

Six Recommendations for Advancing Justice for All

On the 10th Anniversary of the Commission on Legal Empowerment of the Poor, coinciding with the 73rd session of the UN General Assembly, we celebrate the commitments made by the world's governments to ensure equal access to justice for all by 2030 via the Sustainable Development Goals (SDGs).

To achieve access to justice for all, the world must make progress on two critical challenges: the **financing and protection of grassroots justice defenders**. These champions of legal empowerment work at the front lines to help communities know, use and shape the law. Working within civil society organisations, they utilise knowledge of law and policy to address corruption and discrimination while holding public institutions to account.¹

We call on governments, donors and multilateral institutions to take immediate steps on the following recommendations. Only then can we make justice, not injustice, the norm.

Financing

- 1. Scale up investment for grassroots groups undertaking legal empowerment work, without curtailing their independence.** An estimated 4 billion people live without access to justice.² Yet domestic budgets and overseas development assistance often overlook the needs of civil society organisations providing direct legal services.³ These organisations play a critical role in the pursuit of justice, undertaking the majority of legal empowerment efforts underway today. Governments and donors should explore mechanisms for financing these groups without exposing them to political interference.⁴ Oversight and administration of public financing for legal empowerment should be entrusted to independent bodies, such as legal aid boards or human rights commissions.
- 2. Increase multi-stakeholder coordination around financing for legal empowerment.** Donors, governments and civil society should come together to develop a coordinated strategy and align resources, data and leadership. The Pathfinders Task Force on Justice provides an excellent platform to launch and initially house a donor group on access to justice. Such a group would be well placed to coordinate collective action when governments report on progress toward SDG 16 at the 2019 High-level Political Forum on Sustainable Development. The Open Government Partnership is another useful mechanism for co-designing national reforms and for global learning and consensus building.
- 3. Tap into sector-specific sources of funding to better utilise existing financing mechanisms.** Access to justice is an urgent need in many domains—health, labour, housing, education and more. At the national level, ministries and departments beyond the judiciary should assess how legal empowerment can assist them in pursuing their goals, then commit to financing these efforts.⁵ Meanwhile, global funds dedicated to specific marginalised communities or issues should invest in grassroots justice efforts that contribute to their missions.⁶ Overall, governments and donors should support legal empowerment work that helps to achieve goals across the 2030 Agenda, from ending poverty to achieving gender equality to mitigating climate change.

Protection

4. **Protect civic space and grassroots justice defenders from intimidation, harassment and murder.** During the course of their work, justice defenders are often harassed or attacked for representing communities against powerful interests. Sometimes, policies restrict their ability to operate or receive funding. States must fulfil their commitment to protect civil society space and ‘create and maintain, in law and in practice, a safe and enabling environment in which civil society can operate free from hindrance and insecurity,’ in line with the 2016 UN Human Rights Council Resolution on Civil Society Space.⁷
5. **Document and report on violations against grassroots justice defenders.** A lack of evidence and reporting on violations against grassroots justice defenders limits understanding of the scale of the problem and how best to curtail it. Through the SDGs, governments and civil society have committed to generating evidence on the scale of the justice problem. Many countries are investing in legal needs surveys and household surveys. These and other mechanisms should better monitor attacks on grassroots justice defenders. Figures on harassment and murder should feed into the Universal Periodic Review process and SDG Voluntary National Reviews.
6. **End the culture of impunity related to attacks.** Among the hundreds of murders of grassroots defenders documented in 2017, only 12% resulted in the arrest of suspects.⁸ Rampant impunity for acts of violence against grassroots justice defenders encourages further attacks and killings. Governments must take steps to reverse this trend and to fully investigate and prosecute the perpetrators of these crimes. This may entail establishing or strengthening National Human Rights Institutions, with the power to draw public attention to the value of justice defenders, investigate threats or attacks on defenders, recommend that criminal prosecutions be initiated and monitor follow-up on their recommendations.

To view additional recommendations for ensuring equal access to justice for all, request our upcoming policy brief at team@justiceforall2030.org. Learn more about the Justice For All campaign at justiceforall2030.org.

¹ Laura Goodwin and Vivek Maru. ‘What Do We Know about Legal Empowerment? Mapping the Evidence’, *Namati*, 2017; Vivek Maru & Varun Gauri, ‘Community Paralegals and the Pursuit of Justice’, forthcoming this year from Cambridge University Press.

² Commission on Legal Empowerment of the Poor. ‘Making the Law Work for Everyone’, *UNDP*, 2008.

³ Donor aid for the justice sector in general declined 40% over the past 4 years. The funding that exists often gets diverted to top-down measures rather than grassroots interventions. See Marcus Manuel and Claire Manuel. ‘Achieving equal access to justice for all by 2030: Lessons from global funds’, *ODI*, 2018, 11, 13; Rachel Kleinfeld, ‘How to Advance the Rule of Law Abroad’, *Carnegie Endowment for International Peace*, 2013, 4; Thomas Carothers and Saskia Brechenmacher, ‘Closing Space: Democracy and Human Rights Support under Fire’, *Carnegie Endowment for International Peace*, 2014, 20.

⁴ Governments should do their part to finance access to justice efforts. That being said, diverse revenue streams are critical to independence, integrity and sustainability. Legal empowerment organisations should thus avoid relying entirely on public funds.

⁵ See, for example, Legal Aid InterAgency Roundtable. ‘Expanding Access to Justice, Strengthening Federal Programs’, *United States Department of Justice*, 2016.

⁶ The Global Fund to Fight AIDS, TB and Malaria, for example, can invest in the legal empowerment of people who live with those diseases—equipping patients to understand health policy and to hold healthcare services accountable.

⁷ UN Human Rights Council, *Civil society space: Resolution*, 20 July 2016, A/HRC/RES/32/31.

⁸ Based on reports of murders of human rights defenders received by Front Line Defenders in 2017. Front Line Defenders. ‘Annual Report on Human Rights Defenders at Risk in 2017’, *Front Line Defenders*, 2018.