



OECD ACCESS TO JUSTICE



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

OECD Virtual Roundtable on Accessible and People-Centred Justice

30 – 31 March 2021

13:00 – 18:15 (Paris) | 7:00 – 13:15 (Ottawa)

**Co-hosted by the OECD and the
Department of Justice, Canada**

OECD Virtual Roundtable on Accessible and People-Centred Justice

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The OECD Global Roundtables on Equal Access to Justice are a forum for mutual exchange of good practices and lessons learned. Hosted jointly with the Department of Justice Canada, this 2021 OECD Global Justice Roundtable aims to advance SDG 16's call to ensure equal access to justice for all, focusing on making people-centred justice transformation happen. Some topics that discussants and panelists will explore include:

- Justice sector performance and accountability
- Citizens and Business legal needs and trust in the justice system
- Cross-sectional approaches to tackle access to justice challenges, drawing specific lessons learned from the health sector
- Adaptation of legal and justice services to specific group's needs, like children, women, indigenous people and other groups at risk of marginalization.
- Innovations in measurement, data collection and analysis for people-centred justice
- Digital transformation and open data in justice system institutions

Preliminary Agenda

Day 1

13:00 – 13:30

**Opening
Remarks**

The Importance of People-Centred Justice

A special acknowledgement of Indigenous lands will open the virtual Roundtable. Thereafter, this session will set the scene for the Roundtable discussions, including their objectives and relevance for the current policy and governance agenda in advancing people-centred justice, in the context of the health and economic impacts of the COVID-19 crisis. The Roundtable will bring together OECD and partner countries to reflect on opportunities and mechanisms to advance people-centred justice, as part of the 2030 Agenda, and in particular SDG 16's call to ensure equal access to justice for all and to leave no one behind.

Laurie Wright, Senior Assistant Deputy Minister, Policy Sector, Justice Canada

Janos Bertók, Deputy Director, OECD Public Governance Directorate

13:30 – 14:30

**Panel
Discussion**

Crisis and justice sector performance: Building Back Better

The session will bring together a multidisciplinary panel to reflect on the impacts of the crisis on people, their legal problems, on the justice systems and their ability to serve people, people's well-being, sustainable development and economies. What does this mean for global efforts to advance the UN 2030 Agenda for Sustainable Development and in

particular Goal 16 on peaceful, just and inclusive societies?

Moderator: Janet McIntyre, Director, Access to Justice Secretariat, Justice Canada

- **Romina Boarini**, Director, OECD WISE Centre
- **Alejandro Alvarez**, Director, Rule of Law Unit, Executive Office of the Secretary General, United Nations
- **Luc Altmann**, Head of Insight, Her Majesty's Courts and Tribunals, United Kingdom
- **Marcus Manuel**, Senior Research Associate, Overseas Development Institute
- **Lisa Hilbink**, prof. of Political Science at University of Minnesota, United States
- **Alejandro Ponce**, Chief Research Officer, World Justice Project

Questions for discussion:

- **Impact of the crisis:** How can the impact of the crisis on citizen and business and their legal needs be assessed and understood, beyond the formal justice sector? What is the impact of the crisis on how people can access and utilise the justice sector? How has the pandemic affected trust in the justice system and the outcomes people could achieve?
- **Role of people-centred justice in the recovery:** What is the role of people-centred justice in ensuring inclusive and sustainable recovery? What investments should be a priority and are there innovative financing approaches?
- **Lessons learned:** What have we learned as a result of the crisis, also on how the Justice Sector and Ministries can best address the need to react quickly, while balancing the needs to stay accountable, spend efficiently and show results of interventions and grants? What should we leave behind, what should we keep and what should we do better?

14:30 – 14:45

Break

14:45 – 16:15

**Panel
Discussion**

Learnings from the Health Sector

Cross-sectoral exchanges can lead to important understandings. The COVID crisis challenges the justice sector to self-reflect and examine what learnings to take from the work and experiences of other sectors. This session would highlight practices used in the health sector to respond to people's needs. Medical legal partnerships (MLPs) are well established in some countries and represent one model for collaboration. This session will aim to deconstruct health care approaches and models and explore how elements can be adopted by the justice system.

Moderator: Michele Leering, Executive Director, Community Advocacy and Legal Centre, Ontario, Canada.

