

Putting People at the Center

A case study on access to justice centers in Argentina

Gustavo Maurino



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Foreword

Surrounded by beautiful multi-colored mountains and sparkling white salt flats, Susques is a small town in the Andes, 1700 kilometers north-west of Buenos Aires. It is not only at great distance from almost everything, but also the highest road-accessible town in Argentina at 3900 meter above sea level. When we arrived there after many hours of travel, we felt like we had reached the end of the world.



In May 2019, Minister of Justice Germán Garavano of Argentina, and Under-Secretary for Access to Justice María Fernanda Rodríguez, travelled to Susques to meet the team that runs the local Access to Justice Center there. I was invited to join them, along with my colleague Karina Gerlach and a number of other international partners, to see with our own eyes what leaving no one behind means for the justice sector in Argentina.

The visit was part of a whole week focused on access to justice in Buenos Aires, the #SemanaDeAcceso, with noted academics and practitioners organized by the Argentine Ministry of Justice and Human Rights. Minister Garavano was a co-chair of the Pathfinders' Task Force on Justice, and Under-Secretary Rodríguez was the Sherpa for the Task Force, as well as member of the High-Level Group on Justice for Women. Both the Task Force's *Justice for All* report and the *Justice for Women* report were launched that week.

In Susques, the team that operates the Access to Justice Center was comprised of a lawyer, a psychologist, a social worker, and a driver who doubled as an administrative assistant. They explained that the town of Susques – remote as it is and with its population of 1,600 – is the urban center for an area of 200 km around the town. The team uses the mobile Access to Justice center, driving up to 3,500 kilometers a month, to take services to where people live, in the high lands of the Andes.

Most issues the Center for Access to Justice deals with concern family relations, problems relating to work, money and land titles, and accessing health care and education. They also help out by filing forms and other paperwork, enabling people to access other public services and benefit from social policies designed to improve their living conditions.



The mayor of Susques impressed us by saying that “even though our people have been here for over 500 years, it is only in the last two years, with the establishment of the Center of Access to Justice, that we have been afforded the dignity to which all Argentinian citizens are entitled.” In other words, being able to access essential state services through the center meant that the people of Susques experienced, for the first time, that they too belonged to Argentina.

Going the distance, and committing to leave no one behind, that is what Argentina’s Ministry of Justice and Human Rights did in its access to justice program. Gustavo Maurino was National Director of Access to Justice in the Ministry and responsible for the Centers for Access to Justice. In this case study, he takes us with him on his journey to make it all happen. He describes the work, the planning and the learning that he and his colleagues had to undertake to turn the ideas of people-centered justice into a reality in Argentina.

That work is not done, not in Argentina nor anywhere in the world but Gustavo’s experiences and insights can provide inspiration, practical lessons and food for thought for all those that work towards providing equal access justice for all.

Maaïke de Langen

Program Lead Justice for All
Pathfinders for Peaceful, Just and Inclusive Societies
NYU Center on International Cooperation

Introduction

The Access to Justice Centers in Argentina are small offices, often located in low-income neighborhoods or in informal settlements, where a team composed of a lawyer, a social worker, a psychologist, and an administrative agent provide diverse justice services—such as legal information, representation, and advice, assistance with administrative procedures, community mediation. The Centers embrace the people-centered approach to justice services. Anybody can go to an Access to Justice Center and ask for help to solve any justice issue they might have (from a simple administrative issue to a multidimensional, complex one). The team would provide interdisciplinary and comprehensive support to channel and solve the problem, while promoting legal empowerment by enhancing the client’s legal capabilities. There are around a hundred Access to Justice Centers in the country. They are run by the federal government, under the National Directorate for Access to Justice at the Ministry of Justice and Human Rights. The program started in 2007, as a pilot in the city of Buenos Aires, and was quickly expanded nation-wide between 2014 and 2015.

Between December 2015 and January 2020, under the committed and supportive leadership and vision of Germán Garavano (the former Minister of Justice and Human Rights) and María Fernanda Rodríguez (the former Undersecretary of Access to Justice), I had the privilege to serve as National Director for Access to Justice, and to work with—and learn from—more than 450 people who make up the diverse and dedicated community of work at the Access to Justice Centers Network. In those four years, the network received more than 1.5 million consultations by more than 400,000 people who came to the Centers for help, to learn and to exercise their rights.

As the *Pathfinders Justice for All* report¹ has documented, the most prevalent justice needs are usually handled and solved outside traditional formal justice institutions - or remain unsolved. There is a need for institutional innovations that bridge the justice gap with primary justice services which are closer to people, flexible, and executed with a problem-solving approach. This case study is a contribution to the global conversation about how to advance making justice services more people-centered. It elaborates on the experience of designing and implementing the Access to Justice Centers program in Argentina; a nation-wide, people-centered, non-judicial, community justice service program in a middle-income country.

The study is organized in three parts:

Part one is about design: It provides the general background of the program, describes the theory of change, the core methodological elements, and the main strategic decisions that shaped and defined the identity of the program during the analyzed period.

Part two is devoted to implementation: It covers the main challenges identified and the initiatives, strategies, and decisions adopted for realizing the Access to Justice Centers’ vision and theory of work.

Part three presents some specific pilot and experimental initiatives developed to adapt the justice services to address specific institutional challenges and social needs identified as the program evolved.

During my four years of public service, I was inspired by and I learned so much from colleagues working on great projects and programs in different parts of the world. By delving into the journey of the Access to Justice Centers’ struggles and achievements, I hope to add some experiential perspective and knowledge that can benefit similar initiatives. As we navigate the uncharted waters of the pandemic, sharing our learnings, experiences and stories, may be also a comforting reminder that we are not lost in a solitary dream of realizing justice for all.

Gustavo Maurino

Fellow at NYU’s Center on International Cooperation
Former National Director of Access to Justice in Argentina



People-centered justice matters – the story of Juli

Amaicha del Valle is a town of three thousand people located in a mountainous area of northwestern Argentina. Most of its inhabitants have very limited economic resources and belong to the Diaguita-Calchaquí indigenous community. In this town lives Juli, a 9-year-old girl.

Juli unwittingly became the center of a paternity battle between her guardians, one of whom was her biological father, Roberto. The other was a man named Luis, who was her mother’s partner. He cared for Juli at the time of her birth and voluntarily registered as her father at that time. The dispute escalated to the point that it required legal intervention, a difficult situation given certain features of this village.

A case was filed and would be brought before a judge. As the dispute continued, the judge decided that in order to protect Juli’s interests, she would be assigned her own lawyer, pro bono, who specialized in children’s rights. However, there were two main problems. One: there are no judicial branch offices in this locality, nor are there private attorneys. The court with jurisdiction for the town is located more than 100km away in a town called Monteros. Monteros can only be reached by a mountain road that takes almost three hours to travel on. Two: The judge asked the local bar association to appoint a lawyer for Juli, but after two months they were unable to contact her due to geographical difficulties and cultural differences. Legal representatives were unable to ascertain whether she was safe or what impact the situation had on her.

While Juli’s story is important, it is not a unique one in Argentina or in other similarly low- and middle-income countries around the world. The gaps that exist in the justice system fail to meet the needs of people who need them most, and leave people—like Juli—behind.

This case study will delve into the ways that Access to Justice Centers can play a critical role in addressing certain shortcomings of the formal justice system, and why the Centers have become an essential tool for delivering justice for all in the most vulnerable regions in Argentina. They are an important arm of the justice system which can be used to pivot from intimidating, and institutional-based approaches, to people-centered approaches focused on the needs of individuals and communities by acting as a bridge between people and the formal system.

In Juli’s case, there was a Center able and ready to assist. It had been established as part of the Northern Corridor project (a medical-legal partnership to provide primary health and legal services to rural and indigenous communities in eight provinces in the north of the country). By establishing a relationship with the community and successfully implementing services in the area, the Center’s staff were able to identify the challenges and solutions of this particular case. The Center provided Juli with a lawyer and facilitated travel for the judge to visit the town herself—bringing the service needed to the people who needed it. There, the judge and lawyers were able to ensure Juli’s safety and hear directly from her that she considered both men to be her father and did, “not want to choose between two daddies.” It was then decided that they would both be registered as her legal parents. This is just one example of the potentially life-changing power of the Access to Justice Centers. Juli’s story ended up being a landmark case² in Argentina, and with the help of the Access to Justice Center, it was declared that she would have two legal fathers and one mother.

Planning



History, principles, and methodology of the Access to Justice Centers

The Access to Justice Centers

The Access to Justice Centers³ are part of a nationwide program in Argentina, run by the National Ministry of Justice and Human Rights. The program provides comprehensive primary legal services including information, advice, assistance with administrative procedures, community mediation, legal representation, as well as legal literacy, and community organizing activities. It places special emphasis on bringing access to justice to the most socio-economically disadvantaged populations.

The Centers apply an interdisciplinary approach where lawyers, social workers, psychologists, and administrative staff complement each other in order to deliver holistic services that empower people facing legal problems to handle them autonomously. Putting people at the center is the program's core principle.

The program started as a pilot in 2007 in the city of Buenos Aires, by transforming a group of experimental mediation centers into community legal advice services in middle-class neighborhoods. In 2009, Centers were set up in vulnerable areas of the city, and began to work primarily with socio-economically disadvantaged people. At that time, only legal advice and referral services were provided. In 2011, the Centers began to incorporate social workers and psychologists to the teams and a more holistic services began to be provided. At the same time, the program started to expand to different provinces. By the end of 2013, there were 53 Centers—20 of them in the city of Buenos Aires, and 33 in the rest of the country.

