greater scope for diversity of expertise, particularly non-legal expertise. The third opinion stated that legal knowledge was a prerequisite, particularly considering the high financial stakes so often present in business and human rights disputes.

In terms of qualifications, one issue flagged was that BHR is such a broad area that even if it were decided that a BHR background was desirable, it is unclear what that might concretely mean. For example, someone who knows about pollution law may know nothing about construction law. In this sense, it is important for parties to have some degree of freedom to appoint arbitrators.

Third, participants considered **confidentiality**. How can the tradeoff between confidentiality and the public interest aspects of human rights abuses be properly balanced? On one hand, it was noted that from a practical perspective, it may be confidentiality or nothing. Arbitration is often selected specifically for its guarantee of confidentiality. A lack of confidentiality may in practice result in a lack of consent from multinationals. From a different perspective, it was noted that BHR arbitration involves broader interests than those of the parties involved. There is an important public function served by BHR arbitration through the establishment of accountability.

The issue of transparency was also considered. The advantage of transparency is that it acts as a deterrent. Transparency also serves both parties through improved optics of the proceedings. In this regard, it was recommended that, at a minimum, there should be some publication following the arbitration and that parties should agree to what will be presented as a settlement to the public. Public hearings, on the other hand, were not considered to be a necessary element. Ultimately, transparency should be encouraged as a rule, but with some flexibility to account for the characteristics of particular disputes.

The final area considered was **cost**. Arbitration has a reputation as being expensive. For BHR arbitration to be a practical method of dispute resolution, it must be financially accessible. A few different types of solutions were mentioned. The first was a legal aid litigation fund funded by deducting a percentage of every arbitral award. Another solution proposed was the implementation of legislation to oblige companies to fund a social welfare fund administered by a government. The third solution was the continued

establishment of multi stakeholder agreements similar to the Bangladesh Accord, which would include financial contributions to an arbitration fund as part of the conditions for joining the agreement.

Several additional questions were posed in the context of cost, including:
- Whether a method of "mediation first" could be built into arbitration procedures?
- Could the use of a sole arbitrator help reduce costs?
- Could paper only proceedings, where there are no hearings or direct examination of witnesses, but instead decisions are made by paper submissions of the parties be less expensive?
- Could BHR arbitration use technology, including video conferencing and telephone calls more effectively?

Measuring Civil Justice to Improve Outcomes: Evolving Global and National Strategies

Date: May 1, 2019 15:30 - 17:00
Coordinated By: World Justice Project, Organization for Economic Cooperation and Development, Open Society Justice Initiative, International Development Law Organization

Speakers:
- Peter Chapman, Senior Policy Officer (Open Society Justice Initiative)
- Solly Molayi, Statistician and Director in the Social Statistics Chief Directorate (Statistics South Africa)
- Zaza Namoradze, Director, Berlin Office (OSJI)
- Erwin Natosmal, Deputy Director (Indonesian Legal Roundtable)
- Alejandro Ponce, Chief Research Officer (World Justice Project)
- Tatyana Teplova, Senior Counselor (Organization for Economic Cooperation and Development)

Brief Session Overview:
This session explored ways to advance the collection, analysis and programmatic use of people-centered data, indicators, and measurement tools that capture the legal needs and paths to justice of citizens and businesses. The session discussed strategies to produce accurate diagnostics of the challenges and opportunities around effective access to justice, and helped identify issues that could be addressed by public policies. To this end, the session drew on the experiences of various countries to illustrate opportunities, challenges, and lessons learned arising from the implementation of legal needs surveys, use of administrative case data and other data collection exercises, and featured various resources including the newly released Organization for Economic Cooperation and Development and Open Society Justice publication Legal Needs Surveys and Access to Justice. Key recommendations include:
- Frame data collected by the government as a public good that should be used by academia and civil society, and involve civil society in the development of survey instruments and tabulation plans. This ensures that government data does not lose its edge as a tool for advocacy and activism.
- Focus on measuring justice dispensed outside of courtrooms. We know that only 5-10% of people's legal problems end up in courts.
- Use the OECD and OSJI methodological guidance on legal needs surveys and forthcoming Praia City Handbook as tools for your efforts to design measurement tools on access to civil justice.
- Stay tuned regarding a proposed indicator on civil justice for SDG target 16.3.

Full Session Summary:
The Sustainable Development Goals call on states to "ensure equal access to justice for all" and this target has helped to catalyze efforts to improve and strengthen strategies to measure and develop indicators on access to civil justice—the most frequent and often most pressing justice problems people face. The session was guided by the following questions:
- What are people-centered data collection efforts? What are their characteristics, advantages, and limitations?
- What are the experiences of various governmental and non-governmental stakeholders in advocating for, collecting, and using these types of data? What have been the main successes and

failures or opportunities and challenges, and how have they been overcome? (e.g. The experiences of Argentina, Colombia, Indonesia, Kenya, Moldova, Mongolia, and South Africa among others.)

- What are the most useful and innovative resources, guidelines, toolkits, surveys, and pilot initiatives that could help practitioners interested in gathering these types of data? Are there alternative (and less expensive) ways to collect this information?

- What are some of the most interesting opportunities offered by the Sustainable Development Goals, including the possibility of proposing a new indicator on access to civil justice under Target 16.3 that could be used by countries in their VNR processes, as well as the guidance to National Statistical Agencies in the chapter on Access to Justice developed by the members of the Praia Group on Governance Statistics?

Country Presentations:

- **Indonesia** (Indonesian Legal Roundtable)**:** In 2011, the Indonesian government passed a legal aid law that gave the Ministry of Development (Bappenas) the mandate to implement policies that improve access to justice and to design a tool that allowed it to measure its progress. Bappenas and the Indonesian Legal Roundtable conducted a literature review and reviewed other measurement frameworks – such as those used by the WJP and HiiL – to design a framework for its Access to Justice Index. Their Index uses a definition of access to justice concerned with the public's ability to protect their rights and resolve their legal problems – through formal or informal mechanisms processes – in compliance with human rights standards. The measurement framework for the Index is structured around three pillars: 1) injustice/legal problems; 2) mechanisms for obtaining justice; and 3) capability. The Index will draw on public surveys, administrative data, expert surveys, and observational data.

- **Argentina** (Argentine Ministry of Justice): Three years ago, the Ministry of Justice shifted towards a people-centered and evidence-based approach for legal aid and access to justice policy. This required the creation of new measurement tools, and a legal needs survey was the perfect one. The data collected from the first legal needs survey was a key tool for interactions with key actors in bar associations and academic institutions, and for conversations with other ministries, such as the Human Development Ministry and Social Protection Ministry. One of the key findings from the first wave of data collection is that men and women have the same incidence of legal problems, but differences in the clustering of the most common problems. The government is currently preparing for the second wave of the study and plans to administer the survey every three years moving forward.

- **South Africa – Legal Needs Survey** (Stats SA): Stats SA wanted to create a single data source that would allow them to collect data on all of the governance indicators they need for the SDGs, their national action plans, and SADC and BRICS governance frameworks as well. They mapped 17 datasets to a framework focused on five themes: 1) legitimacy, voice, and equity; 2) direction and leadership; 3) government effectiveness and performance; 4) rule of law; and 5) accountability,

transparency, and absence of corruption. Stats SA also re-engineered their victimization survey to include a module on legal needs and access to justice, which was administered to 30,000 households in all nine provinces. Data collection is complete, and analysis is underway. This will feed into the voluntary national review (VNR) process and will result in a report on the state of access to justice in South Africa.

