

Foreword

Access to justice and legal empowerment are foundational values of intrinsic importance that are also crucial for achieving inclusive and sustainable growth. Governments and civil society organisations (CSOs) alike recognise access to justice as both a fundamental right and a means of guaranteeing opportunities for all. Without it, the most vulnerable groups and people are left behind.

People and businesses regularly face “legal problems”; difficulties in addressing these civil and administrative issues may have significant impact on their ability to participate fully in the economy and society, as well as on their productivity, and relationships. Yet, tools and indicators to measure access to justice are under-developed. While research and measurement methodologies exist for the criminal justice sector, they are less developed in areas of civil justice.

In 2016 the Open Society Justice Initiative (“the Justice Initiative”) and the Organisation for Economic Cooperation and Development (OECD), under the auspices of its Public Governance Committee, joined forces to support a better understanding of justice needs and promote effective access to justice and legal empowerment. To do so, our institutions convened representatives from OECD member and partner countries from various links of the justice chain as well CSO and academic experts.

This *Guide on Legal Needs Surveys and Access to Justice* is a result of these efforts. The Guide brings together the experience gained through more than 55 national surveys conducted by governments and civil society organisations in more than 30 jurisdictions in the last 25 years. The approach to legal needs surveys detailed in the Guide reflects a wide array of legal traditions and political and cultural environments, as it has benefitted from measurement initiatives in Korea, Nepal, South Africa, Ukraine and other countries.

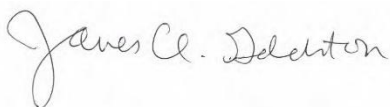
The Guide provides a framework for understanding and measuring legal needs as well as methodological guidance and model questions to capture three core components of effective access to justice:

1. The nature and extent of unmet legal and justice needs;
2. The impact of unmet legal and justice needs on individuals, the community and the state; and
3. How specific models of legal assistance and dispute resolution are utilised to meet needs.

The Guide seeks to support countries in better understanding, measuring and gauging their progress in implementing people-centred legal and justice services. It is also designed to support the effective implementation of target 16.3 of the 2030 Agenda (“to promote the rule of law at the national and international levels and to ensure equal access to justice for all”) and the OECD Policy Framework for Policy Action on Inclusive Growth.

Finally, the Guide puts forward the concept of a legal needs-based indicator that focuses on access to civil justice. In doing so, it contributes to the work of Praia City Group on Governance Statistics (established by the United Nations Statistical Commission), whose goal is to “encourage countries to produce governance statistics based on sound and documented methodologies and to address the conceptualisation, methodology and instruments needed to produce such statistics.”

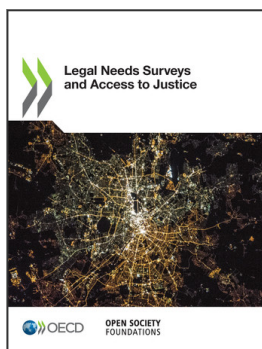
It is our hope that this pioneering exercise will help us improve access to justice. Understanding people’s justice experiences and needs will help countries deliver more effective public policies, not only in the area of justice and legal empowerment, but also in sectors such as health, housing, employment, education.



James Goldston
Executive Director
Open Society Justice Initiative
Open Society Foundations



Marcos Bonturi
Director
Public Governance Directorate
Organisation for Economic
Cooperation and Development



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