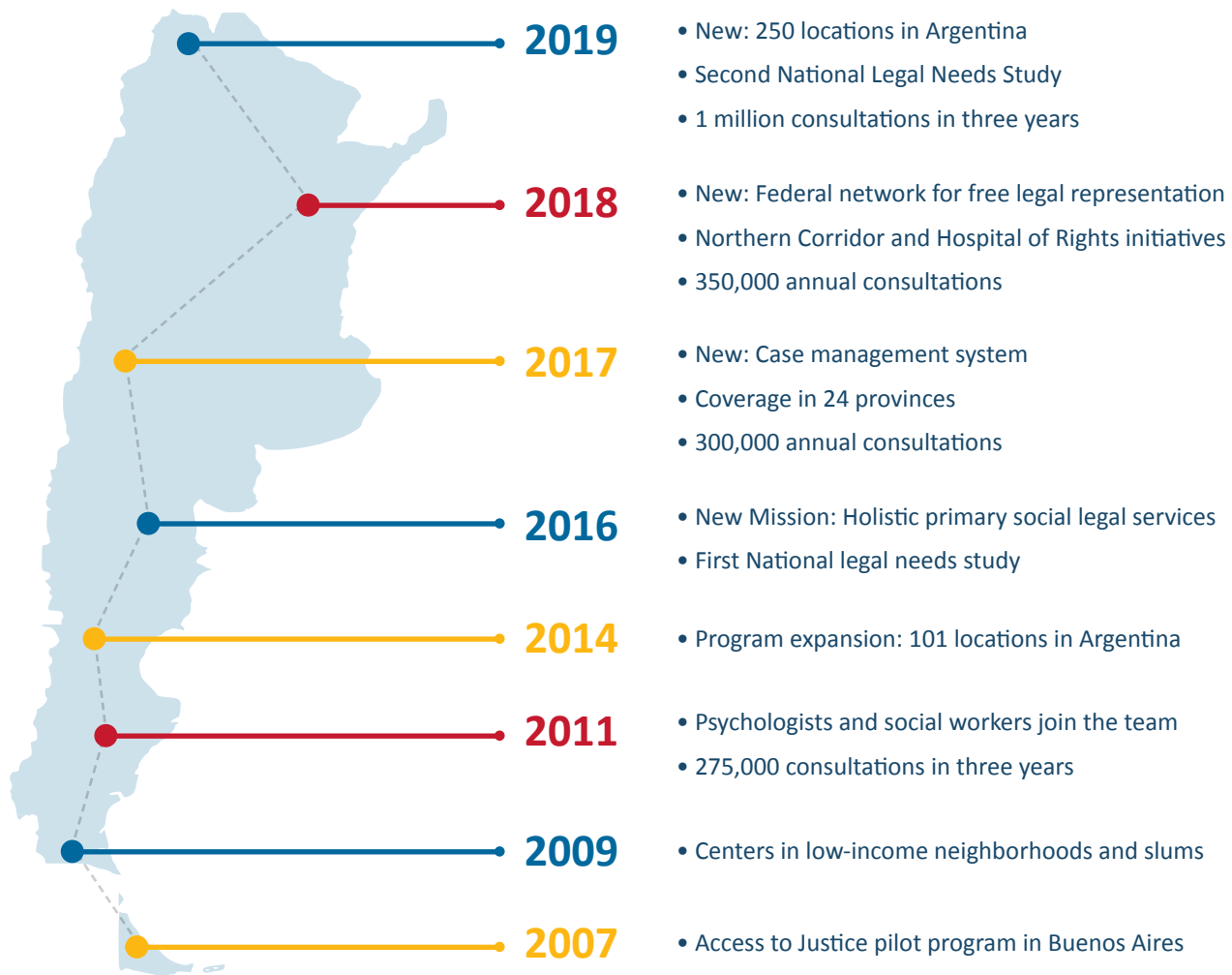
In 2014, an accelerated phase of physical expansion began within multiple provinces, complemented by a shift in the program's conceptual approaches. As the expansion and adjustment in mission began, the Centers started to operate more as community-based delivery points for general government social welfare services and programs, and less as a legal services program. This shift was simultaneous with the program's increasing politicization and politically oriented function, which shaped its service agenda, personnel, institutional relations, and work initiatives. In many cases, service delivery was mixed with political action, and serving the community through the Centers was taken as an explicit and public political endeavor in favor of the then governing party.

In 2016, the program started a new phase of development. Minister Garavano and Undersecretary Rodríguez developed the vision of the program and determined that it would aim to deliver life-changing justice services to those who needed it most. Accordingly, the program's functions were defined as people-centered primary socio-legal services and the mission was to provide holistic primary justice services for disadvantaged communities through an interdisciplinary and professionalized methodology, devoid of political influence. This policy cycle ended just before the COVID-19 pandemic began and was characterized by the adoption of structural initiatives for institutional strengthening and innovative service transformations. These have made a significant impact on narrowing the justice gap.

There are currently 94 Access to Justice Centers, located in large and small cities and towns in all 24



Photo by Mariano Alonso



Argentine provinces. The Access to Justice Centers network has a team of more than 450 people total who serve 195,000 clients yearly, according to the last public records prior to the pandemic.

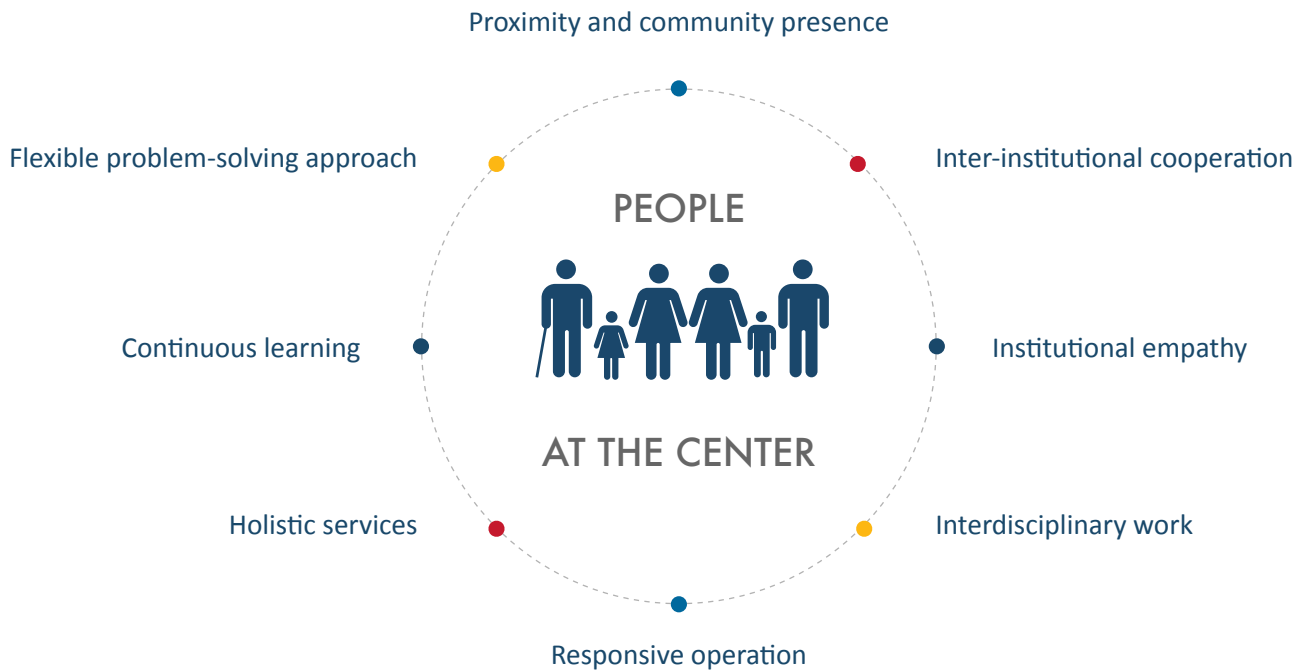
Characterizing the Access to Justice Center model

The design and implementation of the program’s model (also referred to in this paper as “working model”) was an evolving, collective endeavor undertaken by the National Directorate of Access to Justice, which exists as part of the Ministry of Justice and Human Rights. It was also a realistic and achievable process that balanced the history and evolution of the program, the aspirations embodied in the overall strategic vision, and the institutional capabilities and available resources.

What are Access to Justice Centers?

Access to Justice Centers provide holistic primary legal aid services aimed at the most vulnerable sectors of the population, to assist them in dealing with everyday legal problems related to all types of matters. To achieve this, they rely on interdisciplinary teams composed of lawyers, psychologists, community mediators, social workers, and administrative staff.

Each Center must deploy effective comprehensive services to meet the legal needs of the most vulnerable communities. Services provided can range from simple individual consultations to complex, plural and interrelated ones. All are welcome to utilize the Access to Justice Centers’ help and services, although clients are usually those who have been unable to find institutional or private legal support for their legal problems, and don’t know where and how to get help. Common justice problems—whether public or private, administrative or legal—can be taken to the Centers, and the team will provide legal information, advice,



direct assistance for management of legal cases, negotiations, administrative procedure accompaniment, community mediation, legal representation, and coaching to strengthen individuals' autonomy.

The Access to Justice Centers also provide either ongoing or one-time intensive outreach services as needed (i.e. at the headquarters of a community or religious organization, a public office or health center), as well as legal literacy training and community legal empowerment activities (i.e. workshops, trainings and roundtables).

Why are they important?

Every governmental program must add social value. In the access to justice field this means making a positive impact in addressing structural justice gaps and deficits that affect access to legal knowledge, services, support, and institutional procedures for fair and just resolutions of common justice problems. In the Argentine case, the Access to Justice program defined its mission and social contribution as the following:

To address capability deficits that negatively impact access of disadvantaged communities to legal knowledge, services, and justice institutions, while simultaneously promoting people's agency and autonomy to handle their legal needs and achieve the realization of their rights, in accordance with the promises of the legal system.

The path towards that goal is via legal empowerment, to be understood as:

- The ability to recognize how legal issues contribute to everyday problems, as well as their causes and agents.
- The awareness and knowledge of the role of law in society and in relation to issues affecting daily life.
- The knowledge and awareness of the services, procedures, and actors that can provide the answer to general and specific legal needs.
- The ability and competence to deal with specific legal situations, by understanding them, being able to talk about them, acting to resolve them, and sustaining action despite obstacles.
- Being aware of the value and role of citizenship, as well as personal and social dignity as a component of social justice and the rule of law.

This strategic definition put a people-centered approach at the core of the program, whose main focus would not be about institutions or laws, but about people. It would essentially be a program of services for **enhancing the experience of autonomous citizenship and human development in disadvantaged communities.**

How they operate:

The program developed eight points to guide their general methodology, which were identified as keys to effective services and social impact in the field.

Proximity and community presence

The Access to Justice Centers promote active, autonomous and informed citizenship. This can only be achieved through the Centers' visible and stable presence in the community, which allows them to understand the unmet legal needs of inhabitants, build relationships within the community, cultivate alliances and networks of trust and collaboration that enhance services, and maximize the impact of their interventions.



Photo by Mariano Alonso

Close proximity is essential for building expectations of trust and empowering community relationships. But the physical proximity or presence of a state office (availability) is not sufficient for maximizing its potential to meet the demands of the community (accessibility). In other words, even though a Center's services are available, it doesn't mean they're necessarily accessible to the community. This is because people are not aware of what a new public office can do for them in the field of justice, unless they have personal experience trying to navigate the system. Community engagement, therefore, must be constant and active. The program must not be "a place to go to"; on the contrary, the Center must go to meet the community with outreach services outside its headquarters, going to places where social and community life takes place. Outreach activity should create a familiar and active presence by bringing the Center closer to the community both physically and in terms of its relationship with community members.

Holistic services

Typically, the design of public policy related to the justice sector is specialized, focused on a particular subject and limited in the kinds of services offered. This inevitably produces fragmentation and alienation of the person seeking justice services, increases personal and institutional costs for coordination, and produces multiple, exhausting referrals in which a person's problems are lost or forgotten. For people trying to navigate the justice system to resolve their problem, this ultra-compartmentalized bureaucracy is a metaphorical long hallway lined with countless unmarked doors. Sometimes they go to the wrong door by accident, or sometimes are directed to the wrong door by others, but each time they are told it is the wrong door and that they must find the right one.

The program's methodology changes that paradigm. People's legal needs, particularly in vulnerable communities, are multiple and interconnected, and taking care of them requires different kinds of resources

and support. Access to Justice Centers must be able to provide primary social-legal services for the widest possible range of issues and problems (especially those of highest prevalence and impact). The Access to Justice Centers should not be one more “doorway” in a long hallway of formulaic and impersonal state bureaucracy. They should never be “the wrong door” for the community, and they should always have something meaningful to offer to those who have a problem. Support provided by the Centers must be delivered with the broadest and most comprehensive range of tools, services, and support activities, either by their own staff or through cooperative arrangements with other justice services providers.