- **South Africa – Community-Based Administrative Data** (CCJA South Africa): In 2011, community advice offices' electronic case management systems were upgraded to allow for the tracking of case progress, linking of family and individual cases, and collecting data on case outcomes and the amount of time spent on each case. Paper records are still kept to verify information in the electronic database. This required paralegal training, and entering this data was seen as tedious for paralegals who wanted to focus on day-to-day service delivery. However, it gave paralegals control over data collection, allowed them to fundraise for their offices, and analyze trends in services over the course of the year. This system also allows for tracking program goals on the duration of cases, how many people are being served, and costs, and for a broader cost-benefit analysis on the work of paralegals. The ultimate finding is that community-based justice systems do deliver justice and help people meet their needs, especially those who do not go to formal institutions. This type of work is underfunded and understudied, however.

Global Efforts

- **OECD & OSJI Methodological Guidance**: The OECD and OSJI undertook a global consultation process to develop methodological guidance for countries conducting legal needs surveys that builds on legal needs surveys previously conducted in more than 25 countries. It delves into the essential elements of legal needs surveys, the taxonomy of types of legal problems and legal institutions, and proposed questions on problem outcomes and impact. It includes a sample long-form questionnaire and a short-form survey module that can be integrated into other household surveys, and it can be used by type of institution running surveys. Despite being an economic organization, the OECD engaged in this process because they believe that justice matters for development, inclusive growth, and people's well-being, and wanted to make shift towards people-centered service delivery.

- **Praia City Handbook on Governance Statistics**: In 2015, the UN Statistical Commission created a volunteer group (the Praia City Group) to create a handbook to help governments measure various aspects of governance. There was debate over whether justice should be included and how it should be framed, and in 2018, the Praia City Group agreed to create a standalone chapter on "Access to and Quality of Justice," which will be authored by UNODC, the OECD, and OSJI and drafted by Professor Pascoe Pleasence. The chapter covers both criminal and civil justice, and had to rely on non-technical language that could be easily understood by national statistical offices (NSOs). This meant elaborating what "access to justice" means in clear terms that can be communicated to many stakeholders, and defining the central dimensions and sub-dimensions of access to justice. The

group working on this chapter also evaluated relevant data sources, including surveys, and how they can be used to generate indicators that capture the key problems and progress against current and future agendas.

- **Civil Justice Indicator for SDG Target 16.3**. The OECD, OSJI, UNDP, and WJP are working to propose an SDG indicator access to civil justice. Existing indicators for target 16.3 look only at criminal justice (crime reporting and pre-trial detention), and we know that only 5-10% of problems end up in courts. In 2017, the IAEG agreed that the current criminal justice indicators were not enough and put a placeholder on access to civil justice in the indicator framework, but did not provide further guidance on a potential civil justice indicator. Legal needs surveys provide an opportunity to assess access to civil justice more holistically and develop a people-centered measure for the SDGs. Over the course of the rest of the year, the IAEG is going to assess indicators across all of the SDGs, and his provides a participatory process and space for us to elevate the work that is being done to advance and measure access to civil justice.

Recommendations:
- Frame data collected by the government as a public good that should be used by academia and civil society, and involve civil society in the development of survey instruments and tabulation plans. This ensures that government data does not lose its edge as a tool for advocacy and activism.
- Focus on measuring justice dispensed outside of courtrooms. We know that only 5-10% of people's legal problems end up in courts.
- Use the OECD and OSJI methodological guidance on legal needs surveys and forthcoming Praia City Handbook as tools for your efforts to design measurement tools on access to civil justice.
- Stay tuned regarding a proposed indicator on civil justice for SDG target 16.3.

Securing Communication Channels from Metadata Risks for Vulnerable Actors

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Leiden University Centre for Innovation

Speakers:
- Thomas Baar, Project Lead (Leiden University Centre for Innovation)
- Joanna van der Merwe, Data Protection Officer (Leiden University Centre for Innovation)
- Josje Spierings, Project Leader (Leiden University Centre for Innovation)

Brief Session Overview:
Digital trails could endanger people and organizations in various high-risk contexts. This session provided an overview of a data responsibility framework, the risks surrounding the use of communication channels with regards to metadata, and explored practical mitigation strategies. By addressing case studies involving whistleblowers, human rights activists, journalists and aid workers, the session encouraged attendees to ask relevant questions and take home answers for their own organizations.The session concluded with three key points. First, was a call to action, encouraging humanitarian organizations to avoid abstract discussions about metadata, but to engage at the ground level and produce tangible outcomes. Second, was to highlight that threat models are constantly changing and it is important for organizations to frequently re-evaluate the risks they are exposed to and reexamine their data responsibility framework. Finally, the Centre for Innovation presented an assessment framework for assessing metadata risks of messaging platforms. They underscored how important it is for organizations to better understand how metadata is collected and stored by platforms and be aware of the risks associated with using social messaging platforms.

Full Session Summary:
Digital trails could endanger people and organizations in various high-risk contexts. Many times when discussing data risks and responsibility, the focus is on the legal dimension. However, The Centre for Innovation at Leiden University views data responsibility through a broader lens, emphasizing putting people first when working with data and technology. The Centre defines the following elements as part of an organization's data responsibility: ethics, technology (the technology itself, as well as how it's used), legal (requirements and regulations), governance (policies and frameworks), process (how to align, both formal and informal, processes with good governance and legal compliance), people (capacity of employees to work responsibly with data), and network (maintaining a strong network for shared learning in a constantly evolving field).

This session focused on the risks surrounding the use of communication channels with regards to metadata and practical mitigation strategies. Metadata is the data that is generated about, or describes, other data. When sending a text message, the timestamp, sender location, and cell tower used to send the text, are examples of metadata. Metadata can be divided into three groups: volunteer data (data an individual knows they are generating), behavioural data (data an individual does not necessarily know they are generating while interacting with the digital world), and other data (e.g. what other websites one may be accessing through use of a specific software, website, or server). Metadata can be used for targeted advertising, optimized searches, service delivery, and management of data. However, metadata can also expose individuals to serious risks. Gathering enough metadata on an individual can render actual data

content superfluous. According to Michael Hayden, former director of the CIA, the US government is able to target and kill individuals based on their metadata.

The Centre presented three case studies involving organizations that work on establishing secure communication channels for whistle-blowers, collecting data to counter violent extremism, and broadcasting Persian-language journalism to Iranian audiences, in order to identify metadata risk and potential mitigation strategies for humanitarian organizations. Based on the case studies, participants identified instances of metadata that could expose individuals and organizations to risks. The examples they observed included the location data from accessing online servers to store data, security of data on employee devices (such as tablets, laptops, etc.), cell tower transmissions even if a device is not actively transmitting data, information generated when accessing podcasts or other broadcasting services online, and email and login metadata collected by larger platforms. Potential mitigation strategies based on the data responsibility framework discussed include: end-to-end encryption on devices, the ability to remote wipe devices, and using more secure channels of communication (like Telegram or Signal) for technology (that collect less data in general), properly training employees on technological risk and improving technological literacy for people, and conducting an external security audit of organizations and establishing a technological advisory committee for governance.

The session concluded with three key points from the Centre for Innovation. First, was a call to action, encouraging humanitarian organizations to avoid abstract discussions about metadata, but to engage at the ground level and produce tangible outcomes. Second, was to highlight that threat models are constantly changing and it is important for organizations to frequently re-evaluate the risks they are exposed to and reexamine their data responsibility framework. Finally, the Centre for Innovation presented an assessment framework for assessing metadata risks of messaging platforms. They underscored how important it is for organizations to better understand how metadata is collected and stored by platforms and be aware of the risks associated with using social messaging platforms.

<u>**Using Microjustice4All's Legal Empowerment Method & Legal Inclusion Mapping Method to Support SDG16**</u>

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Microjustice4All

Speakers:
- Patricia van Nispen tot Sevenaer, Director (Microjustice4All)

Brief Session Overview:
This session presented the Microjustice4All legal empowerment and legal inclusion mapping methods as country specific tools to support the implementation of SDG16. These tools work by identifying legally excluded groups, their level of vulnerability, and the legal problems that must be solved to promote empowerment. Participants were instructed on how to start a legal inclusion mapping projects and sustainable legal empowerment programs to help map and meet the basic daily legal needs of marginalized groups in their own countries.

