

STAKEHOLDER FEEDBACK: GENERAL IDEAS

NAME/SURNAME

NAME OF THE ORGANIZATION

Access to Justice

For more information on Access to Justice please see the accompanying brief

Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances . It applies to civil, criminal, administrative, and human rights law. Access to justice should be predictable, transparent, effective, non-discriminatory, and accountable. Open justice seeks to achieve greater governmental legitimacy and associated increases in public trust toward governmental institutions

Basic problems related to access to justice¹:

- *Lack of physical infrastructure (e.g. too few court rooms);*
- *Insufficient number of judicial actors (e.g. judges, prosecutors, administrators, and public defenders);*
- *Inadequate training and poor performance of judicial actors;*
- *Poor training and conduct of police forces;*
- *Limited access to modes of identification (e.g. I.D. cards/birth certificates);*
- *Weak or non-existent judicial enforcement, contempt, and subpoena power;*
- *Judicial and police bias against minority groups;*
- *Collusion amongst judges.*

Complex access to justice issues:

- *Lack of representation of women and marginalized groups in judiciaries and police forces;*
- *Insufficient legal aid resources for poor and marginalized communities;*
- *Inadequate constitutional empowerment of judiciaries, which prevents their serving as a sufficient check to overreaches by the executive and legislative branches. (Such overreaches can harm and infringe upon the rights of citizens.*

Categories of Access to Justice²

Category	Description	Examples
Legal Problems	<ul style="list-style-type: none">• The types of legal problems most frequently encountered by the public;• Developing, implementing, and publishing the results of legal needs surveys can identify the nature and impact of legal problems and identify paths to resolution;• Carrying out legal needs assessments help decision and policy	<ul style="list-style-type: none">• “Canada: Identifying Legal Need & Their Costs” as an open government approach to assessing legal needs

¹ For more information see https://www.opengovpartnership.org/wp-content/uploads/2001/01/opening_justice_working_draft_public_version.pdf

² For more information see <https://www.opengovpartnership.org/wp-content/uploads/2019/09/Justice-Policy-Series-Access-to-Justice.pdf>

	makers identify needed interventions.	
Legal Capacity	<ul style="list-style-type: none"> • Citizens knowledge and ability to understand the law, seek help, and navigate justice processes; • Includes ensuring adequate access to information about legal solutions. 	<ul style="list-style-type: none"> • “Institutionalizing Community Paralegals: The South African Experience” • “Ireland’s Efforts to Improve Access to Justice for Individuals with Limited Decision-Making Capacity.”
Access to Help	<ul style="list-style-type: none"> • Citizen’s ability to get legal help, whether formal or informal; • Quality of legal help available to citizens; • Policies to improve access include: developing self-help resources, expanded legal assistance, and improving the services of justice offices. 	<ul style="list-style-type: none"> • “Indonesia’s Effort to Increase the Availability and Quality of Legal Aid” • “Diversifying Funding for Legal Aid in the United States.”
Justice Processes	<ul style="list-style-type: none"> • The availability and quality of processes to meet the public’s legal needs; • Policies to improve the quality of dispute resolution forums including, but not limited to, courts. 	<ul style="list-style-type: none"> • Establishing Specialized Courts
Justice Outcomes	<ul style="list-style-type: none"> • The outcome of justice processes; • Includes: fairness, timeliness, cost, and downstream ill-effects (such as health effects). 	<ul style="list-style-type: none"> • Monitoring and Evaluating Access to Justice

Example Ways to Increase Access to Justice³

Improve access to justice system information:	<ul style="list-style-type: none"> • Focus on dissemination of information related to courts, crime, and the conduct of government officials that implicate the justice system (e.g. police brutality or formal bribery accusations against government agents). • Usually this information was not being collected, published externally, mandated to be in an open data standard, or published in an accessible, single source • Reforms that target increasing informational access often begin with commitments to create favourable law and regulatory change and then utilize
Improve complaint and case management systems:	<ul style="list-style-type: none"> • New channels for complaints to be heard, usually by ombudsmen or judges • Improve current channels by putting case management systems online • These commitments often allow litigants or those accused of criminal offenses to track their cases online, file pleadings, and inform themselves of their rights and legal options.
Empower the justice system to tackle corruption or fight corruption within the justice system itself:	<ul style="list-style-type: none"> • Legally empowering attorney generals, ministries of justice, and executive branch officials to pursue corruption cases against government members • Empowering judges, especially on the supreme court, to proactively investigate corruption and fraud, both internally and externally.
Promote civic participation in conflict resolution:	<ul style="list-style-type: none"> • Efforts to broaden access to justice by increasing community involvement when their interests are implicated, either as official parties (e.g. class members) or unofficial commentators (e.g. amicus brief submitters). • Often intersect with specific fields of law related to human rights and the environment.

³ For more information see https://www.opengovpartnership.org/wp-content/uploads/2001/01/opening_justice_working_draft_public_version.pdf

Identifying Key Issues for Access to Justice:

What do you think are the most important issues the Albanian Government should prioritize to improve access to justice and why?

1.

2.

3.

Ideas and Solutions to Support Access to Justice

Please propose any ideas or solutions you may have to support Access to Justice efforts. These suggestions can be simple – the details can be discussed in later consultations:

Idea 1

1. *Briefly describe the overall idea*

2. *What is the problem the idea will address?*

3. *Main objective of idea*

Idea 2

1. *Briefly describe the overall idea*

2. *What is the problem the idea will address?*

3. *Main objective of idea*

Idea 3

1. Briefly describe the overall idea

2. What is the problem the idea will address?

3. Main objective of idea

Idea 4

1) Briefly describe the overall idea

2) What is the problem the idea will address?

3) Main objective of idea

Idea 5

1. Briefly describe the overall idea

2. What is the problem the idea will address?

3. Main objective of idea

1) Please provide any feedback on how we can support more participation and engagement from civil society on this and other initiatives

Responder Information

If you would like to include information on the type of organization you are affiliated with please answer the following question, your responses will remain anonymous and are to help ensure that the process takes in ideas from all institutions and viewpoints:

What kind of institution are you affiliated with:

- Prefer not to say
 - University
 - Charity
 - Development NGO
 - Community group
 - Women's organization
 - Marginalized community organization
 - Faith-based organization
 - Professional association
 - Trade union
 - Social movement
 - Coalition or advocacy group
 - Other (please state)
-

What is the primary aim of your institution?

- Prefer not to say
 - Please describe
-

Many thanks for you participation!
All of your answers will remain anonymous.
Your honest ideas and feedback are crucial for this project!