Flexible problem solving approach

People-centered justice services can only build empowerment and promote informed citizenship experiences if they are effective in “making things happen,” and catalyze change within their community. It is not a matter of just informing people of their rights, or letting them know what alternatives they have, but of actively working to provide tools, removing obstacles, accompanying the person to take action and sustain it over time, carrying out active and anticipatory follow-up, and developing strategies to break deadlocks.

A non-bureaucratic and flexible approach is fundamental for the Centers’ methodology, which must help clients solve bureaucratic obstacles and navigate procedural formalities that are dysfunctional and

“It is not a matter of just informing people of their rights, or letting them know what alternatives they have, but of actively working to provide tools, removing obstacles, accompanying the person to take action and sustain it over time, carrying out active and anticipatory follow-up, and developing strategies to break deadlocks.”

inadequate for effectively realizing the rights of the most vulnerable people. Program support must enable people to “navigate the bureaucracy” with autonomy and a sense of self-confidence. Such an approach requires constant adaptation, learning what works and what does not, and learning about how institutions’ performance and operations are relevant to communities’ legal needs as they evolve.

Institutional empathy

Most of the people that people-centered justice services are meant to support experience daily vulnerability, social and institutional marginalization, and a sense of helplessness or defeat when trying to address their problems. In middle-income communities and families, people only encounter legal problems which affect their ability to carry out life unencumbered a few times. This can be a major life event (like getting divorced), or it can be a problem that needs ad hoc legal support, like disputes between neighbors. In contrast, however, people within vulnerable communities or situations experience

a multitude of legal problems on a daily basis whether they realize of it or not. These legal problems undermine their capability to carry out normal tasks in their day-to-day, and can significantly impact their life in the long-term.

To build effective autonomy and citizenship, institutions and justice workers must adjust and adapt to those experiences. This requires an Access to Justice actor to make a conscious and serious effort to transcend the intellectual, cultural, symbolic, and relational perspective of those who have not suffered institutional exclusion, in order to understand life in conditions of marginalization, institutional abandon, and neglect.

A service based on empathy requires an attitude of exploration and discovery, which should guide the process of attention and service, delaying the formulation of conclusions and judgments as much as

necessary. Implicit assumptions and certainties must be jettisoned to seek better information and deeper knowledge of the situation and the person's life. A non-empathetic service is alienating, even if it is effective in solving the problem.

Continuous learning

To provide the best services and achieve the greatest impact, each team and each employee must constantly and consistently refine and strengthen their professional capabilities and skills, build learning from practice, and review and adapt operational strategies. These practices can only take root and flourish with daily, continuous, and conscious institutional and personal effort, as well as training.

The working method demands the identification and continuous cultivation of successful practices, employing a process that is both experimental and sensitive to particular contexts. This process must be developed both from the top-down (with training, coaching, etc.) and from the bottom-up (with reports, proposals, pilot tests, etc.). It must be developed laterally across the organization (with workshops, meetings, exchanges, internships, etc.) in a way that adds value to learning as well.

Interdisciplinary work

In order to address deficits in capability, practice active problem-solving methodologies, and incorporate empathetic perspectives into the services provided, a holistic and interdisciplinary approach must be taken. This requires collaboration from individuals of various disciplines in one team, including lawyers, psychologists, community mediators, social workers, and administrative staff. It is important that these professionals not act in a fragmented manner, but rather in unison to solve a client's problem.

A holistic approach must be realized at every step of a client's journey, and teams must work together to achieve their common goals with the client. Every aspect of a client's journey is benefitted from having the viewpoint of multiple professionals who come from different fields of knowledge. This collaboration overcomes challenges which are often caused by a limited perspective based on one's discipline. Although collaborative management of interdisciplinary knowledge can also be challenging, it is fundamental to the success of the working method.

Responsive operation

Transparency, participation and flexibility, both internally and towards the community, must be central features of the program and must be expressed throughout all levels. Moreover, the model of the program, which is based on adaptive, experimental, and innovative ideals should create an environment which enables all participants of the program to be an agent in the process of its continuous improvement. This must come from institutional management of the program who must make space for input and feedback with local offices and local communities.

Furthermore, the program must implement practices of open information, participation and community-based accountability. Building conversation with the local community and participating in the community are key elements. Local teams must consolidate and strengthen the value, trust, and legitimacy of their work, through constant and constructive dialogue with their community, nurturing their empowerment, and hearing feedback on program's value and impact.

Inter-institutional cooperation

Many legal needs of the most vulnerable communities are related to social and economic rights. Most dimensions of social rights are organized, regulated, or supervised by public and private institutional actors at different levels (centralized or decentralized, national or local, etc.). In any country, and especially in low- and middle-income countries, the social demand for unmet legal needs far exceeds the institutional supply. No institution can meet or solve the legal needs of the community on its own.

Access to justice initiatives must think of themselves as part of the justice ecosystem. This includes a wide range of institutional actors (public and private), with diverse purposes, dynamics, and methodologies. The goal of the Center should be to bring these actors together in a space where they can coexist, in order to work with a community, its legal needs, and the paths to overcome them. Collaborative strategies maximize available services and resources, and increase the chances of success in overcoming obstacles. Building networks and cooperative projects makes it possible to utilize the comparative advantages of various actors, optimize scarce resources, and avoid overlaps and blind spots. Inter-institutional collaboration and cooperation is therefore strategic for the impact of the program. The participation of institutional allies is key to assuring truly holistic services and to maximizing a Center's ability to effect change.



Photo by Mariano Alonso

Constructing a program identity

No public policy is designed in a vacuum. Quite the opposite - they're most often constructed in a framework of structural conditions that policymakers cannot choose or modify. The implementation of public policy programs, moreover, does not depend exclusively on policymakers' will and action, but on the interactions of complex and varied series of institutional actors in different roles over time, with their own incentives and priorities.

The fundamental strategic decisions of policymakers are always made in a unique and particular context

which includes opportunities and risks, strengths and weaknesses. The final identity that the program acquired was inevitably the result of the interaction between these strategic decisions, the structural conditions, and the reactions of the participating actors in their respective spheres of action.

This section presents a brief analysis of the basic structural conditions that frame and condition the design and implementation of a public policy program like the one we are analyzing, as well as the fundamental strategic choices that shaped and defined its identity.

The structural context of the Access to Justice Centers program

A consistent assessment and evaluation of the structural conditions, within which the policy makers must operate, will maximize the chances of realistic and constructive program design and implementation.

Based on our case study we identified three dimensions to consider in constructing an institutional identity for Access to Justice Centers, and ten long-term strategic decisions for a sustainable vision. Although their weight and relative influence will differ according to local conditions, they should be considered relevant for people-centered justice services in any context.

Three dimensions to consider:

1. External conditions of the justice and social ecosystem – social needs, perceptions and expectations from the community and the justice sector

Social needs

The justice sector's perspective has typically been institution-centered, based on the idea of justice institutions as authoritative rather than service-oriented entities. Accordingly, it lacks traditions and methods for surveying social demand and needs. One consequence of this is that the traditional ways of delivering justice services often do not match such needs, especially those experienced by vulnerable communities.

Unmet social demands and needs are a critical element that must be assessed to make sound strategic decisions about a service-oriented program. It should be a priority to have adequate tools to identify them at the beginning of the program, and that assessment should be periodically updated to identify relevant social shifts. Another related fundamental input for strategic decision-making is an adequate understanding of subjective vulnerabilities (cultural, symbolic, etc.) and their expression in the various contexts in which the program operates.

Without an understanding of these elements, the program moves forward blindly and strategic decisions will be affected by cognitive and motivational biases, prejudices, and uninformed assumptions, rather than an adequate understanding of the social challenges the program is meant to address.

Community perceptions and expectations about the program

In many cases, the relationship of vulnerable communities with the state, government, public officials, the law, and the justice system are historically characterized by abandonment, exclusion, dependency, and violence (both symbolic and physical). It is important for an access to justice program to have an adequate knowledge and understanding of what the community expects and demands from the state, as well as fears and concerns about it.

One of the distinctive features of this type of service is its physical proximity to communities, but community work has dimensions that do not exist in a formal and traditional public office. A public community-oriented justice program must build a relationship and a sense of community belonging, which is not part of the usual agenda of public or administrative services. Developing comprehensive, as well as specific community assessments, is a fundamental tool needed to make strategic decisions about the program.

Perceptions and expectations of justice sector actors

An access to justice program is an intermediary between justice needs and the available solutions to them. In many cases, community-based services will be able to solve a person's need, but in many others their task is to guide, accompany, support and assist the person's journey, which will involve other service providers and institutions. To design and establish effective services, policy makers must adequately assess, calibrate, and maximize the possibilities of cooperation with other justice providers and intermediaries.

This ecosystem goes beyond the formal public justice sector. It also includes civil society, academia, the press, and international actors in the field who could be facilitators, catalysts and sources of strategic support, collaboration, and legitimation. All these actors must be charted. The more complete the map, the greater the planning tools available. This mapping assessment is even more important in the foundational moments of a program, when there is so much uncertainty about how it will be received by external actors.

2. Political-institutional conditions

Institutional mandate of the program

Every policy program is part of the institutional structure of the administration, but it is also part of the political agenda of the government and political officials.

Having a comprehensive and detailed mandate that represents the program leaders' vision of the mission, strategies and values, which is analyzed, refined, and validated by senior political authorities will provide a common frame of reference for institutional expectations and decisions regarding implementation, and will create predictability and stability for program process.

A shared, unambiguous, and public understanding of all these institutional aspects of the program between program leaders and political authorities, which goes beyond bureaucratic formalities and generic discourses on paper, can also strengthen its sustainability, especially when structural conditions are unstable and unpredictable—as they tend to be in countries with institutional weaknesses and economic constraints.

Level and dynamics of institutional and political support

The long-term sustainability of an institutionally and politically relevant program is affected by the political interests that may affect it. In weak states, public policies are more exposed to political disputes. Administrative bureaucracies are complex and often have competing internal goals, putting those who design and implement public policy at a crossroads where the political interests of various actors converge. The structure and level of institutional and political support must be carefully assessed, since it will determine the degree of independence or interference that the program will have and the volume of support that can be mobilized to achieve its objectives and goals.

Understanding the institutional governance structure, its dynamics and rules, the decision-making practices of political actors, the internal incentives and lines of political tension, etc., is fundamental in assessing how the political environment may affect policymaking for the program. It is important to understand political context for mitigating risk and conflict prevention, and for creating management strategies, and building internal and external support networks to protect the program.

Budget ceilings

The most salient component of the political-institutional variables relevant to organizing a public policy program, is the budgetary one. Budgets affect resource allocation, which in turn affects the quality and the extent of services. This is especially true in countries with institutional and bureaucratic weaknesses. Assessing budgetary support and sustainability is critically important in making strategic decisions. The long-term perspective in relation to the availability of resources defines the sustainability of the program, and is another key element to assess.