Full Session Summary:
The session presented Microjustice4All's (MJ4All) legal empowerment and legal inclusion mapping methods as country-specific tools to support the implementation of SDG16. These tools work by identifying legally excluded groups, their level of vulnerability, and the legal problems that must be solved to promote their empowerment.

The session began with the introduction of the legal empowerment method that Microjustice4All utilizes. MJ4All focuses on non-litigious private and administrative legal matters. MJ4All offers practical, legal solutions which often takes the form of a legal document, such as:

- Civil documents
- Documents relating to property and housing
- Documents and issues relating to income-generating activities
- Documents and issues relating to family law and inheritance matters
- Documents and issues relevant to the specific geographic context

MJ4All has developed a method to address the basic legal needs outlined above which can be described as follows the provision of standardized legal services to marginalized target groups with a view to their social, economic and political inclusion; while undertaking bottom-up institutional capacity-building, and building a bridge between the people and their government in a cost-efficient and sustainable way that can be scaled up.

The session then presented a chart detailing the high-level legal empowerment program process. See below:

	Business Case	Distribution	Marketing	Product development	HR/Social/support
1	Write business case	Logistical plan	Write strategy	Choose Products	
2					Setup core team
3				Develop products	
4				Develop service portfolio	
5		Setup distribution network		Product testing	
6				Analyse findings & improve	Setup ICT systems
			Start marketing		Instruct/train service providers
7	Go live Stage 1: Pilot				
8	Evaluation				
9	Adjust pricing	Expand network	Analyse findings	Improve products	Implement changes & Expand network
10	Go live Stage 2: sustainability				
11	Evaluation				
12	Implement findings/make adjustments				
13	Handover				
14	Go live stage 3: Independent				

The session then presented a legal inclusion indicator framework for the mappings of the situation of legal inclusion in a country. MJ4All defines legal inclusion as the ease of interaction between the agents of legal interactions by mapping the legal inclusion capacity of the state, citizens, and legal assistance mechanisms.

The Legal Inclusion Indicator framework is available here:
http://microjustice4all.org/mj4all/index.php/programs/limp.

The session then presented the research questions to guide one's legal inclusion mapping exercise.

The following questions were presented to the participants:
- What are the access to justice issues in your country; what basic legal needs do people or specific groups have?
- What groups are vulnerable in your country?
- How is the administrative-legal framework organized in your country?
- What legal service provision is available?
- What activities are currently used to address the access to justice issues and what parties are involved?
- How can the research method of LIM help to address the issues in your country?
- Who is the go-to-contact in your country?

The session ended with an example of how the above frameworks were used by MJ4All to produce an empowerment plan in Kenya.
- The main finding was that a large part of the population is legally excluded due to lack of accessible and affordable quality legal services, especially in rural areas
- Land-related issues are concern number one, with women as the primary excluded group

- The Legal Resources Foundation is the Kenyan partner which is setting up a sustainable infrastructure for legal service provision
- Empowerment Plan developed with LRF:
  - Started with three products: child maintenance, marriage certificate, title deed transfer and tested the products in the field through the field offices of LRF
- Gradually increases the number of services and distribution
- Set up Legal Resources Centres throughout Kenya

What is the Role of Parliaments in Realizing Justice for All?

Date: May 1, 2019 15:30 - 17:00
Coordinated By: Bingham Centre for the Rule of Law

Speakers:
- Margo Andriessen, Member of the Senate of the Netherlands (D66)
- David Hanson, Member (UK House of Commons)
- Murray Hunt, Director (Bingham Centre for the Rule of Law)
- Mart van de Ven, Member of the Senate of the Netherlands and Leader of the Dutch delegation to the Parliamentary Assembly of the Council of Europe (VVD)

Brief Session Overview:
What is the role of parliaments in relation to realizing "justice for all" and the sustainable development goals? What should expert parliamentary committees be doing to ensure that national governments are making progress? The session highlighted best practices from national parliaments, with the help of some parliamentarians active in the field, and participants discussed the development of resources for parliaments on their role in relation to access to justice and SDG16. Speakers emphasized the importance of governing in coalition with others, to reduce partisanship and political influence in addressing the needs of the justice system. It was also recommended that digitalization should not take place on a grand scale at huge expense, but should be implemented in phases as economically as possible.

Full Session Summary:
The question posed to the working group was: what the role of Parliaments is and should be in improving access to justice, with a particular focus on the Parliaments of the Netherlands and the United Kingdom.

Senator Andriessen gave brief background on the role and structure of the Dutch Senate: the Senators work part-time, meeting only on Tuesdays, have no staff, and are charged solely with accepting or rejecting legislation forwarded by the House of Representatives, not with initiating legislation. Senator Andriessen highlighted several significant justice challenges recently faced in the Netherlands. First, she noted the excessively high cost of justice, both for the government because of the expense of running the courts, and for litigants in the form of high court fees. She noted that costs had caused the government to eliminate courts in the provinces, reducing the number from nineteen to ten. Second, she identified the approach to digitalization and modernization of the courts system as a failure because it was excessively expensive – leaving a $60 million budget shortfall – and attempted to take on too much systems change at once. Third, she examined the decision to approve an English-language Commercial Court, which raised issues both of additional cost and elevation of English over Dutch. Senator Andriessen described her role as a parliamentarian in addressing these issues as a careful fact-finder, exploring and understanding the issues through research and interviews with judges and experts on each topic. Her conclusions were that while reducing the number of courts due to cost might narrow access to justice, it left room for more innovative, lower-cost solutions, such as community courts, which are currently being piloted. There was also less need for traditional courts with the growth of mediation. Likewise, through investigation, the Parliament also came to understand that the lack of English-speaking commercial courts meant litigants were seeking justice in the United Kingdom and France, rather than in the Netherlands. The decision to open an English-language court in the Netherlands in January 2019 -- though not without potential pitfalls, including questions about the independence of judges – means more commercial justice will be meted out in-

country, at a lower cost for Dutch commerce, and could potentially raise money from commercial fees that would allow court costs to be lowered for low-income litigants. Senator Andriessen's conclusion was that the Parliament had played a meaningful role in creating "justice for more, if not for all."

MP Hanson described a set of similar justice system problems and solutions in the United Kingdom, including programs to reduce the number of courts, to reduce the high cost of litigant fees , and to continue to digitalize the courts. He also referenced a program to increase the diversity of the judiciary. In the United Kingdom, the Parliament decides on legislation by committee, which, as a whole are organized along party lines. Although there is a primary justice committee, several committees (including the joint human rights committee and the public accounts committee) oversee issues affecting access to justice. MP Hanson supports having a committee to look at the justice department, especially on the key questions of cost and access. He posed the question of how to ensure that Parliament plays a role in ensuring judicial accountability – especially on matters of performance, efficiency, and cost – without compromising judicial independence.

Senator van de Ven outlined the Council of Europe and Parliamentary Assembly structure to the working group, identifying the courts and committees that affect access to justice. He also described a report the Dutch Parliament had prepared on money laundering and organized crime that was sent to the Dutch Justice Minister.

Both the Dutch and British parliamentarians emphasized the importance of coalition governing which reduced partisanship and political influence in addressing the needs of the justice system. Both mentioned that reports and actions relating to the judicial system were very often made on a unanimous basis. Both emphasized that digitalization should not take place on a grand scale at huge expense, but should be implemented in phases and as economically as possible.