- **Francesca Colombo**, Head of Health Division, OECD
- **Nuria Toro Polanco**, Officer on Integrated People-Centred Health Services, World Health Organization (WHO)
- **Bethany Hamilton**, Co-Director, National Center for Medical Legal Partnership, United States
- **Sigrun Gytrrup, Team leader**, Legal Chief Consultant, Danish Health and Medicines Authority, Denmark

Questions for discussion:

- **Understanding the needs:** What are the practices in the health sector to understand and respond to people's needs? What data and evidence are required in this regard? What data governance and infrastructure have been put in place? What are the lessons learned from the health sector regarding the role of measurement as a support for planning and delivery of services?
- **Integrating user voices:** What are the lessons learned and recent experiences in integrating users' voices in the design and delivery in the health sector?
- **Innovations in service design and delivery:** What are the innovations in designing and delivering integrated and people-centred health services and understanding what works? What instruments and frameworks are used to facilitate innovation and people-centricity? What is the role of technology and data? How to shift towards prevention?
- **Cross-sectoral collaboration:** How can sectors work together to tackle critical societal challenges (such as the opioid crisis, homelessness and gender-based violence)? To identify and serve priority disadvantaged groups experiencing complex clusters of legal, health and other problems, and that require holistic services?

16:15 – 16:30

Break

16:30 – 17:45
**Breakout
sessions**

Adapting justice services to needs of specific groups

Three parallel breakout sessions of 1:15 hr. Reporting back to plenary from 17:45 to 18:15

The crisis offers an opportunity to reflect on our justice institutions, pathways and laws to adopt a clear people-centred aim. Now is the time to reconsider specific legal assistance and justice policies and institutional settings that can affect access to legal help and justice, including for disadvantaged groups.

16:30 – 17:45
**Breakout
session A**

Business-Friendly justice, particularly for SMEs

Business-friendly legal and justice services, including legal frameworks, are essential for business development and healthy investment climate. The COVID-19 pandemic has strongly affected SMEs and exacerbated the need to provide access to justice for business to help address arising legal needs and ensure an inclusive economic and social recovery from the crisis. This interactive session will explore ways to enhance the accessibility of justice for businesses.

Moderator: Felix Steffek, Law Professor, University of Cambridge

- **Céline Kauffman**, Head of Division, Entrepreneurship, SMEs and Tourism, OECD
- **Viljar Peep**, Vice Chancellor of Justice Administration Policy, Ministry of Justice, Estonia.
- **Janet Martinez**, Senior Lecturer in Law, Martin Daniel Gould Center for Conflict Resolution, Stanford University, United States
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Questions for discussion:

- **Impact of pandemic on business and SMEs and access to justice:** What has been the impact of the pandemic and economic crisis on business activity and SMEs more specifically? What does it mean in terms of legal needs of businesses? What are the dispute resolution experiences of business, including SMEs? How can a business-friendly justice look like? What are the innovative initiatives to facilitate access to justice for business and what lessons can be learned from the pandemic?
- **Mechanisms for seamless dispute resolution:** How can a user-centric approach and pathway be embedded into commercial, investment and administrative dispute resolution mechanisms? What are the effective triage systems for ensuring that the most appropriate and cost effective services are provided to those who need it, when and how they need it? How can effective triage and referral systems be established to provide seamless referral and service delivery in contexts of complex, multi-agency responsibilities and multiple legal needs? What are the policy and institutional barriers and enablers?
- **Service delivery integration:** What different models of legal support and dispute resolution could be integrated into service delivery in other sectors (enterprise registration, labour and social security services, etc.) to address specific legal needs of business (e.g., related to life cycle of business)?

16:30 – 17:45
**Breakout
session B**

Child-centred justice

The pandemic has further entrenched barriers and legal needs children faced before the crisis, including rising levels of domestic violence, isolation and child poverty. This interactive session will explore justice pathways for children and young people following the pandemic, addressing the following questions

Moderator: Jennifer Davidson, Director of the Working Group on Justice for Children, Pathfinders/WJP.