In contexts of institutional and economic vulnerability, formulating policies that have consistency over time is extremely difficult. However, without a plan which incorporates different possibilities and is flexible in implementation, the fate of the program will be beyond the control of those who are responsible for it. The degree of autonomy and discretion regarding the timing and decision-making procedures related to resource management and budget administration are also important, since timely and effective availability of resources can define the fate of initiatives and work plans.

3. Internal conditions

Front-line teams

The day-to-day work of community justice service programs consists largely of face-to-face relationships between front-line workers and the community. Front-line workers are strategically important, as they are the implementing “tools” of the program. Their skills, capacity, and capabilities make up the bulk of the program as it has low technology requirements, few material resources to distribute, and little access to ultra-specialized or expensive information or knowledge.

A thorough assessment of the people that will do the everyday community work is therefore key to designing, planning, and making strategic decisions about the future of the program. This assessment has obvious elements related to the degree of knowledge of the basic tools and skills required for the service, their perceptions about the mission and value of the program, their sense of duty and ethical and professional responsibility, and their level of integrity.

Material infrastructure and working conditions

Adequate assessment of the conditions, resources, needs, and material risks related to the provision of territorial services is an essential element for the responsible management of a large-scale, decentralized program. Many infrastructure decisions must be made according to a certain vision about the design of the program, the budgetary framework available, and opportunities for local cooperation, but none of this can be done without knowledge of the basic physical conditions under which the program has been operating or will be operating.

Administrative data, information, and knowledge management

The capacity to produce, obtain, and manage administrative data, information and knowledge must be valued as a strategic internal tool that will shape the way the program evolves. The quantity of data and information that can be generated by a large-scale program is enormous and of unique value to institutional learning, especially when we consider the novelty of these kinds of projects and the lack of well-established and proven models from which to draw on in order to analyze their performance, impact, and progress. Consistent information management provides the tools necessary to make decisions based on solid and reliable evidence about the program.

In the beginning of a policy cycle, external and internal factors can heavily influence the success of a program, like the Access to Justice Centers. While external factors are easier to adapt to over time, Internal factors and decisions depend on a complex and evolving balance between vision, commitments, political will, priorities, compromises and support from the highest ministerial authorities. All of these internal factors and decisions must work in concert to support a program in its initial stages.

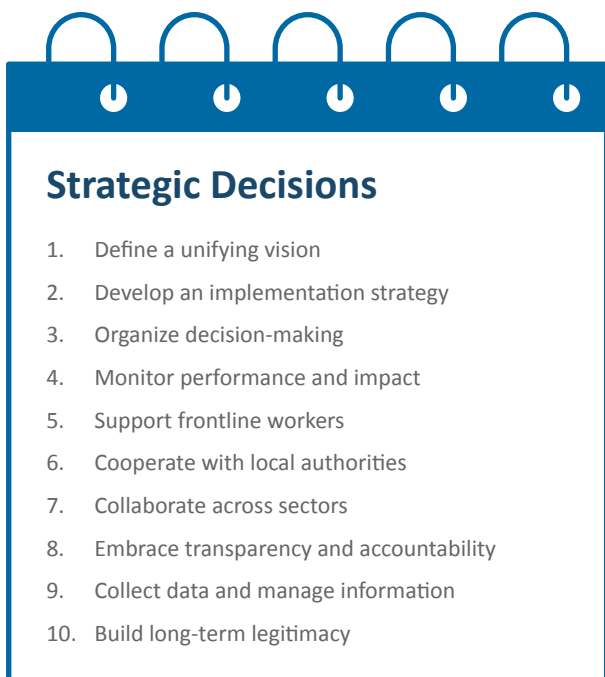
The Access to Justice Centers were considered a flagship program by Minister Garavano during the 2016-2019 cycle. He personally refined and endorsed an ambitious and committed institutional vision for the Access to Justice Centers, provided strong and consistent institutional and economic support to undertake the structural transformations needed to implement the people-centered methodology of service,⁴ and enabled opportunities for the program to learn from—and take advantage of—other initiatives and knowledge around the world.

The role of Undersecretary of Access to Justice was especially important to secure the best possible institutional, political and operational conditions for the program. In her position, she was the link between politics and policy. Undersecretary Rodríguez was ranked third in the ministerial hierarchy—after the Minister, and the Secretary of Justice⁵—and she was responsible for supervising the work of the National

Directorate of Access to Justice. The National Directorate is the first level of the bureaucratic, non-political structure of the Administration and was in charge of coordinating the program. Undersecretary Rodríguez's role was key to:

- Ensuring that the design of public policy was consistent with the government's overall political priorities and narratives, through appropriate conceptual, communicational, and operational adjustments, and refinements.
- Balancing the intensity, scope, and timing of the implementation of lines of work or demands defined by high-level political commitments.
- Protecting the program from external political interferences by keeping communication channels with political authorities clear.
- Optimizing the management of budgetary support for program development and expansion within the enabling policy framework.
- Activating an environment of continuous accountability for the performance and overall impact of public policy which will be based on data and information.

Without the consistent, committed, and supportive leadership of the Minister and the Undersecretary, the Access to Justice Centers program would not have had the opportunity to become a long-term institutional project.



Strategic Decisions

1. Define a unifying vision
2. Develop an implementation strategy
3. Organize decision-making
4. Monitor performance and impact
5. Support frontline workers
6. Cooperate with local authorities
7. Collaborate across sectors
8. Embrace transparency and accountability
9. Collect data and manage information
10. Build long-term legitimacy

Ten long-term strategic decisions that shaped the Access to Justice Centers program

Before reviewing the strategic decisions that set the course of the program in its 2016-2019 cycle, it is appropriate to outline its general context at the beginning of it.

The political situation resulting from the change of government was traumatic and had no precedent in the democratic history of the country. There was a sudden change in the management of political and bureaucratic structures, with no collaboration, preparation, or exchange of information between the outgoing and incoming authorities. This resulted in a general climate of tension, uncertainty, and polarization within the administration.

The new administration carried out a structural review of its personnel, which resulted in the termination of tens of thousands of contracts. Nearly one-third of the Access to Justice Centers' program staff were made redundant, and more than 100 new people joined the program who generally had no previous experience in the field of community work. The result was the coexistence of very diverse teams with very diverse backgrounds who had different conceptions about the meaning, values, purpose, political commitment, and operational priorities that should characterize the program. Furthermore, there was not any shared or uniform institutional knowledge.

Within this context, and due to the institutional precariousness, sudden geographical expansion, weakness and administrative informality of the program, there was a significant lack of information on its basic operating conditions (location of the Centers, infrastructure conditions, equipment, work teams, budget,

clients and cases files, information on the actual work carried out, etc.). Nor were there institutionalized management and coordination structures, protocols, or work manuals.

A large part of the first months of 2016 was dedicated to preparing a general assessment of the conditions in which the program was operating, and to drawing up a map of the most urgent deficiencies, needs, risks, and vulnerabilities. Although this was not an ideal environment, it gave the management team the opportunity to identify ten long-term strategic decisions for sustaining and strengthening the program.

1. Defining a unifying long-term vision

For any policy it is always necessary to have a consistent, shared view that is made known to all people participating in the program and those interacting with it, which:

- provides the program with an internally and externally recognizable sense of identity;
- generates unity of actions within the program;
- helps coordinate expectations and actions.

Only on this basis can the relationships between the agents on the front-line, the managing team, and political authorities be established and articulated in an intelligible way.

The vision has to be operational (defining how the program would work), evaluative (allowing the identification of best practices and those that should be discouraged), and normative (to provide criteria to strengthen skills and capabilities of the teams and promote strategic institutional alliances). It must be able to craft an effective and unifying narrative of the different ideas within the program; consolidating and strengthening some, while abandoning others. This process also creates a unified and shared language about the program, the services it provided and the methods by which it does so.

Using a participatory, gradual dynamic of collective reflection, and political and institutional validation, articulating the general vision took approximately nine months and was finalized in late 2016.⁶

2. Defining a general implementation strategy

The same circumstances that made it urgent to establish a clear and authoritative vision for the program made it equally challenging to implement it consistently throughout the country. There was a vast disparity in personnel (history, capabilities, commitment, knowledge, skills for community work, etc.), limited institutional stability, operational precariousness, and isolation at the community and institutional levels.

Furthermore, the rapid and unexpected political transition created fragile conditions for the program and not all changes could be made simultaneously. In order to not overwhelm the capacities of the program or the staff, implementing new strategies and unifying activities needed to be performed in increments to ensure the program remained active and organized, and did not suffer major shocks. Therefore, a standardized and simultaneous process was not an option.

Consequently, the strategic decision to guide the implementation process was to use a flexible, adaptive and contextualized approach, which was in accordance with the varying conditions of different Centers, their capabilities, community and institutional relations, etc. The costs of supervision and follow-up would be high, but it was considered necessary for the effectiveness and sustainability of collective institutional learning, building of a sense of inclusion on the teams, and the progressive, organic and sustainable consolidation of the local community, and institutional relations.

3. Defining operative decision-making agencies, roles and procedures

At the beginning of the cycle, the program lacked an institutionalized governance and management structure which is a key factor in the overall coordination and relational dynamics as well as institutional identity. The relevant variables identified at that point were related to: decentralization of decision-making, participation of the staff in the process, legitimized sources and reasons for management decisions, and mechanisms for reviewing them.

The program adopted three methodological or procedural principles for governance and decision-making, which were to be followed universally in all areas and at all levels, and implemented in a participatory and deliberate manner:

1. the reasons for any important decision would be made public;
2. there would be broad participation in strategic decision-making;
3. decisions could be reviewed and further analyzed.

The program determined that its governance and coordination structure should have intermediate, decentralized links established in the various regions of the country—with the ability to visit the Centers in each region on a regular basis and to monitor their work on a daily basis—and ten regional coordinators were appointed in different parts of the country. Three “vertical” levels of decision-making were then established, with the central level in charge of the general direction, the regional level in charge of the supervision and coordination of groups of Centers, and the local territorial level of each team.

Upon reflection, it is difficult to imagine how the vision and methodology of work could have been built, implemented and cultivated if the governance and decision-making mechanisms and agencies had been exclusionary, closed, arbitrary, silent, and centralized.

4. Setting performance and impact goals, indicators and evaluation mechanisms

Mechanisms for Monitoring and Evaluating (M&E) progress in performance or results contribute to programs’ effectiveness and to internal and external transparency and accountability. But implementing M&E mechanisms can have variable dynamics and outcomes, depending on their institutional purpose, the intensity with which they are implemented, and their cultural impacts on the working environment.

A methodology of establishing goals, indicators, and evaluations was initially designed to contribute to the internalization of the general vision of the program and its methodology, unifying the criteria for work and creating a common language around the identity of the program. The process was implemented with an openly experimental approach and was continuously adjusted. It was refined annually in all its operational dimensions, and the goals, indicators, and evaluation methodology were adjusted based on internal discussions.

The M&E mechanism played a central role in building and consolidating the program and its implementation priorities. It was also a public, impartial, and transparent mechanism for evaluation and accountability of the program teams. It framed institutional conversations about the evolution of the work, articulated working priorities, provided legitimate reasons for pride or critique about performances, and also provided learning tools about how to ensure progress.