Barriers and Solutions for Guaranteeing the Procedural Rights of Suspects in Police Custody

Date: May 2, 2019 11:00 - 12:30
Coordinated By: Ukrainian Legal Aid Foundation, Rights International Spain

Speakers:
- Patricia Goicoechea (Rights International Spain)
- Zaza Namoradze, Director, Berlin Office (OSJI)
- Hadeel Abdel Aziz, Executive Director (Justice Center for Legal Aid (JCLA))
- Mykola Sioma, Director (Ukrainan Lergal Aid Foundation)
- Koji Tabuchi, Professor of law (Kyushu University)

Brief Session Overview:
Early access to effective legal assistance for suspects and defendants is crucial for equal access to justice and for the enjoyment of other rights and procedural safeguards in criminal justice systems. This session explored the findings of studies in a range of countries about how far these countries have come and have yet to go in securing certain rights for criminal suspects. It also showcased an innovative model implemented in Ukraine that has reformed the custody intake procedure for the benefit of all. In this reform, the Legal Aid Foundation developed a streamlined and easy to use Custody Records system, instructions on avoiding human rights abuses, and created a prestigious position for a custody office to oversee the system. This system helped to track suspects in detention electronically at every stage in the process, much like tracking a package going through the postal service. Throughout the session, speakers and participants discussed the importance of cultural change along with policy proposals to address the problem of abuses in police custody. This includes preventing perverse incentives that would motivate police to abuse suspects into confessions, but also to empower individuals to advocate for their rights while in custody. It is also important to make police officers feel that protecting human rights is part of their work as well, rather than fighting crime at all costs.

Full Session Summary:
Zaza Namoradze opened this session by talking about criminal justice and the importance of suspects' rights in police custody. Criminal cases begin with an arrest. It is a crucial moment because it has implications for the suspect's case and the rest of their interaction with the criminal justice system – yet there is often a gap between what happens at this point and what is prescribed by law. At this point in the process, it is critically important to honor the safeguards for suspects' rights that keep the process fair, especially presumption of innocence, humane treatment, and the right to a lawyer. The police hold principal responsibility for enabling these safeguards, and it is important that institutional culture and practices ensure that they do so.

Koji Tabuchi gave a presentation on the status of this issue in Japan. The criminal justice system there has received criticism for extremely high conviction rates, long detention periods at police stations before bringing charges, and a compulsory interrogation upon arrest, for which suspects are not allowed legal counsel.

Hadeel Abdel Aziz from the Justice Center for Legal Aid talked about her research on the criminal justice system in Jordan. In a review of 1,358 cases, she found that 68 percent of criminal cases, the defendants did not have legal representation in court, and were left to defend themselves in a very complicated justice

system. At the pretrial stage this figure was even higher - over 80 percent of defendants did not have a lawyer. The judicial council in Jordan accepted the research and implemented some significant changes, including right to counsel upon arrest. She noted an important cultural shift in the ways that police acted towards her from the start of her research. Initially, police had balked at allowing legal representatives into police stations to defend their clients, and now they contacted legal organizations to request lawyers be sent to defend suspects.

Patricia Goicoechea carried out similar research on the criminal justice in Spain, specifically how suspects' rights were implemented in practice. She was interested in the right to information, the right to legal counsel, and the provision of translation and interpretation. In Spain, access to a lawyer is mandatory upon arrest – this right can only be waived in the case of minor road safety offenses. However, she found that the police would waive this right in the case of suspects arrested by warrants. As she argued, there was no legal basis for doing so, and it deprived the suspects not only of their right to counsel while giving their statement, as well as other protects their lawyer would offer, since as ensuring the living conditions of the detainee and information on their rights. To address these problems, she argued that the culture in policing institutions needed to be oriented towards rights' protection.

Finally, Mykola Sioma from the Ukrainian Legal Aid Foundation presented his organization's program to protect the procedural rights of suspects in police custody. As he explained, Ukraine had high levels of rights abuses in police custody due to lack of personal responsibility of officers and a cumbersome system of tracking detentions. To solve the problem, the Legal Aid Foundation proposed a streamlined and easy to use Custody Records system, instructions on avoiding human rights abuses, and created a prestigious position for a custody office to oversee the system. This system helped to track suspects in detention electronically at every stage in the process, much like tracking a package going through the postal service. It also helped to professionalize the work of tracking suspects, which had previously been undesirable work.

During the discussions, participants discussed the importance of cultural change along with policy proposals to address the problem of abuses in police custody. This includes preventing perverse incentives that would motivate police to abuse suspects into confessions, but also to empower individuals to advocate for their rights while in custody. It is also important to make police officers feel that protecting human rights is part of their work as well, rather than fighting crime at all costs.

Building Portals to Improve Access to Justice Solutions Online

Date: May 2, 2019 11:00 - 12:30
Coordinated By: Legal Services Corporation, Pew Charitable Trusts

Speakers:
- Lester Bird, Principal Associate, Civil Legal System Modernization Team (Pew Charitable Trusts)
- Carlos Manjarrez, Chief Data Officer (Legal Services Corporation)

Brief Session Overview:
Finding relevant, case-specific, jurisdiction-accurate legal information online can be a challenge. Legal information portals aim to change that. The Legal Navigator portal pilots in Alaska and Hawaii hope to provide an exhaustive resource that helps a user ask, refine, learn, and connect as they navigate a legal issue. The Legal Navigator has several features that support a non-expert seeking legal help. The technology was built with a mobile-first approach, making the technology easy to use for individuals seeking legal information on their cellphones. The Legal Navigator is an open-source tool, making the technology accessible for future projects and any courts hoping to implement it. The session also explored the assessment of the Navigator's use, effectiveness, and cost through an evaluation framework. The ultimate goal of the evaluation framework is to understand which pathways are most efficient and effective. The session described the project from concept to pilot, discussed plans and enhancements for future portal projects, and considered the challenges and opportunities of evaluating such efforts. Ultimately, the opportunities the portal provides extend beyond the legal domain to the social services and health fields. Collecting data on help seeking behavior for legal problems offers an opportunity to highlight unmet needs that can drive public policy change more broadly.

Full Session Summary:
Within the US, there has been a dramatic increase in cases with self-represented litigants, which has changed how users interact with court systems built primarily for lawyers to navigate. Finding relevant, case-specific, jurisdiction-accurate legal information online can be a challenge. Legal information portals aim to change that by offering an online gateway to legal resources tailored to each user's needs and problems.

In an effort to modernize the US civil legal system, the Legal Navigator portal pilots in Alaska and Hawaii hope to provide an exhaustive resource that helps a user ask about their specific legal issue, refine the issue, learn from plain-language information, and connect to services (legal or otherwise), as they navigate a legal issue. The Legal Navigator tool was initially developed by Microsoft and presented to the Legal Services Corporation to develop the content with assistance from national partners including The Pew Charitable Trusts and Pro-Bono Net as well as state partners in Alaska and Hawaii. The project is currently in the testing phase, and will be launched in pilot phase in Alaska and Hawaii in the fall of 2019.

The Legal Navigator has several features that support a non-expert seeking legal help. The technology was built with a mobile-first approach, making the technology easy to use for individuals seeking legal information on their cellphones. The Navigator allows users to select from a list of legal issues or employs natural language processing to identify the issue. Once an issue is selected, the Navigator offers guided interviews to triage the legal issue in question. Crucially, the Navigator employs a standardized taxonomy of issues through natural language processing that connects the entire ecosystem. The Pew Charitable Trusts

is currently working with the Stanford and Suffolk Law Schools on a standardized taxonomy called NSMI V2, which uses machine learning labeling to develop standard issue codes for legal problems. NSMI V2 distinguishes itself from other taxonomies in that the standard issue codes are developed based on a layperson's description of their legal problem rather than that of a lawyer, making it significantly more useful for everyday users. Furthermore, offering plain-language help following the guided interview is fundamental to help a user unfamiliar with legal jargon navigate the legal system. Legal experts (the court self-help center in Alaska and the Legal Aid Society of Hawaii) developed the questions asked during the guided interviews. Portal projects are currently in place in Illinois, Maine, Massachusetts, Michigan, Minnesota, Alaska, Florida, Hawaii, and Ohio. The Legal Navigator is an open-source tool, making the technology accessible for future projects and any courts hoping to implement it.