- **Dr. Najat Maalla M'jid**, Special Representative of the United Nations Secretary-General on Violence Against Children
- **Mateja Končina Peternel**, Supreme Court Judge, Supreme Court of Slovenia
- **Heiða Björg Pálmadóttir**, General Director, Iceland Government Agency for Child Protection
- **Lidia Rabinovich**, Head of National Child Representation Unit, Legal Aid Department, Ministry of Justice of Israel
- **Patricia Hebert**, Family Law Lawyer, Alberta, Canada

Questions for discussion:

- **Legal needs of children:** What is the nature of legal needs of children and teenagers? How have their needs, and the barriers they experience to access justice, evolved as a consequence of the COVID-19 pandemic? What type of information is needed to understand their needs and experiences? Does the data exist and if not, how can it be generated?
- **Child-focused justice pathways:** What could a child-focused justice pathway look like? What needs to change to make it happen? What are the critical enablers? What do we know about what works?

16:30 – 17:45
Breakout
session C

- **OECD support:** How can the OECD People-centred Framework help countries to design and deliver people-centred justice pathways for children? What could the OECD do to support countries in creating more child-friendly justice pathways?

Towards bias-free justice systems

The pandemic has highlighted the disparate impact of the coronavirus on vulnerable groups and a wave of protests has resulted in growing recognition of the need to address remaining systemic discrimination. This interactive session will explore the following questions:

Moderator: Trevor C.W. Farrow, Ph.D., Professor Osgoode Hall Law School, Chair, Canadian Forum on Civil Justice

- **Iain Anderson**, Deputy Secretary, Attorney-General's Department, Australia
- **Ségolène Pasquier**, Ministry of Justice, Department of Access to Law and Justice and Victim Support, France.
- **Cristian Jara Brito**, Executive Director and Ambassador, Chilean Agency for International Cooperation for Development, AGCID.
- **Chloe Aquart**, Senior Program Manager, Center for Court Innovation, New York City, United States.

Questions for discussion:

- **Access for disadvantaged groups:** Which justice processes are most accessible for disadvantaged groups and which pose significant barriers? Which legal assistance and aid policies are most effective at reaching disadvantaged groups, particularly during the crisis?
- **Cross-sectoral approaches:** How can cross-sectoral approaches be explored to reach those in most need?
- **Removing systemic biases:** How to remove systemic biases from the system to enable equal access and equal treatment, as well as to facilitate trust in institutions, justice and democracies?

17:45 – 18:15

Reporting back from breakout groups to plenary session

Day 2

13:00 – 13:45

Delivering People-Centred Justice: Towards a Framework

Delivering people-centred justice calls for a clear people-centred purpose guiding justice sector policy and development, efficient, innovative and integrated approaches, and a commitment to evaluating to see what works. Building on the OECD criteria on people-centred legal and justice services and the outcomes of the 2020 Global Justice Week (co-organised with the Government of Canada, Pathfinders and OGP), previous OECD Roundtables on Access to Justice and the 2018 OECD Riga Statement, the OECD has been developing a people-centred justice framework to support countries in this endeavour. This session will aim to discuss the proposed approach, core pillars and elements of the

framework.

Moderator: Catherine McKinnon, Senior Counsel, Access to Justice Secretariat, Justice Canada

- **Tatyana Teplova**, Head of Division and Senior Counsellor, Justice, Gender and Inclusiveness, Public Governance Directorate, OECD
- **Geoff Mulherin**, Director, Law and Justice Foundation of New South Wales

13:45 – 14:45

Policy

Discussion

Towards people-centred justice purpose and culture in the context of COVID-19

The crisis and accompanying changes to the functioning of justice institutions have presented an opportunity to reflect on the purpose and culture of the justice system that is to meet the justice needs of their communities. In many cases, this may call for the reorientation of justice system culture towards the achievement of people-centred justice. It requires, for example, the justice systems, using a people centred approach, to identify the legal needs of the community, the groups most vulnerable, the barriers they face to access, and what effective and appropriate services are for those priority groups. It also requires appropriate capacities and resources across the entire chain of legal and justice players to deliver people-centred services.