5. Supporting frontline workers

The key to the success of people-centered justice programs aimed at vulnerable communities lies in the attitude and work ethic of front-line teams. When teams carry out their everyday service work, it is critical that they have the ability to sustain the same quality of work consistently throughout the entire work day, as well as day after day, with the same passion, dedication, and empathy.

The development of an institutional working culture geared toward people-centered services could not be achieved spontaneously due to the diversity of staff (seniority, disciplinary profile, skills, political alignment, etc.), and the social trends rooted in the administration (political resistance, formal bureaucratic culture, extreme precariousness of working conditions). Staff selection mechanisms did not address this problem, due to a lack of procedures to ensure that the individuals hired were suited to their positions, as well as cronyism, and political and personal influences that impacted staffing decisions. In light of these differences in personnel, an intense agenda of institutional support was needed in order to cultivate a strong working culture across the program that would encourage, value, and support staff cooperation, trust, and commitment. That agenda was implemented through different initiatives:

- maximizing meetings between the program's managing authorities and the front-line teams (through periodic visits to the teams by the regional coordinators and the central management team);
- radically transforming the physical working conditions (office space, equipment and supplies, safety measures, etc. were considered "material preconditions for dignified work" at all the Centers);
- promoting and facilitating participation in decision-making that affects local work, and offering significant and ongoing training opportunities

6. Cooperation with local authorities

In any program of local services organized by the central government (but especially in countries with a federal structure or local government autonomy) the potential impact of the program is dependent upon the relationship with local governments and public institutions. However, given the political implications of this type of relationship, it will generally be political actors rather than professional policy-makers who make strategic decisions on how it will work, and justice services programs will operate within the parameters established for them.

Within this framework, the strategies adopted in our case study were contextualized and diverse. Political affinities or rivalries, the level of local interest and the institutional commitments, and the political agenda at the central administration gave rise to a wide variety of situations. In many cases—and during certain periods—institutional processes established and promoted by political authorities favored broad cooperation. In other cases, limited processes of joint work were enabled and the strategic decisions were left to local actors; and in some cases the dynamics reproduced the general political environment of the locality (of collaboration, isolation or even confrontation).

7. Forming collaborative relationships with the justice and social sectors

In Argentina, as in the vast majority of countries, traditional actors in the justice sector (the Judiciary, Bar Associations, Law Schools, public and private lawyers, etc.) are not greatly involved in addressing problems



Photo by Mariano Alonso

of access to justice. Nor is community legal empowerment a significant part of their institutional agenda. Moreover, almost everywhere, evidence shows a trend of lack of inter-institutional coordination and cooperation in the provision of justice services, especially for the most vulnerable communities.

In this context, the program made the strategic decision to seek and promote the greatest possible number of cooperative initiatives with the justice and the social sectors at national, provincial, and local levels, allowing it to find institutional channels for expanding the range of services for Access to Justice Center clients. The decision to connect these sectors (and to overcome the high transaction and cooperation costs resulting from a lack of trust and habit of not working together) would require patience, institutional dedication, and thoughtful investment of the limited existing resources. Despite these obstacles, it was understood that this was the best path forward for the program to grow and to maximize social impact.

At the local level, each Center would have to design and implement an institutional relationship plan that transcended any political alignment and was carried out with transparency and institutional good faith. At the national level, general cooperation initiatives were defined and then implemented by the local agencies.

The decision to work with others as much as possible would significantly impact the identity and scope of the program, and it would also function as a channel for building legitimacy with the legal community, the national administration, and the social sector.

8. Defining a transparency and accountability policy

The principles of internal and external transparency and accountability are a necessary part of any public policy in a state governed by the rule of law. However, their impact on the daily working of a public policy

Access to justice services and the Open Government Partnership

In 2019, Argentina's fourth Open Government Action Plan included a commitment on access to justice.⁷ Argentina committed to systematically collect evidence on people's legal needs by conducting surveys in 2019 and 2021 and publishing their results in open formats. They committed to using the findings of these surveys, as well as a roundtable between justice system institutions and civil society, to inform the participatory design of new mechanisms of access to justice.

Justice sector institutions from around the world have engaged with the Open Government Partnership (OGP) – an organization launched in 2011 by reformers inside and outside of government who work together to transform how government serves its citizens. The initial focus of this engagement was around producing statistics and open data on justice. The inclusion of access to justice in SDG16 led to a second wave of justice-related commitments in OGP action plans. These take a broader perspective on the justice sector, comprising judicial as well as non-judicial institutions, and contribute to participation and accountability.⁸

There is an obvious overlap between people-centered justice services and initiatives to engage civil society in the design, implementation and evaluation of those services. Open government is about including people's voice in all the phases of service delivery by the state. Argentina's commitment increased participation by creating a process for CSOs to assist with the design and implementation of the 2021 legal needs survey and discuss policies and mechanisms to promote access to justice on the basis of the results. It also strengthened accountability, by including social monitoring of Access to Justice Centers.

program can vary greatly. Decisions about the level of commitment to these values define important aspects of a program's identity and affect its legitimacy in the eyes of society and political authorities.

Of course, strategic decisions in this field are not made in a vacuum. The general institutional climate in relation to these principles defines the paradigm in which options will have to be considered. The habits and customs of program staff, as well as the expectations of social and institutional actors close to the program are other conditioning elements (especially in addressing the challenges of implementing practices that may be seen as counter-cultural).

In order to confront these challenges, promoting and adopting high standards of transparency and accountability in the entire administration was identified as a priority for the Access to Justice Center program. To that end, the program adopted open data, and open government policies and fully participated in those initiatives.

9. Data and information management strategy

One of the most important operational issues to solve when starting a large-scale and long-term program is understanding to what extent empirical knowledge, data, and objective evidence are valued and considered useful or necessary for evaluation, communication, and decision-making. Linked to this is the question of

Legal needs studies for identifying and measuring the justice gap

To advance in the realization of its general vision, the Access to Justice Centers' program needed to have a consistent understanding of the justice gap in order to create a bridge to advancing access to justice. They needed to take into account citizen's perspectives and experiences, considering that public knowledge about this issue was practically non-existent at that time.

In 2016 and 2019, the Ministry of Justice and Human Rights in Argentina carried out the first of two cycles of the national study of unmet legal needs.⁹ The first study showed that 66% of people had experienced at least one legal problem in the last three years, 54% had experienced a legal need (a legal problem they could not address without external help), and 19% had at least one unmet legal need (a legal need they could not obtain help with or could not solve in a satisfactory way). The study established what were the most common legal problems,¹⁰ confirmed certain previous notions,¹¹ revealed biases and challenged some existing commonplaces in the legal community that had no empirical correlation, and allowed the impact of vulnerability on access to justice conditions to be analyzed.¹³

The second study in the cycle was carried out in 2019 and had the same general structure and was especially focused identifying civil legal needs. This study reflected the significant deterioration in economic conditions in the country. A greater proportion of people identified the condition of "living in an unjust country" and "losing a job or not having a job" as the cause of the legal problems identified. The increased prevalence of work-related legal problems was also significant.

The consistency and empirical reliability of the studies provided an evidence-based narrative about the more significant justice gaps for the community served by the Access to Justice Centers. It also provided a basis for defining challenges to carrying out its institutional mission and subsequent strategic decisions. As a result of these studies, Access to Justice Centers and public officials gained a deepened understanding of the costs associated with the experience of legal problems and needs. It also facilitated discussion and further analysis of variables and outcomes.

the level of investment in capacity and institutional resources which will be devoted to the management of evidence, information, and empirical knowledge. Policy makers should decide how much they want to know about the program, its operating conditions, performance and impact, etc.; and what aspects of the program are based on relevant data and evidence, and for what purposes that data will be shared.

In our case, the lack of information and objective data on the functioning of the service was massive, and consequently there was a need to set up mechanisms for M&E. Two fundamental areas needed to be understood. The first was the social needs and demands related to issues of access to justice. The second was understanding the practical features and the impact of the services provided by the Centers.

Two mechanisms and strategic tools were established to obtain the information. The first mechanism was setting up periodic studies of unmet legal needs. The second was the implementation of a management system for cases and institutional activities at the Access to Justice Centers. This system would operate online and would produce information on the socio-demographic and substantive profiles of the demand that had been met, and the results of the service provided. The information produced by the case management system would be the empirical basis for the definition of goals, indicators, and mechanisms for evaluating progress.

The data from the legal needs studies and the case management system would be treated as a public good, universally accessible and actively made available to any interested party in an open data format, hosted on web platforms.

10. Defining a general legitimation strategy

The development of an innovative and ambitious program of community justice services will be a counter-cultural experience for national and local state bureaucracies, Ministries of Justice, and the justice sector in general. Furthermore, amid institutional challenges, economic constraints, and high political volatility, there is no certainty that a long-term policy will survive. Anything that can be done to maximize a program's sustainability is of strategic importance, and building social and institutional support, prestige and legitimacy is a task that should not be neglected by those who lead it.

The history of the Access to Justice program (from working conditions, to the background of the program's management team) made it clear that the program should be guided by institutional rather than political or personal alliances. It was advised, therefore, to focus on strategies that would strengthen institutional partnership and cooperation. And the opportunities available suggested that national and international overview should be prioritized until local progress was consistently achieved.

Nationally, the actors best positioned to assist in developing a strategy were those working in the academic and research fields in matters of justice. However, recognition and support of international actors in the field was also key. This especially came into play when these actors created a kind of protective shield for the program: their insight was highly valued in the justice community and respected by political authorities who supported their work, which allowed the program to succeed. This paved the way for the development of initiatives meant to strengthen and promote collaborative learning. Participation of international working groups, thematic alliances, communities of practice,¹⁴ and exchange and cooperation initiatives also created opportunities for the innovative and bold undertakings of the program to take place during this cycle.

Measuring access to justice with a new indicator

In 2019, in cooperation with the UNDP local office, the Ministry of Justice conducted a pilot program which aimed to apply the civil justice indicator adopted for SDG 16.3,¹⁵ in order to advance the goal of ensuring equal access to justice for all. The initiative consisted of a large-scale survey on socioeconomic conditions, and was carried out in Argentina by the Observatory of Argentine Social Debt, which is housed at the Catholic University of Argentina.

The survey evaluating for unmet legal needs included a short list of questions: (a) whether the household experienced legal problems (four main categories of problems were identified, with various subcategories: social rights, family, economic, and security issues), (b) whether any kind of legal support or service was sought, and obtained, to manage the problem, and (c) the degree of satisfaction with the result, and the perception of fairness in the way the problem was solved.¹⁶

The research reinforced the value of collecting data on the civil justice gap from the perspective of the population experiencing legal problems. It also had great significance in connecting legal needs with relevant variables of social and economic conditions.¹⁷

The incorporation of a justice needs questions into a average household surveys proved to be feasible and affordable. The technology to measure the justice challenges faced and their evolution can be effectively integrated with various general studies of socioeconomic conditions, without generating relevant administrative costs.

By utilizing the new civil justice indicator, states will be able to analyze data to recognize the dimensions of domestic justice gaps and take transformative action to address them in the next decade.