Finally, the most critical piece of the legal information portal projects is to assess their use, their effectiveness, and their cost through an evaluation framework. The key evaluative questions for the Legal Navigator project are: What type of users access a legal aid portal and why? How efficient/useful is the legal information provided? Did users use the resources gleaned from Legal Navigator and what effect did it have on their lives? To develop an evaluation framework, the Legal Services Corporation analyzed data from legal needs surveys in order to understand help-seeking behavior for civil legal problems. The Corporation looked at variations in help-seeking behavior by demographic, by problem type, and by type of help sought in order to understand what user data the portal project should be collecting. The problem type is crucial for data collection, as people's approach to problems differs depending on the problem type. There is still information needed to better evaluate portals: what triggers people to seek legal help and what type of help is most effective for a given person or problem.

The ultimate goal of the evaluation framework is to understand which pathways are most efficient and effective. The Legal Services Corporation raised the challenge and opportunity of leveraging data from the Legal Navigator, which is fundamental to understand help seeking behavior and to improve the user interface. Without such data, it is impossible to know the geographic and demographic distribution of users, as well as what brings users to the portal initially. These data could inform outreach for the portal and improve the tools themselves. Data on when users leave the navigation pathway is crucial to addressing the utility of the navigation process and the legal information provided. The LSC will be collecting user data at the outset or during the navigation process. The portal project provides the possibility of randomized experimentation to set up different pathways for users and to evaluate which pathways were most helpful to resolving a legal issue. The LSC will also be contacting users (who have consented to being contacted) after using the portal to ask follow-up questions. The LSC expects the data to be used by data scientists to better understand help-seeking behavior in the portal system. In response to concerns about data privacy, the LSC envisions separating the personally identifiable information of users from the open-source tool, and anonymizing any data used for data science or portal development purposes.

Ultimately, the opportunities the portal provides extend beyond the legal domain to the social services and health fields. Collecting data on help seeking behavior for legal problems offers an opportunity to highlight unmet needs that can drive public policy change more broadly. There are numerous benefits to those participating in the portal projects. Users will receive better information and better connection to services, community navigators will have a trusted resource to connect people to, legal service providers will receive better referrals, and courts will receive more appropriate clients and cut down on their processing times.

How to Use the Open Government Partnership to Advance Access to Justice and Open Justice

Date: May 2, 2019 11:00 - 12:30
Coordinated By: Open Government Partnership

Speakers:
- Joe Powell, Deputy Chief Executive Officer (Open Government Partnership)

Brief Session Overview:
The Open Government Partnership has become a major platform to push for more open, transparent, participatory and responsive government. Increasingly, OGP is being used to advance reforms related to access to justice, open justice, and goal 16 more broadly (including access to information, anti-corruption and ensuring citizens have a voice in government decisions). Last year, 28 countries made commitments as part of their OGP action plans. The session included presentations from Moldova, Indonesia, Macedonia, and Argentina on how the countries are using OGP to advance access to justice. Recommendations from the session include:

- Identify champions within government who are open to being allies on A2J issues and willing to use the window of opportunity created by the OGP process;
- Link A2J agenda to other issue areas to make it relevant to other areas of social and economic development, and to ensure that it can be sustained within other agendas;
- Link international commitments to local implementation and vice versa to ensure that high-level commitments are felt by target communities, and to showcase the work that is already being done at the national and sub-national level;
- Build a multi-country coalition on A2J commitments within the OGP; and
- Continue to push for justice commitments.

Full Session Summary:
This session intended to provide examples of how countries are using the OGP to advance the access to justice (A2J) agenda. The OGP was founded in 2011 by eight heads of state and 9 civil society organizations (CSOs). It has grown to 79 national members and an increasing number of local government participants. Every two years, countries are required to submit a set of commitments to reforms pertaining to accountability, transparency, and participation as part of an OGP action plan. The OGP serves as a commitment mechanism, not a standard setting body so each member decides what their areas of focus will be for their commitments. The OGP's Independent Reporting Mechanism then reviews how commitments are made (i.e. whether civil society was involved) and progress on implementation. This makes it a very powerful tool for A2J advocates in government and civil society.

This session on the OGP was included in the 2019 World Justice Forum because A2J is increasingly a priority for the OGP and because it is part of SDG 16+. Last year, 28 countries made commitments as part of their OGP action plans. Each of the country presentations that follows will outline the A2J reforms under way in the country, and how they used the OGP. These can serve as examples for other countries to adapt to their context, and consider including their OGP plans.

Presentation 1: Moldova, Soros Foundation
Moldova joined the OGP in April 2012 and has developed four OGP national action plans related to integrity, access to public resources, and e-transformation. The Soros Foundation worked to make the case that A2J can improve transparency and make people feel more engaged in public decision-making, and provided this input in a government survey to civil society on country priorities for the national action plans. The Open Society Justice Initiative (OSJI) provided key messaging to make the case that A2J is an open government issue. This drew on a key legal empowerment mantra—"Know the law. Use the law. Shape the law."—and argued that A2J is a way of using the law in the public interest.

The first four drafts of the national action plans did not include a component on access to justice, but this changed in November 2018. The current national action planning spanning 2019 and 2020 now includes actions related to improving access to justice, extending paralegal networks, as well as professionalizing and recognizing paralegals that serve as the primary providers of legal aid. This commitment and its inclusion in a strategic document is not a guarantee that reforms will be implemented, but it signals that it is a priority and it can be referenced in public discussions to remind the government of its commitment.

Presentation 2: Indonesia, BAPPENAS
The government has been working on a national planning document, which will be implemented starting in 2020. Increasing A2J is one of the key strategies for Indonesia's legal development. In parallel, the number of legal aid beneficiaries has been growing (from 1,045 in 2017 to 47,788 in 2011) and 524 legal aid organizations have been accredited, but still only 42% of the sub-regions of Indonesia have legal aid providers. Challenges remain with the number and quality of legal aid services, and the government is trying to conduct assessments on this issue. The national-level budget is also insufficient, so more work needs to be done to raise the awareness of local governments who can allocate some of their budget to improving legal aid as well.

Indonesia has used the OGP to make the case that legal aid is a public service that needs to be improved. Their strategy also focuses heavily on the public's legal awareness and capability. This requires an enabling environment, which in turn depends on some of the core mandates of the OGP, such as combating corruption. Indonesia's example highlights a trend that the OGP has been seeing more of recently—that of "going local." Many governments are replicating the national OGP commitments at the local level, where there is often times more accountability and ownership. The tradeoff, however, is that the OGP cannot assess the quality of local commitments or action plans.

Presentation 3: Macedonia, OSF Macedonia
In 2016, OSF Macedonia launched a legal empowerment initiative designed to offer legal services to marginalized populations (e.g. sex workers) and increase the availability of data. This entailed targeted efforts to increase the scope and quality of legal aid. OSF Macedonia saw the OGP as an opportunity for these efforts. They held consultative meetings with the Ministry of Open Information, Society & Administration, and obtained commitments from the Ministry of Justice (MOJ) and the Ministry of Labor & Social Policy. The MOJ has since adopted a law on free legal need, formed a working group on SDG 16.3 indicators, and OSF would like to work with them on implementing a legal needs survey. OSF is also working to establish local centers for access to justice that are currently being piloted in four municipalities. They focus on labor issues, specifically capacity building for employees of centers for social welfare.