Moderator: Anabela Pedroso, State Secretary of Justice, Portugal

- **Oonagh Buckley**, Deputy Secretary for the Civil Justice and Equality Pillar, Government of Ireland
- **Jean-Paul Janssens**, Chairman of the Steering Committee, Federal Public Service Justice, Belgium
- **Sam Muller**, Founding Director, HiIL
- **Maaïke de Langen**, Program Lead Justice for All, Pathfinders for Peaceful, Just and Inclusive Societies
- **Jennifer Llewellyn**, Schulich School of Law, Dalhousie University, Canada

Questions for discussion:

- **Purpose and culture:** As we move beyond the pandemic, justice systems will have many decisions – keep reforms, return to old processes, adapt to even newer processes, or a combination. How do we enshrine a ‘people centred’ focus or ‘purpose’ to benchmark against when evaluating justice sector initiatives and performance? How do we ensure increasing orientation of the operators of the justice system towards people-centred approaches, and establish a culture of service in the justice sector?
- **Legal needs and inclusion:** What is known about the legal needs of the community generally and during the crisis? How might governments and service providers identify and then target services to these priority groups? What are the strategies to ensure equality of access to services to vulnerable people?
- **Capacities and resources:** What capacities and resources are needed to support people-centred transformation of justice, including the delivery of the continuum of justice and legal services? What are the best approaches to build capacity and train justice sector professionals in people-centred approaches? Professionals in other sectors? How to ensure adequate levels of funding and the right mix of incentives to different actors for delivering a wide range of services which are appropriate, targeted and timely to meet the needs of the people?

14:45 – 15:00

Break

15:00 – 16:00

Policy Discussion

Systems and institutions to support people-centred justice

The COVID-19 pandemic has put governments, including ministries of justice, in the spotlight and under pressure. The decisions taken during the crisis will not only affect immediate outcomes, but can also have long-lasting consequences on trust in justice systems and on recovery abilities. Effective institutional arrangements, as well as coordination and co-operation capacities, have become crucial to placing people needs at the centre of justice systems, including during the crisis.

Moderator: Cris Coxon, Evidence, Engagement, Experimentation Unit, Ministry of Justice, United Kingdom

- **Janet McIntyre**, Director, Access to Justice Secretariat, Justice Canada / **Catherine McKinnon**, Senior Counsel, Access to Justice Secretariat, Justice Canada
- **Francisco José Chaux Donado**, Vice-minister of Justice Promotion, Ministry of Justice, Colombia
- **Jaša Vrabec**, President of the CEPEJ Working Group on Evaluation (CEPEJ-GT-EVAL)
- **Anna Skrjabina**, Working Group for the Efficiency of Latvian Judicial system, Ministry of Justice, Latvia
- **Maha Jweied**, Pathfinders for Justice Advisor, NYU Center on International Cooperation Fellow (US)
- **Danielle Hirsch**, Principal Court Management Consultant, National Center for State Courts (NCSC, US).
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Questions for discussion:

- **Institutional approaches for people-centred justice:** What are the examples of institutional approaches and coordination mechanisms which have been effective in responding to growing justice needs in the present situation? What are the country examples of approaches which facilitate cross-sectoral, whole of state, and whole of justice chain delivery to respond to justice needs?
- **Resilience and responsiveness:** How to ensure resilience, agility and responsiveness of justice systems to leave no one behind in the context of new emergencies? What type of leadership and co-ordination mechanisms are required to enable the justice sector to act cohesively (e.g., guidance, standards) and manage risks?
- **The role of Justice Departments:** What have been the approaches to understand legal need (beyond the formal justice system)? How have decisions been made to prioritise where to intervene (such as which services to prioritise and the level of prescription for the use of resources)? What have been the approaches to balance the need to be agile and not impose extra burdens on legal and justice services vs the need to be accountable for how funds gets spent and demonstrating impact?

Digital Transformation for People-Centred Justice

Digital technology offers unique tools that may assist to facilitate seamless and efficient dispute resolution and people-centred pathways, across a wide range of justice and other human services. It can help automate current processes and make them more efficient and accessible to individuals, create new pathways to justice and provide direct access to justice services. Indeed, during the COVID-19 crisis technology has shown a massive potential to reduce costs of justice for individuals and states, and to increase efficiency by cutting duration and complexity of processes. Nearly all OECD member countries have developed innovative approaches using technology, ranging from creation of virtual courtrooms and civil registries, to development of dematerialised ADRs and to WhatsApp helplines for abuse victims. Yet, careful approaches are needed to prevent technological innovations from creating or reinforcing barriers to equal access to justice or undermining fairness and the rule of law.

Moderator: Georg Stawa, Counsellor on Justice for Southeast Europe of the Austrian Federal Ministry of Justice (at the Embassy in Belgrade).