Visibility and identity matter – the story of Claudia

Claudia is 86 years old, and physically disabled. She was born in Uruguay and moved to Argentina 50 years ago. She lives in Junín, 200 km from the capital of the Province of Buenos Aires. Claudia had been admitted to the local hospital, waiting for surgery to fit her with a prosthesis that would enable her to walk again.

But since Claudia did not have Argentine identity papers, nor documents proving her residency in the country she was not registered in the social security system and the hospital would not carry out her treatment.

Her son Martín lives in Uruguay and in view of his mother's situation, he traveled to visit her. At the suggestion of the hospital staff he went to the local Access to Justice Center (which provided outreach services at the hospital on a regular basis). The Access to Justice Center initiated a process of institutional articulation with the Social Area of the Hospital, the National Direction of Migration, the Uruguayan Consulate in Buenos Aires and the National Registry of Persons.

Through the Uruguayan authorities Martín obtained his mother's certificate of Uruguayan nationality, and was able to prove her identity before the National Direction of Migration. The databases at the migration agency allowed to find that Claudia's residency conditions had been verified, and that many years ago she had initiated procedures for her permanent residence in Argentina that had never been completed. Supported by the Access to Justice Center, Claudia was able to complete her procedures and receive Argentine identity documents as a foreign resident.

With her ID issue unlocked Claudia obtained the authorization for the surgery. Then the Access to Justice Center unlocked a second issue that they were able to resolve: they discovered that Claudia was eligible for a pension for the elderly, and a social worker from the Center assisted Martín in obtaining it from the Argentine Social Protection Agency. This resulted in Claudia obtaining a regular income which she would not have had otherwise.

Implementation



Step 1: Reaching out to clients and understanding their unmet legal needs

A common bias in justice sector programs is the assumption that their importance is self-evident. It is often believed that the demand of the targeted clientele will be activated automatically by just creating and offering legal services. However, this is not realistic and is an inappropriate approach for programs that aim to overcome access to justice barriers. The public must be made aware of the available services through successful outreach, and trust must be steadily built between the program and the targeted population.

The likelihood that people will access justice services is diminished by public distrust. Many people perceive justice institutions as distant from society and think that they are too formal and expensive for ordinary people to consider using. This is compounded by the fact that when justice mechanisms do come into contact with the most vulnerable populations, they generally do so through law enforcement or the police, or through inaccessible or indolent bureaucracies that only increase aversion.

In contexts of poverty and structural socio-economic inequalities, geographic proximity and low costs are necessary but not sufficient conditions for the accessibility of justice services. Social demand must be built, activated, and mobilized by institutional action. Without decisive and consistent intervention, the status quo of waiting for spontaneous demand will only reproduce inequalities and barriers, perpetuating the cycle of exclusion of the most vulnerable communities. There is also the additional paradox that institutions supposedly designed these initiatives to overcome inaccessibility, but are in fact, inaccessible.

In our case study, there are three levels of demand for legal services to take into consideration. The first is the underlying demand for legal services (this demand exists regardless of how many people seek help). The second level is the demand for available legal services. The third level is the specific demand for services like those provided at the Access to Justice Centers. This level of demand is caused by people's awareness of the Access to Justice Centers, their familiarity with the services they provide, and their trust in them.

In order to advance the goal of providing justice services and addressing capability gaps in disadvantaged communities, the Access to Justice Centers had to successfully address three initial challenges:

1. **People had to become aware of their legal needs.** Most people in vulnerable populations have unmet legal needs, whether they are aware of it or not. Sometimes, as has been stated previously, they are aware of certain problems, but are unaware that they can be addressed through legal means. There is an important aspect of the social value of the services provided by the Access to Justice Centers, but until people are aware of their needs and know what they can do about it, they will not seek help.
2. **The Centers had to become widely known to the vulnerable population they were aiming to serve.** It was not enough to open the office and wait for clients to arrive. Services needed to be brought to the streets and linked up with the relevant social actors – those who know the population and its needs in order to effectively spread the word about the Center and its offerings. Community awareness of the Centers needed to be established.
3. **Lastly, they had to establish and secure community trust.** The Centers had to demonstrate to their communities that they could deal with the most complex and structural problems of peoples' lives—those that no one else has yet addressed and helped them with—and that the Centers would accompany them throughout the process. This, in turn, would create demand for the Centers.

Novel, people-centered access to justice agencies must earn community recognition as unique services that differ from traditional, overly formal, and inaccessible justice institutions.

Practical challenges

By 2016, the Access to Justice Centers system remained unknown to and underutilized by many members of its target communities. The geographical distribution and locations of the Centers were in many cases dysfunctional and there were no general operational criteria for making decisions about where they would be established. A large number even of the oldest Centers, which had some level of demand and community awareness, were frequently confused by the community with other public agencies that provided services in their facilities or identified with political activity that had taken place there. Only about a dozen of the centers were located in relevant places, were well known in their area, and were in demand for the quantity and quality of services that the program was delivering. In this context, the Access to Justice program faced three fundamental strategic tasks: identifying proper locations, overcoming community isolation, and building community trust.

Identifying criteria for the locations of the centers

Unless a structural transformation of justice services is carried out, the potential social demand (the unmet legal needs) will always far exceed any realistic institutional offering in the short-term. In large-scale programs, general decisions about geographical and territorial distribution often face different economic, political and administrative limitations, and centers of services end up being located “where they can be”, rather than being located “where they must be.”



Photo by Mariano Alonso

Because of these shortages and decision-making restrictions, it was essential to take proactive measures to optimize the general distribution of the Centers in the country, the specific location within cities, and to improve physical conditions of offices. These factors maximize the Centers’ possibilities of territorial coverage, presence and proximity.

The geographical location of the Centers can itself be a facilitator or an obstacle to knowledge, trust and effective provision of services to community. Furthermore, allocation of these scarce resources can be a source of equity or distributive injustice. These

factors have a critical impact on the levels and types of community demand, and should be the subject of constant attention, analysis and evaluation to identify and take advantage of opportunities for improvement, changes in relevant social conditions, etc.

Overcoming community isolation (lack of awareness)

In our case study, the situation at the beginning of the cycle in 2016 was difficult. The vast majority of Access to Justice Centers were generally invisible to the community, and to local social and institutional actors. More than half were only a few months old, relatively informal, and politically oriented. Most of the centers had very few clients and only received one or two visits per day. Others had visitors that went to the Centers to ask for specific administrative services related to a completely different agencies;¹⁸ only a few of them had a traditional and stable clientele that they assisted with their legal needs. The new Centers that were to be established to improve geographical distribution and location had to begin their journey of community knowledge and trust to activate demand, and they did so without a roadmap.

Any person, from any socio-economic background, can identify a school, a health center, a supermarket, a courthouse, a police station, a bank, a pharmacy, and know exactly what they can find inside. But that is almost never the case with a small community center for primary justice services. Institutions and services such as those we are considering in this work, are still new and innovative. In many cases, there is not

even the vocabulary to name them. This makes it difficult to find relevant language to evoke an intuitive understanding of their identity. This lack of understanding is more significant for people who have greater vulnerability. Even if people walked through the door of such a Center, saw a sign that says “Access to Justice Center,” they probably wouldn’t know what could be done for them there. And if they saw signs that said “community legal support,” “legal empowerment”, or even “free lawyers,” they would probably imagine only a limited range of occasions when they might ask for them (e.g. if their child was detained by the police or if they received a court notice).

In this context, there are trusted social and community actors who can play a role as disseminators of knowledge and can help build relationships between the community and the Center. They should be focal points for processing and transmitting perceptions, information, and social interpretation. Furthermore, community actors have a unique position as social bridges to these new institutions; as long as they know, understand, and value their potential and services. Regarding these intermediate actors, there was a lack of knowledge about the local program that had to be overcome. When the Centers arrived, community members had no reason to trust that the Access to Justice Centers would have the capability and commitment to manage sensitive and serious conflicts affecting the community. They also mistrusted their intentions, given the historical context of politicization and manipulation of the most vulnerable communities.

Refining and orienting social demand, and building community trust

A good location and an adequate level of community knowledge may be enough to increase and even optimize the demand for services in quantitative terms. But this will not necessarily imply progress in meeting the diversity, depth, complexity, and comprehensiveness of the legal needs brought to the centers.

In our case study, a fundamental strategic challenge was identified: the vast majority of consultations that reached the Centers were superficial, isolated, and not linked to serious problems or significant consequences in people’s lives. Only a few of them provided substantial assistance for relevant legal needs. The Access to Justice Centers lacked an agenda or strategy (as well as training in the necessary capabilities

"Planting seeds of trust is strategically important, as it helps to spread the word that something different and better is happening at the Centers".

and skills) to identify, understand, and manage the complex legal needs of the community. Moreover, the teams themselves needed to be trained as they were used to dealing with the consultations in a superficial manner, without exploring possible connections with other legal needs and committing themselves to a comprehensive understanding of clients’ general legal situation as individuals, families, etc. In many cases it was the teams themselves who lacked self-confidence in their ability to tackle a case whose resolution appeared at first to be unlikely, complex or costly, and couldn’t envision

making a difference in people’s lives by finding solutions to problems with which they were not familiar with.

To deliver an effective service, Access to Justice Centers had to construct a personal relationship built on knowledge and trust with clients. The service needed to become a process in which a client feels recognized and may participate significantly as an autonomous agent. Planting seeds of trust is strategically important, as it helps to spread the word that something different and better is happening at the Centers.

Strategic actions: What the program did and how it did it

Geographical distribution

Due to the structural asymmetry between social needs and the institutional supply of justice services, distributive decisions about the number and location of Access to Justice Centers must be made as if one were assigning an extremely scarce good. Ideally, such decisions should be made based on criteria of maximizing impact, attending to those with the highest or special needs, and improving overall equity. However, it is common that considerations of opportunity, convenience, political discretion, and institutional inertia have a greater weight. Equitable distribution is important to ensuring the proportional provision of services and must be taken into consideration in order to be understood internally and externally as just and inclusive program. A series of principles and allocation criteria were defined by the program's authorities. The key principles and criteria that guided the geographic distribution process were:

- Political/institutional: ensuring that each province has at least one Access to Justice Center in its capital city or in one of its major cities.
- Population: prioritizing cities with more than 100,000 inhabitants, according to their socio-demographic indicators (especially, populations with unmet basic needs and populations living in informal settlements).
- Demography: establishing a center in each of the 10 provinces with the largest indigenous and rural populations.
- Socio-economic conditions: in relation to large cities with high percentages of population with unmet basic needs, a ratio of one Access to Justice Center per 200,000 inhabitants was set as an adequate level of coverage.¹⁹
- Location of Access to Justice Centers in urban areas

Due to the high levels of unmet legal needs in communities, Access to Justice Centers will never risk having low demand. However, decisions about the distribution of the Centers and their locations are always relevant in terms of prioritizing scarce resources. The program risks having low traffic depending on the geographical location of each Center. As it was noted, it is common for this type of office to be established "where possible," and in general it is considered better to have a new office in a dysfunctional location rather than none. But location is important for successfully channeling the kind of demand identified as a priority. The institutional, reputational, and opportunity costs of poorly located centers can be high, can increase over time, and can result in costly future remediation.