The case of Indonesia demonstrates the power of identifying champions in other sectors (e.g. labor) and government ministries that are willing to make good use of the window of opportunity presented by the OGP. Indeed, the OGP is trying to broaden the ministries involved in the OGP process, even if only one is the official coordinating ministry.

Presentation 4: Argentina, Ministry of Justice & Asociación Civil por la Igualdad y la Justicia (ASIJ)
Argentina is an example of a country where the OGP process was driven by the Modernization Secretary, and justice actors are newcomers. The OGP was originally more focused on open data and transparency, but now the agenda is becoming more comprehensive. The Argentine MOJ wants to bring the judiciary into discussions about "open justice." This process hasn't been easy, but they're hoping to develop some commitments for the judiciary in the next round of the OGP commitments process (e.g. information on judge selection process). The MOH has been working to make the case that a people-centered approach to A2J requires an open government framework and that both agendas need to be integrated. Argentina will assume the presidency of the OGP in October, and this will provide a good opportunity to open channels of dialogue with other government actors. The MOJ and ASIJ point to four key lessons learned from their involvement with the OGP process:

1. *Affected communities and need to be involved in discussions from the beginning*. The OGP cannot just be a space for think tanks and top-down organizations.
2. *Be ambitious, but be patient*. It took a long time to get justice commitments in the OGP national action plans. You don't have to be quiet while you wait, but not everything will be included in from the outset.
3. *Open government is about more than publishing datasets*. Push for citizen participation commitments. Policies on transparency are essential, but they're not enough.
4. *Go beyond the executive branch, and involve the judiciary and other agencies*. This was hard in Argentina, as the judiciary is usually very closed, but they're trying hard to involve them in discussions and the commitments process.

ASIJ just released the "Access to Justice Agreement" signed by more than 80 civil society and academic organizations. It contains 120 policy proposals on A2J, with many related to open government. ASIJ is trying to use this agreement as part of the OGP process.

Presentation 5: The Forward-Looking, Global Agenda, Namati & Pathfinders
The OGP provides an opportunity for countries that have not yet made commitments to A2J. We have a moment this year in particular, with the "year of justice," when we can link the OGP process to processes that are going on around the High-Level Political Forum (HLPF) in July and the Sustainable Development Goal (SDG) Summit in September. The 51 countries that are reporting as part of the Voluntary National Reviews (VNRs) can use their OGP commitments as part of their reporting across SDG16+, including access to justice. At the national level, we should be thinking about how we are linking these commitments to national development plans and justice sector plans in order to make more progress on financing and reporting issues. It's also important to show national experiences at the international level to show that promises made as part of these processes are more than just promises. Last year at the OGP, six Ministers of Justice came together to create a working group on access to justice; we should build on this coalition. Argentina will become lead co-chair of OGP on October 1, 2019, and has indicated open justice and access to justice will be a priority. This means a high degree of political support for this agenda within OGP over the coming year.

Recommendations:
- Identify champions within government who are open to being allies on A2J issues and willing to use the window of opportunity created by the OGP process.
- Link A2J agenda to other issue areas to make it relevant to other areas of social and economic development, and to ensure that it can be sustained within other agendas (e.g. as part of a labor agenda or an existing commitment to transitional justice).
- Link international commitments to local implementation and vice versa to ensure that high-level commitments are felt by target communities, and to showcase the work that is already being done at the national and sub-national level.
- Build a multi-country coalition on A2J commitments within the OGP. Build on the commitments made last year by six justice ministers and create a group with four to six leading governments and civil society organizations that want to drive a coalition on advancing A2J commitments. This was done a few years ago for open contracting commitments, and we should follow this same model.
- Push for justice commitments. Forty-nine countries are due to submit new OGP national action plans this year. If you are a government reformer or civil society activist in one of those countries you can contact the lead official on OGP and test whether there is potential to include an A2J commitment in your plan.

Next Steps:
- OGP and Namati to share paper on models for using the OGP for A2J commitments.
- Participants invited to join track with the Canadian MOJ at the OGP in May, as well as OGP events at the High-Level Political Forum (HLPF) in July.
- Participants invited to connect with Joe Powell if they want their country to become a member of OGP or to learn more about membership requirements pertaining to access to information, open government, asset disclosure, and civic space.

Justice and the SDGs: Shaping and Taking Advantage of the Global Review Process

Date: May 2, 2019 11:00 - 12:30
Coordinated By: Open Society Justice Initiative

Speakers:
- Aidan Harris, Program Officer (Open Society Justice Initiative)
- Sumaiya Islam, Senior Policy Officer (Open Society Justice Initiative)
- Coco Lammers, Senior Policy Officer (NAMATI)
- Diani Sadiawati, Expert Staff for Institutional Interrelations (Ministry of National Development Planning)
- Margaret Kusambiza (Centre for the Advancement of Community Advice Offices of South Africa (CAOSA))
- Solly Molayi (Statistical Agency of South Africa)
- Andi Seto, Mayor (Sinjai, Indonesia)
- Febi Yonesta (Legal Aid Foundation, Indonesia)
- Gladys Mirugi-Mukundi (Dullah Omar Institute of the University of the Western Cape)

Brief Session Overview:
During this session participants discussed the opportunities presented by the Voluntary National Reviews and HLPF processes and examined some of the ways in which civil society justice practitioners can work with governments to demonstrate successful examples of implementation as well as areas where more action is needed. Discussants were asked to share information about their country's Voluntary National Review processes so that other participants could learn and exchange knowledge. Speakers highlighted the importance of involving non-state actors in the process, improving collaboration between variety of actors including legal advice offices, civil society, government, and other local and international actors in implementing the targets, and improving financing to improve the effective implementation of SDG Goal 16.

Session Summary:
The session started with a brief introduction of the Sustainable Development Goal (SDG) process by Coco Lammers from NAMATI. In 2015, countries agreed to the 2030 agenda, including SDG 16. However, Goal 16 did not receive much attention regarding government commitments or funding. Activities in 2019, dubbed the year of justice, intend to change this dynamic by building on local and global momentum around two important events: The High-level Political Forum in July, where Goal 16 will be reviewed as thematic priority, and the SDG Summit in September, where all 17 goals will be reviewed by UN member states. These events provide the opportunity to highlight progress, present commitments by governments and civil society, and to build collaboration among a variety of actors to shape the SDG 16 agenda.

Presentations:
Panelists shared their experiences and reflected on how to use the review process creatively to advance implementation.

The first speaker was Dr. Diani Sadiawati who reported on the experience of Indonesia's government. Indonesia is reporting progress on SDG 16 for the second time. After a process of revision and learning,

Indonesia found that involving non-state actors and applying online consultations to obtain input from stakeholders could improve outcomes. Indonesia measures SDG 16 with 34 proxy indicators. The in-depth review of Goal 16 for the 2019 Voluntary National Review (VNR) will interlink it with SDG 10 on reducing inequality, flagging Goal 16's important enabling role in achieving Goal 10. Indonesia is a model country on SDG 16 implementation because the government is mainstreaming all the goal's targets. The government is currently preparing VNR reports, including an analysis of state and non-state actors' best practices.

Next, Margaret Kusambiza, from the Centre for the Advancement of Community Advice Offices of South Africa (CAOSA), shared her experience from South Africa. Her organization approached the Department of Planning, Monitoring and Evaluation after an invitation from the government to contribute to the SDG 16 process. One of the priorities of the organization is to promote the official recognition of paralegals and indigenous justice initiatives working at the grassroots level. In South Africa, especially in rural areas, the majority of the population do not use formal legal systems. Yet, compared to the formal system, the government allocates few budget resources to the informal legal system, underscoring the system's lack of recognition. Nonetheless, evidence shows that informal justice systems make an important contribution to access to justice. Ms. Kusambiza expressed concern for the sustainability and professionalization of informal systems due to the lack of government support. She concluded that collaboration is necessary across a variety of actors including legal advice offices, civil society, government, and other local and international actors.