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- **Takashi Kikkawa**, Director of the Minister's Secretariat, Secretarial Division, Ministry of Justice, Japan
- **Seçkin Koçer**, Judge at the General Directorate for Strategic Development, Ministry of Justice, Turkey
- **Judge Jemin Ryu**, Judge and Director of Judicial Policy at the National Court Administration of the Supreme Court, **Young Gi Kim**, Judge at the Patent Court, Korea
- **Sara Vassalo** and **Gabor Magyar**, Policy Officers, EU Commission
- **Karim Benyekhlef**, Director, Cyberjustice Laboratory, Quebec

Questions for discussion:

- **Potential of digital technologies.** How can digital technologies facilitate early resolution and dispute prevention strategies? What are the examples of using technology for a seamless dispute resolution/people-centred justice ecosystem to help address people's legal needs? How can the use of artificial intelligence facilitate people-centred justice pathways?
- **Digital skills and culture.** What are the necessary digital skills for the clients and justice sector professionals? How to embed a culture of digital by default? How to strengthen legal and digital literacy to facilitate legal empowerment?
- **Enablers and risk management.** What are the required policy and institutional changes? Can investments in digital infrastructure within justice services save resources in the long term by increasing efficiency? What are the risks and safeguards? How can procedural rights and guarantees be protected to the same standard while using digital tools?
- **Leaving no one behind.** Are digital services appropriate for all people, and particularly the most vulnerable? How is the digital gap and lack of digital skills now barring those without access to the internet or without digital skills from accessing justice? What are the ethical issues to discern? How can digital technologies be better designed to support disadvantaged people?

17:15 – 18:15
**Policy
 Discussion**

Towards people-centred measurement, data collection and impact assessment in the justice sector

This session would focus on establishing the mechanisms for evidence-based planning to achieve people-centred access to justice, in line with the expectations of the SDG 16.3 target. Lessons learned from the medical management of the COVID-19 crisis also apply to justice systems: the allocation of limited resources in the most efficient way requires good data. Better access to justice data can assist governments and justice systems in recognising new patterns and anticipating new vulnerabilities. It could also help develop anticipation and foresight capabilities for justice and broader public institutions over time. It concerns the establishment of processes and investment to ensure key data is available, to ensure ongoing systems of evaluation exist to fill the large gaps in what is known about what works cost effectively to improve access to justice for citizens, and to ensure progress can be measured through an appropriate range of indicators.

Moderator: Peter Chapman, Fellow, NYU Center on International Cooperation (CIC) and Consultant, Pathfinders and World Justice Project

- **Susan McDonald**, Principal Researcher, Research and Statistics Division, Ministry of Justice, Canada
- **Tom May**, Research Manager, Legal Services Board, UK
- **Barbara Fabbrini**, Ministry of Justice, Italy
- **Aleksandra Semianowska**, Director, Department of Strategy and EU funds, Ministry of Justice, Poland

Questions for discussion:

- **People-centred measurement and data.** How can we facilitate outcome-focused and people-centred measurement of justice system performance? What are some relevant indicators for monitoring and assessing the people centricity of justice systems, institutions, services and pathways (also building on the SDG indicator 16.3.3 on access to justice)? What is the role of measurement as a support for planning and delivery of services, and not just performance monitoring?
- **Capacity for evidence-based decision-making and learning what works:** How to embed impact assessment on access to justice into core-decisions across justice systems and beyond? What are the successful examples? How to strengthen capacity for evaluation and understanding what works in the justice sector and in assessing what works? What are the examples of barriers, enablers and opportunities for strengthening an evaluation culture in the justice sector?
- **Justice sector data.** How do we ensure user feedback is integrated into justice sector data collection? How do we develop systems data that is also people-focused? What data is required? What is available? How can data collection and analysis be improved without placing an unreasonable burden on over-stretched justice service providers? How do we ensure appropriate privacy protections while allowing effective sharing of data? How can open data facilitate anticipation, provision and responding to people's legal needs during and in the post-crisis environment (e.g., pattern recognition through big data & AI)?
- **Data infrastructure:** What are the needs for and elements of sound data infrastructure to facilitate responsiveness to legal needs of people and business?

What are the country examples and lessons learned? What are the bottlenecks and opportunities? How can personal data privacy be protected in the context of rising digitalisation of justice services?

18:15 – 18:30

Closing Remarks and Next Steps

- **Janet McIntyre**, Director, Access to Justice Secretariat, Justice Canada
- **Tatyana Teplova**, Head of Division and Senior Counsellor, Public Governance Directorate, OECD