In our case study, the evidence shows that the worst possible locations were offices established in predominantly residential, middle or upper-class neighborhoods, or on streets that were not part of the administrative or commercial circuit. In those cases, it was practically impossible to build social awareness or form a relationship with the community. These Centers could only take off when they were relocated to vulnerable neighborhoods or if they deployed intense and regular outreach that brought presence and knowledge of the services to such territories and their communities. Based on comparative learning about the various locations and their socio-spatial and demographic conditions, the program defined priority criteria that guided decisions regarding possible new locations and relocations of existing centers:

- In the biggest cities (over 300,000 inhabitants), headquarters should be established in vulnerable areas, to receive high-needs clients directly and immediately. In smaller populations, the headquarters should be in the commercial and administrative areas of the city, as long as they can be easily reached from vulnerable areas.
- In all cases, the Centers were required to establish at least two permanent sites for regular outreach services in vulnerable areas, which could be located either in the community near the headquarters

(to maximize coverage and penetration in the selected territory), or in other distant areas of the city, according to locally identified opportunities and comparative advantages.²⁰

Material office conditions

The building and physical conditions of the Access to Justice Centers were important to providing the community with an experience of proximity, recognition, and empowerment.

In the beginning of our case study, physical conditions of the Centers often reflected their surroundings: if they were located in lower socio-economic communities or in informal settlements, then the offices ended up with dramatically poor infrastructure. However, it was the administrator's intention to improve this space. The aim was to provide a professional and warm working environment in order to create a space that gave visitors (and the staff) a sense of dignity and empowerment by being there.

A small community justice service center for vulnerable populations should not resemble a courthouse, a law firm, or a day-to-day administrative office. It should not be intimidating, cold, depersonalized or distant. However, it should express order, cleanliness, offer visual serenity and, of course, provide workers with equipment and general conditions to make the work experience pleasant and dignified.

The program implemented a long-term structural effort to transform all physical working conditions,²¹ which helped to create an environment of care, respect, and inclusion.

Reaching out to community actors

To activate and optimize the demand for a service, institutional action is needed to build local communities' knowledge about them. This requires localized strategies that are adjusted to the realities of specific problems and cultural contexts in each community, rather than general and mass dissemination strategies. Additionally, the intervention of social and institutional actors who already have roots in the territory is essential in order to accelerate and facilitate citizens' trust and promote the use of new services.

To ensure that all this happens, local teams must center their everyday activities on building community knowledge and trust. Levels of community awareness and demand for the programs is not spontaneous, but the result of proactive and measured initiatives that are able to adapt to cognitive, symbolic, cultural, and geographical differences that people live with. Centers' staff needed to create people-centered services by overcoming any preconceptions they may have about the community and their needs. Let us briefly consider the two main strategies the develop by the program to that end:

a. **“Territorial Assessments”**: To succeed, any plan for reaching local communities must be based on an adequate level of knowledge of the local social ecosystem. It's necessary to understand relevant community actors, their role, legitimacy and influence, as well as the history and socio-cultural dynamics of the territory, existing institutional services, blind points of unsatisfied social demand, and formal and informal cooperation networks, etc. This knowledge can be obtained through the elaboration and periodic updating of “territorial assessments” which identify and map actors, relationships between service providers and clients, needs, expectations, etc.

Moreover, territorial assessment activities must be carried out by the centers with the two-fold agenda of knowing and understanding the community, and of making the services known, by establishing bridges of legitimacy and trust that bring the population closer to them. A genuine and permanent campaign of community diplomacy must be part of the central tasks of the centers, especially in their initial stages, when community awareness and demand for a Center is low, and Access to Justice Center teams have more time available for general public relations activities.

Building a legitimate reputation within a community is a slow and demanding process. The closeness to—and permanence in—the community over time is part of the test that must be passed to earn social trust.

b. **Community articulations:** The processes of building trust with social actors in the territory were arduous and complex, due to teams' capability deficits and the lack of a relevant history with the community. Many teams did not know how to engage with the community, while some of them thought it was not worth the effort or considered that these activities should not be part of their duties.

One of the most interesting challenges that the teams had to overcome in this process was addressing stereotypes about the program. They had to ensure that trusted intermediaries properly understood the different values of the service offered by the Access to Justice Centers—their flexibility, adaptability to the needs of the community, and willingness to work with any type of problem – even those that at first sight were not legal problems in the traditional sense—in order to draw people into the Centers and advocate for their use. Access to Justice Centers had to demonstrate their ability to add effective social value, and thus, gain the trust and validation of relevant actors in the social and institutional ecosystem in each territory. Carrying out regular outreach and community activities, in cooperation with local institutions and actors, and providing community mediation and legal representation services—through cooperation with Bar Associations and Law Schools—was a game changer in the process of trust building. It showed people that this program truly had something different and valuable to offer to the community.

Engaging clients: The strategic role of the initial interview and the legal check-up

Adequate location and physical working conditions of the centers, together with successful outreach and community relations strategies, increase the chances of reaching the target population. But something special must happen once people interact with people-centered justice services to fulfill their institutional mission. Visits to the Access to Justice Centers are a necessary but not sufficient condition for carrying out holistic services. This is only possible by building a strong foundation for a trusting relationship which starts at the initial intake interview. Clients must feel that they are being listened to, that the staff members are conscious of and understand their history, the conditions they live in and the problems they face, and that they are dedicated to exploring the issue further with care, sensitivity, and consideration.

The theory of people-centered intervention—aimed at overcoming a lack of legal awareness and capabilities—assumes that vulnerable people are usually hit by a plurality of legal needs. Many of those needs are not immediately self-recognized as a legal one. In response to these obstacles and legal issues, people often feel defeated, resigned, and even shameful, which can lead to their denial, and invisibility to the rest of the population. In order to overcome these feelings, which are in themselves obstacles, clients must go through a process we call “de-naturalization.” This is an empowering journey of introspection and self-awareness which is activated in the Access to Justice Centers through interaction with staff who are qualified and equipped to cultivate a safe environment founded on trust.



Photo by Mariano Alonso

The degree of trust, comfort, reflection, and disposition necessary for people to expose and understand all their legal needs before a group of strangers—whose role in the community is not even completely clear yet—is demanding and does not occur spontaneously. This environment must be initiated and solidified from the moment a person enters the Center. Hospitality, an organized office, adequate space for conversation, concentration and attentive dedication, sufficient time allocated for intake and discussion of the case,

empathic process of dialogue, and careful inquiry into probable legal events are methodological elements that must be deployed in the interview for the experience to produce results.

The interviewing technique is non-bureaucratic and non-paternalistic, allows the client to reflect in order and is one of the fundamental skills that must be mastered by all program staff, whatever their role. They must further create opportunities for people to continue interaction beyond the initial request or consultation, and recognize and act upon other possible legal needs that underlie those that gave rise to their initial request. It is not something easy or automatically acquired, and must be consciously trained.

Embedded in these interviews was a general evaluation (called a “legal checkup”) of ten of the most common justice problems that clients face. This allowed staff members to explore any underlying legal needs of a client. However, this evaluation is not equivalent to a routine checklist and requires greater nuance. Staff must be willing and prepared to listen to difficult, distressing, complex, and even painful stories. If clients do not reveal this information initially, the interviewer had to probe the interviewees’ stories appropriately, but always with compassion and sensitivity. Digging deeper into clients’ stories very frequently reveals more justice problems. It’s the interviewer’s duty to ease a client’s fear about their problem, and make them feel confident and hopeful that the Access to Justice Center will be able to effectively and contentiously handle their case, despite obstacles they might face.

The trust and empowerment of the clients is a precondition, but also a product of the successful implementation of this practice, and no effort to properly train and develop skills to this end will ever be excessive or performed in vain.

Step 2: Building, consolidating and formalizing a working method for Access to Justice Centers' services

During the first months of the policy cycle analyzed in this case study, the program was dedicated to shaping a long-term vision of its value, mission, and purpose. This was done while taking into account existing evidence on access to justice gaps,²² the history and expectations of the community of work, and the structural conditions in which it would be carried out.

Implementing that vision would demand a functional working methodology that made it effective in everyday life, and that could be learned by the teams, evaluated, and continuously improved. It would be the bridge between vision and experience, between aspirations and results. It shouldn't be just a set of principles, a distant aspiration, a catalogue or rules, or the ritual implementation of some set of meaningless actions. It must be expressed in a conscious and reflective working practice, interpreted, and legitimized collectively as a means to fulfill an organizational collective purpose. It would necessarily take a long-term process of learning, experimentation, reflection, and adaptation to the experience and findings of the developing practice.

Building a methodology and an effective working vocabulary for the program was a challenging endeavor in our case study, due to the program's structural and political conditions previously mentioned. However, establishing it would contribute to shaping a common identity and culture across the diversity of the working community, and to enhancing the legitimacy and institutional trust within the program. It would also imply the adoption of a common language for the practice of work, which would integrate the operational elements of the service, as well as its meaning and values.

Practical challenges

Considering the methodology of work of Access to Justice Centers as an operational response and a bridge between institutional purpose and practice, two pre-conditions seem indispensable for developing it:

1. There must be a precise, clear vision for the operation of the service, its values, principles and general objectives.
2. There must be a complete assessment of the relevant institutional environment and internal conditions in which the practice must be carried out and implemented – the strengths and weaknesses, risks, and opportunities.

In our case study there was an ambitious and innovative vision in the context of precarious institutional, cultural, and operational conditions to work with.²³ Within this framework, three methodological principles were identified for the process of building an effective methodology of work:

- Participation: the process must be participatory at every stage and in all dimensions. Without participation, cultural diversity and political tensions could not be addressed.
- Adaptability: the process must be progressive, flexible, and adaptable to diverse contexts. Being progressive would be key to processing institutional learning, and contextual flexibility would be fundamental to address gaps in performance between different teams.
- Flexible Formalization: formalization should be the last step. Instead of the typical design-formalization-implementation process, it would be necessary to follow a design-implementation-formalization path, in order to maintain greater flexibility in the implementation stage, and leave formalization as the conclusion and closure of a learning cycle.

In carrying out this approach, the following critical challenges were identified and addressed:

Identifying the elements for a comprehensive and functional working methodology

The working method can only be an effective bridge between daily practices and the overall vision of the program if it provides effective solutions for practical challenges. It must contain answers to the most important problems that the teams will face, as well as the most mundane. Otherwise, it will be irrelevant and may even be counterproductive, as agents will inevitably seek their own paths beyond institutional directives (at least in contexts of low bureaucratic or institutional density).

In contexts such as the one we are analyzing, working without an established methodology would imply the absence of a single policy and uniform language to interpret and explain it. At the same time, it would be of little use to build a methodology that did not comprehensively address all the relevant dimensions for the institutional development of the program, or one that was not capable of providing the tools for learning and implementation on a large scale.

Thus, even if an ambitious, articulate, structural, unified, and long-term vision had been built, the working method had to demonstrate that its realization was possible.

One of the basic functions of a well-established working method is to answer questions such as “what is (or is not) working well”, or “how is ‘x’ correctly done.” The assessment conducted in the first months of the cycle revealed a high degree of uncertainty and gaps in many aspects of the work practices, not only among newcomers, but also among those who already had several years of experience.

