



1st Regional Conference on Access to Legal Aid

STRENGTHENING ACCESS TO JUSTICE
IN THE GLOBAL SOUTH

New Delhi, November 27-28, 2023

Ministerial Roundtable on 'Advancing the Agenda for Sustainable Development 2030: Access to Justice - Global South'

New Delhi, 27th November 2023, Monday

Additional Building Complex, Supreme Court of India, New Delhi (TBC)

BACKGROUND

The United Nations 2030 Agenda for Sustainable Development is a global framework for achieving a more sustainable and equitable world. It was adopted by all UN Member States in 2015 and it sets out a 15-year plan to achieve 17 Sustainable Development Goals (SDGs). The SDGs are a blue print for peace and prosperity for people and the planet, now and into the future. They address the global challenges we face, including poverty, hunger, inequality, climate change, environmental degradation, and peace and security.

SDG 16 is about promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels. SDG 16 is a goal in itself and has also been recognized as an enabler for achieving all the other goals¹, as without peace, justice and strong institutions, it is impossible to achieve sustainable development. Target 16.3 of the SDGs speaks of promoting the rule of law at the national and international levels and ensuring equal access to justice for all.

Governments play a crucial role in advancing SDG 16. They are responsible for promoting the rule of law by supporting the development of strong and independent legal institutions. Governments also enable equal protection of rights by developing and supporting policies that promote equality and inclusion. Governments are also tasked to ensure access to justice for all by working to reduce barriers to access the justice system through provision of services to low-income individuals and communities, and by promoting sustainable criminal justice practices.

¹ https://sustainabledevelopment.un.org/content/documents/23621BN_SDG16.pdf.

Countries in the Global South represent a diverse group of nations, that are often characterized as low- and middle-income economies, with high levels of poverty and socio-economic inequality. Thus, governments are faced with several challenges in achieving the SDGs due to limited resources, geographical barriers, conflict and insecurity, weak institutions, corruption, poverty and inequality. The Roundtable, organised on the sidelines of the First Regional Conference on Access to Legal Aid, will explore the role of Ministries of Justice in advancing the 2030 Agenda for Sustainable Development, in particular SDG 16.3, in the Global South.

OBJECTIVE

The roundtable between representatives of the Ministries of Justice that are tasked to ensure access to justice, justice delivery and/or legal reforms will provide a valuable opportunity for government representatives from the countries of the Global South to discuss their role in advancing access to justice, including access to legal aid and share good practices in advancing SDG 16 and the overall impact of their work on the 2030 Agenda for Sustainable Development. The roundtable is expected to generate a set of recommendations for strengthening the role of Ministries of Justice in their efforts and further improve meaningful access to justice for all. It is also expected to strengthen networks of collaboration and mutual support in the Global South.

ROUNDTABLE AGENDA

Premised on the call of the 2030 Agenda for Sustainable Development to ‘leave no one behind’, the roundtable would facilitate conversations among attendees on:

- i. **Expanding access to justice through people-centred justice approaches:** “People-centredness means that laws and justice institutions are accessible to every person, user friendly, non-discriminatory, fair, and focused on solutions and remedies that address people’s needs and deliver better outcomes”² Discussions will outline the pre-requisites for establishing justice systems and developing policies that are able to address the justice needs of people in an inclusive and indiscriminate manner. The importance of data and evidence in understanding people’s needs, obstacles they face and the kind of justice they receive will be highlighted. Governments will be encouraged to share good practices and people-centred policies adopted by their Ministries of Justice or other government agencies, to facilitate discussion on these aspects.

² The UN Secretary General’s *New Vision for the Rule of Law* 2023, <https://www.ohchr.org/sites/default/files/2023-08/230511-new-vision-for-rule-of-law.pdf>.

- ii. **Role of state-funded legal aid systems in furthering access to justice:** Equal access to justice for all is integral for protecting the rights of individuals, and to ensure that people have the ability to prevent and resolve their problems using formal and informal justice systems. Access to justice is more challenging and might even become impossible, especially for marginalised and vulnerable persons, in the absence of legal aid. Access to legal aid was recognized as a right by the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* (Principles and Guidelines) adopted by the UN General Assembly in December 2012. They affirm that States should guarantee the right to legal aid in their national legal systems at the highest possible level, including, where applicable, in the Constitution. Discussions will establish the importance of state-funded legal aid systems in enhancing access to justice and furthering the 2030 Agenda for Sustainable Development. Different models of legal aid mechanisms will be shared and deliberations on the role of the Ministers of Justice in establishing a robust state-funded legal aid mechanism will be undertaken.
- iii. **Access to Justice and Development:** “For societies, justice is often the missing link in national development strategies. Economies may perform strongly and health and education improve. But without justice, people will fail to reach their full potential and development will be precarious.”³ A growing economics literature also argues that inclusive institutions are fundamental to economic development.⁴ Even where countries may have well defined formal and informal dispute resolution systems, if there are barriers that make them inaccessible to majority of people, the economic development of the country will be adversely impacted. Further, legal problems cause hardships to people and are costly to the economy. On average, the economic costs of legal problems for individuals, arising from loss of income, health issues, or the resolution of such problems amounts to 1.7% of the GDP.⁵ This session will discuss the important linkage between justice and development and its importance in the broader sustainable development agenda. The need to invest in justice and promote efforts of Ministries of Justice to engage with Finance Ministries on increased and effective funding of justice systems⁶ will be emphasised upon. Access to justice has economic impact by protecting property rights for the poor, reducing corruption and improving governance.⁷ In addition to formal

³ Task Force on Justice, Justice for All – Final Report; pg 19. (New York: Center on International Cooperation, 2019), available at <https://www.justice.sdg16.plus/>.

⁴ World Development Report 2017 Governance and the Law.

⁵ <https://worldjusticeproject.org/our-work/research-and-data/wjp-justice-data-graphical-report-i>.

⁶ And where relevant to bilateral donors through Official Development Assistance (ODA).

⁷ [OECD White Paper on Access to Justice](#).

institutional channels through which access to justice can improve economic outcomes, a powerful forward-looking agenda might examine impact through increasing trust in society to undertake financial transactions and economic activity.⁸ The roundtable will enable a better understanding of the role of Ministers of Justice in contributing to economic transformation through different channels by which access to justice enables people to engage more productively in the economy.

OUTCOMES

Expected outcomes of the roundtable are:

- A shared understanding of the role and responsibility of governments, and in particular Ministries of Justice in advancing SDG 16.3.
- Recommendations for policy development and national action plans for improving access to legal aid, with a focus on aligning it with the Sustainable Development Goals and the overall SDG 16.3 framework.
- An increased understanding of the potential impact of investments in people-centered justice and legal aid services for all on strengthening trust between people and institutions/state through improved outcomes for people, communities and countries, on economic development and on the whole 2030 Agenda.
- A strengthened commitment of Asian, Pacific and African countries to advancing the 2030 Agenda by recognizing access to justice as a fundamental component of sustainable development.
- Formation of institutionalized regional partnerships and networks for sharing resources, knowledge, and experiences in promoting access to justice among governments of the Global South countries.
- Commitments to holding periodic review conferences to assess the progress made, share updates on achievements, and address emerging challenges related to access to justice and SDG 16.3.

⁸ Research proposal from the Development Research Group of The World Bank.