"Access to Justice for All and the COVID-19 Pandemic: Recommendations for Action" Webinar Summary

"In March 2020 when a global pandemic was declared by WHO, we also began to face another crisis, which was a crisis of injustice." —Zainab Malik

On December 16th, the World Justice Project hosted the webinar, "Access to Justice for All and the COVID-19 Pandemic: Recommendations for Action,'' in partnership with the International Development Law Organization (IDLO) and Pathfinders for Peaceful, Just and Inclusive Societies. This webinar was one of four in a series promoting the World Justice Challenge, a global competition to identify, recognize, and promote good practices and high-impact projects and policies that protect and advance the rule of law in this time of crisis. Moderated by Elizabeth Andersen, Executive Director of the World Justice Project, the webinar featured panelists from the World Bank; International Development Law Organization; and Pathfinders for Peaceful, Just and Inclusive Societies. The speakers discussed the access to justice issues that COVID-19 has exacerbated, current on-the-ground solutions, and ways to build a better justice system after the pandemic has ended.

"We've seen an increase and a change in justice problems people face." —Maaike de Langen

Speakers began by underscoring the difficulties the pandemic has posed for access to justice efforts. Maaike de Langen of Pathfinders noted that new, sometimes repressive, emergency policies and economic turmoil have increased distrust and tension between formal justice actors and justice seekers. Furthermore, COVID-19 has created an even greater need for justice interventions and resolutions, and courts are struggling to respond to this increase in demand. Zainab Malik of IDLO added that the pandemic has forced justice systems to scale back, increasing the already large backlog of cases, particularly in West Africa and South Asia. Despite this initial setback, justice actors have responded quickly by transferring most court proceedings online, allowing for both urgent and backlogged cases to be heard. Malik also highlighted reports that gender-based violence and domestic abuse cases have jumped 50% since the pandemic erupted, and that justice systems have been unable to adequately provide legal aid and protective measures for these victims. David Satola from the World Bank raised the importance of safe data management during an international health crisis. While data has proved valuable in managing and understanding the spread of the disease as a global emergency, data collection has also posed real threats to issues of privacy and misuse of data, especially considering that many countries passed emergency legislation that suspended data protections. The COVID-19 pandemic should not be used by governments as "an excuse for opening the door on surveillance." Furthermore, the switch to virtual justice systems has further widened the already large digital divide.

"I hope that when we're all inoculated and back to normal that we don't forget that there are still these needs that we have in terms of establishing standards for rights and standards for justice" —David Satola

The second half of the webinar focused on justice solutions that have emerged in response to challenges exacerbated by the pandemic. Both Malik and de Langen remarked on how the pressure for solutions has led to innovative change and more collaboration across borders. However, de Langen emphasized the need for a more proactive attitude of anticipating access to justice needs during this economic recovery and cited an example of a Canadian legal aid center conducting surveys at the beginning of the pandemic to tailor their services to what

they found was needed. Malik added that civil society organizations have also responded with innovative strategies, particularly when it comes to addressing the large rise in gender-based violence and domestic abuse. Some of these practices, such as social media livestreams, provide information to those "who would otherwise be confined within the four walls of their home" and are unable to access these remedies. She added that legal service providers have also focused on those in prison and in pre-trial detention to ensure they have necessary protection from COVID-19 and are guaranteed a swift and fair trial. Finally, Satola credits the pandemic for taking abstract notions of what data protection might mean and what responsible data use might be and putting those into practice. He points to the need to have government institutions that are data literate and have the capacity to manage the use of public and personal data.

"There has been a lot of pressure to find those solutions which has led to more collaboration, more innovation than we've seen in a long time, and more creativity." —Maaike de Langen

In conclusion, the panelists discussed the "silver linings" in relation to the COVID-19 pandemic and the goal of access to justice for all. Satola began by noting the shift in how people view personal and public data and the increased attention to global data standards, voicing that "it's not really a question anymore of whether these data rights are important, it's a question of how they're managed." Malik acknowledged that the pandemic has called attention to how unjust our world truly is, and this awareness allows for innovative justice practices, such as alternative dispute resolution mechanisms, new informal and customary justice practices, and a recalibration of justice needs to ensure that vulnerable groups are at the forefront of having their legal needs met. Similarly, de Langen highlighted how the pandemic has brought underlying inequalities to the forefront as the Black Lives Matter movement and issues of racial discrimination found particular global resonance. This global awareness of injustices has resulted in a powerful platform to discuss and implement reforms. All three panelists described the momentum the pandemic has brought about in the justice sector and called for justice actors to build on that momentum even after the emergency has ended to ensure there are safeguards and practices in place in the years to come.

The webinar concluded with questions from the audience that focused on improving the justice system for prisoners and reducing overcrowding, non-technology solutions to justice problems, and coordination among justice actors.