Solly Molayi, from the Statistical Agency of South Africa, shared the government's perspective. The Department of Planning, Monitoring and Evaluation is responsible for South Africa's VNR report and has requested civil society's input. From the statistical point of view, the survey conducted does not cover some access to justice elements. The VNR report will increase insights of South African needs and how to address them. The government is committed to an annual survey that will serve as an input to the processes to move forward.

Andi Seto, mayor of Sinjai, Indonesia, discussed his small-city government experience. He was aware of impoverished people's limited access to education and limited knowledge of how to access justice, so promised free legal aid for poor people in his campaign. After his election, a new regulation on legal aid for the poor was established, but the regulation lacked a procedure for submitting requests and reporting. Therefore, additional regulations were created to enhance access to free legal aid for low income individuals. This year about $20,000 USD, provided by the local government, financed legal work for 16 people in need of legal aid. Five lawyers and an organization for legal aid have been hired, managing ten criminal cases and six civil cases. Mr. Seto hopes to improve the services to bring justice to poor people.

Febi Yonesta, of Legal Aid Foundation in Indonesia, explained that their organizational focus is on Goal 16.3 to "Promote the rule of law at the national and international levels and ensure equal access to justice for all." To this end, the Legal Aid Foundation has collaborated with the Ministry of Law and Human Rights, specifically with the National Law Planning Agency. Improving legal aid policies and regulations in Indonesia has been incremental. Yonesta stated that it would be best if civil society had its own forum and alternate report to discuss and report on the government's work towards achieving SDG 16. He noted that SDG commitments set by the national planning agencies have improved since the cooperation with the Ministry of Law and Human Rights began. The Legal Aid Foundation's strategy is to work closer with national planning agencies.

Gladys Mirugi-Mukundi, from Dullah Omar Institute of the University of the Western Cape in South Africa, spoke next. The Institute helped in a visibility study conducted by the African Centre of Excellence (ACE) for

Access to Justice. Some of the outcomes of the study were that access to justice involves both formal and informal processes, including paralegals and grassroots organizations. Financing is an essential part of the justice system, but because of lack of recognition of paralegals and grassroots organizations, financing has been closed off to these sectors. The Institute found that there was little coordination between legal advice offices and circulation of best practices, leading them to organize civil society workshops with partners from Indonesia, Philippines, Sierra Leone, Malawi, and South Africa to address this need. The Institute is planning a side event at the High-level Political Forum to increase the participation and visibility of African civil society organizations, and to agree on a collective message, despite the different regional priorities on access to justice.

Conclusion
Speakers concluded by highlighting that funding will go to measurable deliverables that have impact, and that people's legal needs need to be measured to understand people's justice experiences. There was a call to prepare a clear message for the High-level Political Forum in July.

Scaling Pro Bono to Increase Access to Justice

Date: May 2, 2019 11:00 - 12:30
Coordinated By: ALN Academy, TrustLaw, World Justice Project

Speakers:
- Aisha Abdallah, Partner, Head of Litigation and Disputes (Anjarwalla & Khanna)
- Maureen Alger, Partner (Cooley)
- Elizabeth Andersen, Executive Director (World Justice Project)
- Lauren Meyer, Head of Legal (TrustLaw)
- Saurabh Malik, Senior Program Analyst (iProbono)
- Michelle Odayan, National Director (Probono.org)

Brief Session Overview:
This roundtable discussion among pro bono providers and recipients highlighted best practices and lessons learned. Leveraging research conducted by the Thomson Reuters Foundation, the session highlighted several factors that contribute to increased pro bono participation within law firms, including the existence of a pro bono committee, a pro bono policy, and factoring pro bono into compensation. In creating a strong pro bono program, it was advised that firms create standards and expectations around pro bono, learn from other firms' experiences, and be willing to refer cases to outside firms if the initial firm does not have the capacity or experience to take a particular case. Speakers also encouraged firms to use online tools, like iProbono, to match pro bono capacity with need, and they noted that to support SDG Goal 16 and Agenda 2030, an evaluative framework and criteria would be helpful in determining pro bono's overall use, effectiveness, and impact. The session also highlighted that the world would not achieve justice for all through pro bono alone. Other methods of providing access to justice, such as the use of paralegals, play an important role in fulfilling the promise of SDG Goal 16.

Full Session Summary:
To begin the session, Lauren Meyer from the Thomson Reuters Foundation presented the TrustLaw Index of Pro Bono. The mission of TrustLaw, Thomson Reuters Foundation's global pro bono legal program, is to spread the practice of pro bono worldwide to drive social change. As part of this mission, they have created the TrustLaw Index of Pro Bono. The Index is a benchmarking tool to determine how much pro bono work is being done around the world. Summary information about the Index is below:

- The data was collected in 2016.
- The index covers 75 jurisdictions, 134 law firms, 2.5 million pro bono hours, and 65k lawyers.
- TrustLaw recognizes that many lawyers do pro bono work but do not report it. The Index hopes to prompt more lawyers to report their pro bono work.
- The Index asks firms how they do pro bono work, and how much pro bono work they do.
- It tries to determine what types of things lawyers and law firms can do to promote more pro bono work (e.g. if having a pro bono commitment or policy helps firms to do more pro bono work).
- Findings:
  - Factors that have the greatest influence on average hours of pro bono work per fee earner include a pro bono committee, a pro bono policy, and factoring pro bono into compensation.

- Of respondents, 68% indicated that they offer pro bono services to support access to justice.

For the last 10 years, 90 new law firms or in-house legal teams have joined the TrustLaw network every year. In total, there are 904 firms included in this network. These lawyers support 4,385 NGOs and social enterprises globally. In 2010, they had 64 projects. In 2018, they had 1,000 projects. In total, they have worked on 5,164 projects. Of these projects, 11% involve more than one country.

Next, Aisha Abdullah discussed the pro bono work of her law firm, Anjarwalla & Khanna. Anjarwalla & Khanna developed a coordinated, well-organized pro bono service in their law firm. They wanted their pro bono service to be as well coordinated and organized as their for-profit work. They have a pro bono committee, and try to match their skill set (e.g., strategic litigation) to pro bono needs. They would prefer to do less work, but to do it very well, rather than to do more work not as well. To receive the pro bono services, nonprofits must apply. One volunteer partner and one associate are assigned to each case. The firm monitors and tracks their pro bono work. They also created a newsletter, which helps to create accountability for the work. They also made pro bono work part of the appraisal process. The firm expects its lawyers to go above and beyond for the firm, which includes completing at least 40 hours of pro bono work a year.

Maureen Alger then spoke about the pro bono program at her firm. She explained that the support of management is very important for establishing a pro bono culture. She also noted the following advice for creating a strong pro bono program:

- Create standards and expectations around pro bono
- See what other firms are doing and learn from their experiences
- Refer cases to other firms that your firm does not have the capacity or expertise to take
- Create professionalism around pro bono work
- Support other firms when they are trying to develop a pro bono program

Maureen Alger noted that if they are doing pro bono the right way, they are not doing it to serve their attorneys. They are doing it to serve their community. Pro bono work addresses the community's needs, not just the interests of the lawyers.

When discussing the challenge of expanding pro bono work, one idea that came up is that it may be the language and definition of the word pro bono itself that limits the adoption of pro bono work.

Aisha Abdullah noted that other types of pro bono work could be, for example, providing technical training to organizations so they can develop their own contracts or agreements, or donating a law library to a law school.

One participant made a comment that pro bono cases taken on by big law firms could be taken on by smaller, less expensive law firms instead. Pro bono work in a sense takes cases away from smaller, less expensive law firms. It may be more beneficial for these smaller, less expensive firms to take on the cases. It is good for their business, and it is also valuable for the recipients of the legal services to pay something in exchange for the services, even if it is a discounted rate. This participant mentioned a "pay what you can" model. He noted that it is important for the recipients of legal services to feel like they are involved in an exchange (money for services) instead of receiving the services for free.

Saurabh Malik then presented his work with iProbono, which works to promote the quality of pro bono work. iProbono is an online platform that matches those in need of legal services with those providing pro bono legal services. From their website: "iProbono is a platform for civic engagement, to amplify the voices of civil society and defend human rights. iProbono harnesses technology to mobilize its network of lawyers and students for the public good—strengthening community organizations and advocating on behalf of marginalized people." Organizations can post projects on the site. iProbono then reviews projects, and identifies the best members of their network to take on each project. These members are then alerted, and can register their interest in the project. iProbono then chooses the best candidate, and the two parties are connected.

Bill Neukom noted that we need to inspire clients to demand pro bono work in the law firms that they engage, in the same way as they have demanded more diversity in the law firms.

One participant asked how we create a culture of pro bono work and a pro bono program in a law firm where that does not exist. How do you start?
- Connecting with other law firms who are doing pro bono work and who have an established pro bono program is one way to help firms get started. They can guide new firms through the process of establishing a pro bono program.

Elizabeth Andersen asked each of the speakers about what they think the pro bono landscape will look like in 2030? And what can we do to get us there?
- Michelle Odayan said that she would like to see how pro bono, as a key strategy, is delivering access to justice substantially and supporting SDG16. For example, to what are the actual pro bono hours contributing? What are the outcomes from all of this time spent on pro bono work? She would like to see data on specifically what the hours go toward.
- Aisha Abdullah said that we would not achieve access to justice with pro bono alone. In Kenya, they have 50 million people and 10,000 lawyers, and only 7,000 of them have certificates to practice. Therefore, they need other methods of providing access to justice. By 2030, she would like to see data on the number of people who are not lawyers but who are legal practitioners and who are working on legal issues (i.e. paralegals). These individuals have an important role to play in achieving access to justice in countries where there are not enough lawyers for the size of the population.
- Maureen Alger said she would like to see evaluative criteria for pro bono work. They need to make sure that pro bono work is having an impact and that the resources they have are being used effectively and in the right ways. She thinks it is very important to figure out how to do this, and how to evaluate the work and measure the outcomes of the work.
- Saurabh Malik said that he would like to know how many lives have been impacted by pro bono work, and what changes it has made in these lives. This will help to understand the impact and effectiveness of pro bono work, and may highlight areas for improvement.

Sustainable Justice: Best Practices in Justice-Sector Social Enterprises

Date: May 2, 2019 11:00 - 12:30
Coordinated By: World Justice Project

Speakers:
- Matthew Burnett, Policy Officer (Open Society Justice Initiative)
- Joanne Harding, Director (Social Change Assistance Trust)
- Asha Krishnan, Co-founder and Executive Director (Haqdarshak)
- Connor Sattely, Hub and Franchise Manager (HiiL)
- Theodore Piccone, Chief Engagement Officer (World Justice Project)

Brief Session Overview:
Sustainable funding for justice remains a critical challenge. In OECD countries public spending on justice makes up just 5% of national budgets, and in most countries it is far lower. Donors spend little more than 1% of aid on justice. Social enterprise models are emerging to help fill the funding gap with creative strategies to garner earned revenue to support access to justice initiatives. In this session, participants learned from grassroots nonprofit and for-profit organizations on the frontlines of these innovations and shared successful approaches, challenges, and opportunities. The session focused on both innovative programming and social enterprise models. Innovative programming models include: client fees; pay-it forward schemes; member dues; independent associations; crowdfunding; or charging for training or consulting services. Social enterprise models can be entirely external to core work and mission (e.g. an entirely separate business line, like a restaurant or equipment rental); integrated with core work (e.g. services to higher income customers that use revenue to subsidize work with lower income clients); or directly embedded (e.g. a membership model where clients directly pay for or help to subsidize services).

Full Session Summary:
The session explored sustainable funding practices for the justice sector, a critical challenge. In OECD countries public spending on justice makes up just 5% of national budgets, and in most countries it is far lower. Donors spend little more than 1% of aid on justice. Social enterprise models are emerging to help fill the funding gap with creative strategies to garner earned revenue to support access to justice initiatives. In this session, participants learned from grassroots nonprofit and for-profit organizations on the frontlines of these innovations to share successful approaches.

The session began with an overview of the three primary sustainability techniques that nonprofits in the justice sector can utilize:
- Cost-saving measures (e.g. donates space)
- Innovative programming
- Social enterprise

This session focused on both innovative programming and social enterprise models. Innovative programming models include:
- **Client fees:** Some organizations are working to "unbundle" their services so that some are offered for free and others are paid or set on a "sliding scale."

- **Pay-it forward schemes:** These are voluntary contributions that clients can make after a successful outcome to pay it forward to a future client.
- **Member dues from cooperatives, trade unions, or membership models:** Lawyers or paralegals can be held on retainer to serve the needs of a larger group, and collective resources can be used to target the most critical issues.
- **Independent paralegal associations:** Paralegals form an association that can take contributions from community associations or local government.
- **Crowdfunding or local campaigning that accept donations:** Organizations have developed innovative models of raising funding directly from the communities they serve (e.g. movie nights).
- **Charging for training:** Organizations are experimenting with conducting trainings for and on behalf of government or other civil society organizations for a fee.
- **Charging for consulting services:** Organizations are packaging their legal expertise, research capabilities, or skills around program design and development and selling them in the form of consulting services to other organizations, government agencies, and multilateral institutions.

Social enterprise models can be:
- Entirely **external** to core work and mission (e.g. an entirely separate business line, like a restaurant or equipment rental)
- **Integrated** with core work (e.g. services to higher income customers that use revenue to subsidize work with lower income clients)
- Directly **embedded** (e.g. a membership model where clients directly pay for or help to subsidize services)

Sessions leads then discussed some of the ways in which their organizations have been successful in employing innovative programming and/or social enterprise models.

The Social Change Assistance Trust (SCAT) partners with local development organizations (LDAs), specifically those focusing on social justice. SCAT raises funds from funders—corporate, government and civil society—who support social justice work. SCAT provides core funds to LDAs as a contribution to the running cost, special development funds and rewards for local fundraising. An example of innovative programming in practice is SCAT's fundraising inventive scheme (FRIS) where the funds raised by LDA's are matched five to one by SCAT. Through FRIS, LDA's learn basic business concepts, such as how to invest in a project, how to calculate cost, profit, loss, etc.in order to maximize the amount of funds they receive from SCAT.

The Hague Institute for Innovative Law's Justice Accelerator provides seed money, workshops, and support from experienced mentors to justice-focused social enterprises around the world. Examples include:
- Creative Contracts, a social enterprise that modifies contract language to be easily digestible for all, including illiterate people. By using visual communication techniques, Creative Contracts make it possible for everyone to understand their rights and obligations in their contracts.
- Citizen Justice Network, a social enterprise that trains South African paralegals to produce radio stories on cases important to their local communities. These stories help to improve residents' legal awareness.

Haqdarshak is a social enterprise based in India that trains local facilitators to help citizens discover, apply for and benefit from eligible welfare schemes. In India, the government retains a large number of welfare funds that are often underutilized by citizens due to the complexity of the application process. Haqdarshak's model is based on training village-level entrepreneurs (VLEs) to use the Haqdarshak app to go door-to-door and help citizens discover and apply for schemes, all for a nominal fee, which becomes revenue for VLEs.