In this regard, the most challenging thing was not an absence or void in some operational elements, but the existence of a plurality of different, inconsistent, and even conflicting responses between different teams and between different people within the same team about how to work, and what working well meant. A new and common language had to be adopted by a diverse community, which in some cases was not interested in—or committed to—doing so. The process had to take on and legitimize some of these understandings, and reject and remove others. An effective working method must provide effective solutions for blind spots, unify values, perspectives and expectations, and activate commitments and a convergence of attitudes.

Integrating the working method into Access to Justice Centers’ everyday life

One of the greatest challenges was to embed the language and practices of the established method as part of the everyday life at the Centers, and getting the teams to adopt and fully implement this method.

One serious difficulty in the institutional culture of countries like Argentina, where the tradition of modern bureaucracies never took root organically, is the existence of a kind of cultural rejection of this paradigm. Therefore, bureaucratic functions are often carried out with empty formalism and dysfunctional rigidities resulting from technocratic impositions that gloss over gaps or issues in the system, as well as the differences in how systems operate in different contexts. This attitude is even more intense in the areas that work with people in conditions of vulnerability. A sense of altruism, commitment, and dedication are usually considered necessary conditions of good practice in these contexts, and should not be suffocated by complicated and rigorous methodologies.

To be successful in realizing the program’s overall vision, the working method should not only provide good answers and appropriate tools, but also be legitimized and internalized throughout the Access to Justice Centers’ community. Only in this way will the working method have a chance for general consolidation and a path of implementation that would align and activate incentives appropriately.

Strategic Actions. What the program did and how it did it

Designing and implementing the methodology for consultations

The core service that an Access to Justice Center provides is individual consultations. The way this service is realized will determine, more than any other variable, the likelihood that the program will provide a comprehensive experience of empowerment, overcoming obstacles and solving problems.

The process of establishing and formalizing a working method required the construction of a template methodology which contained the fundamental elements of the best possible service. Its core elements were identified and developed progressively as the program found its best form, and were later systematized and formalized in the “Access to Justice Centers’ Manual of Work.” In this section we briefly reconstruct the anatomy of the methodology and its operational elements and premises.

A consultation model was designed to have four key phases: the initial interview, the design of the intervention plan, the execution of the plan, and the subsequent follow-up.

The process is not necessarily linear or sequential; it is possible that during the execution of a phase, the team can identify the need to return to a previous phase in light of new findings. But the successful performance of each of these steps is critical to the success of the following ones, and failures in the depth or consistency of any of them (in particular the two initial ones), will compromise the chances of success of the subsequent ones. In some cases, all the four phases identified would take place within a short period of time, and in others the process could extend over a period of weeks or months. Sometimes an entire client case could be resolved in a single interaction (an interview) and in others it would have taken numerous and differing interactions.

Each stage has its strategic and methodological elements and principles. They must be learned experientially and internalized through a reflective and adaptive process in which agents will find and strengthen their best tools and take advantage of those of their colleagues. The internalization of these elements in daily work was a fundamental task for all program participants.

Next, we outline the main operational guidelines of each phase of the consultations’ canon.

Operational Procedures Regarding Interviews

Every interview for a consultation is important

- Regardless of its topic, complexity, or gravity, every consultation is as an opportunity to get to know the client and inform them about the services available.
- Every interview should be an empowering experience for the clients, providing knowledge and understanding about the (legal) situation they face.
- Interviews should be conducted by an interdisciplinary team, to minimize the tendency to focus on the legal question and to ensure comprehensive understanding of the client.

Every interview must provide the client with four trust-building basic premises

- They are not alone and there is someone who can help them.
- They are not lost; they can better understand what is happening and the possible outcomes.
- If there is anything that can be done about their problem, the team will do it.
- They can always return to the Access to Justice Center.

Four basic principles of listening should be applied in every interview

- Confidentiality and avoidance of re-victimization.
- Active listening to minimize factual and interpretative errors.
- Impartiality to reduce stereotypes and prejudices.
- Empathy, openness and commitment to the values and objectives of the clients.

Interviews should take a holistic approach and produce complete information

- Knowing the relevant factual, personal, and relational facts, and circumstances.
- Understanding the person's general beliefs and assessments—their view of the world.
- Respecting their wishes, intentions and interests, their history, and their general situation.
- Identifying other legal problems or needs, beyond the facts or circumstances presented by the client.

Operational Premises for the Design of the Intervention Plan

Conduct a complete assessment of the facts and the client's relevant legal situation

- Complement the information from the initial interview with other sources (documents, further interviews with the client or third parties, examine locations, etc.).
- Operate under the assumption that the initial information received is incomplete and insufficient.
- Take time for reflection, consultation, and socialization to increase the understanding of the situation.
- Include the client in the defining of the problem and its assessment. The client and the team must understand the problem and the service the center will provide in the same way.

Ensure client involvement and empowerment

- Evaluate the options together with the client, in the light of their own understandings and perceptions.
- Adjust the alternatives and take into account client preferences before formulating final advice.
- The best solution is one that works for the client's personal condition and particular situation.

Problem-solving approach

- Comprehensively evaluate all possible solutions or combination of solutions available and achievable.
- Avoid formalistic biases and consider alternative solutions like negotiation, mediation or institutional advocacy which could unlock the problem.
- Conduct an interdisciplinary review of the problem with other members of the Access to Justice team.
- Complement the basic strategy of "advice", and make the final recommendation based on a criterion of maximizing the possibilities for an effective solution to the legal need.

Develop and design different alternatives for a comparative evaluation

- Avoid the assumption that the first choice is the best solution, and knee-jerk prescribed solutions.
- Explore and compare probabilities of success and risk for different strategies to resolve the clients' problems, considering their personal conditions, expectations, and capabilities.
- Encourage empowerment and legal capability to decide and sustain the courses of action.

Operational Premises for the Implementation of the Intervention Plan

Commitment makes a difference:

- When the intervention requires long-term action over time and regular interaction with the client, team members must sustain a dedicated effort and persevere.
- The progress of the case is directly proportional to the proactivity of the Access to Justice representatives working on the case.

Regular evaluation of partial results:

- Review and reconsider long-term and ongoing interventions on a regular basis, including counselling, assistance, accompaniment, legal representation.
- Based on this review, update the strategy, or adjust the actions to be implemented.

Strategic consistency with flexibility and tactical adaptability:

- The action plan must be implemented with timely and effective reactions to different circumstances, third party reactions, opportunities or identified obstacles.
- Activating available institutional cooperation networks to solve the problem is key.

Information, participation, and communication with the clients:

- Remain up to date on a client's general situation, which can be directly and indirectly related to the service issue.
- Actively promote a client's personal participation in the development of their case and empower them as agents of the process and co-responsible for its evolution.

Conditions for Follow Up

Preventive follow-up for clients with high vulnerability:

- Within the framework of an intervention, the team may identify a client's lack of ability to autonomously deal with the problem.
- The consultation must address legal capabilities deficits holistically, to strengthen clients' autonomy, and help them to overcome fears or other obstacles.

Follow-up and monitoring of referrals:

- A referral process does not end when the client is sent to another institution or other professionals, but only when actions or services are completed by that third party.
- Ensure that the client establishes an effective relationship with the institution or professional they are referred to.

Follow-up at the end of one or more significant interventions:

- In cases where the interventions are more significant (advice, assistance, accompaniment), teams must keep the clients regularly updated about their situation and status.
- Once the intervention is completed, they need to stay in touch in order to verify that the service has produced the desired effects.

Follow-up and monitoring of referrals (cont):

- Ensure that any action taken by the third party provides appropriate service to the client.
- Provide guidance and information to the client so that they will independently understand the progress of their care with the referred third party.

Transitioning to a reflective methodology implies a transformation of the principles and practices of working. This may be uncomfortable and challenging in many cases, but it is fundamental for providing the best service to the community.

Developing a reflective methodology does not require specialized or complex knowledge or skills. On the contrary, its core elements are a set of basic and simple changes to attitude and practice. The real challenge is created by putting this methodology into practice on a daily basis. The process requires a sense of commitment, belonging, responsibility, and professional and institutional pride among the teams, along with the existence of certain institutional conditions that enable a productive, inclusive, and supportive working environment.

The case management system for Access to Justice Centers

Case management systems have traditionally had two common functions in the justice sector. One: they are an instrument for modernizing functions and improving efficiency by transferring offline and paper-based procedures and protocols to online and computer-based ones. Two: they optimize the organization, accessibility, conservation, and use of relevant information about services or processes. They also improve transparency and accountability, and the capacity for assessing the needs for—and responses of—the service provided.

The Access to Justice Centers didn't have a case management system in their first cycle and had to develop one over time. They also did not have procedures or protocols for relevant information to be formalized or transferred to a case management system. All the Centers operated in an informal or "intuitive" manner. Adopting a case management system for all teams was therefore identified as a fundamental tool. The system would need to contain all aspects of the teams' daily work, and be able to collect and track information about the work, which would serve for future program analysis.

In order to do that, every element of the life and work in the centers, every milestone, and every relevant variable had to be named, codified, and processed. It was also necessary to record the information with agreed language and uniform vocabulary so that all the teams described the same actions the same way and understood their work processes in the same manner. Implementing a case management system would also create a path to establishing a common practice and a true working community that could learn, share knowledge, and evaluate its performance and progress in an intelligible and recognizable way.

The Information Management System of the Access to Justice Centers (known by its Spanish acronym, SICAJ), was designed to guide and register everyday institutional and service activities at the centers, consistently with people-centered approaches and methodologies. Therefore, it allowed the socio-demographic profiles of those who attended the Centers of the community to be mapped (by capturing age, nationality, gender, education, work status, level of health insurance, disability status, etc.).²⁴ Teams were then able to analyze the channels of arrival at a Centers,²⁵ to assess how stable or fluid the communities of clients were, and their greatest and most complex legal needs were. It also tracked data on referrals to the Centers, and identified who were the relevant trusted intermediaries who made those referrals.

Analyzing these subjective variables along with other objective (thematic scope of the consultations) and functional ones (type of service provided, types of interventions, number of actions involved in the consultations, etc.) allowed the program to identify general trends (e.g., family issues had a similar prevalence across the community of centers) and particular ones (some centers recorded a differential demand on certain topics compared to others with similar structural conditions), and to infer the causes and correlations that explained them.

Every consultation was registered and categorized on the basis of an exhaustive list of themes. Each theme also contained a list of sub-themes, which contributed to greater precision and understanding of the connections between problems and their underlying legal needs and. Each of the possible strategies

to address a particular consultation (“interventions”) and each of the activities (“actions”) through which they were implemented was defined and codified, recorded and described, attaching relevant documents if necessary. Accordingly, the program was able to assess the trends in service strategies from each center, its depths, the level of inter-discipline and collaborative problem-solving approach, etc.

The availability of comprehensive and continuous information about evolving social demand enabled the identification of general trends and changes in communities’ behavior that could be linked to significant changes in the socio-economic context,²⁶ or to the implementation or structural modification of far-reaching public policies, impacting the most vulnerable communities’ needs for legal knowledge and assistance.

In summary, all aspects of the service’s and the client’s experience were recorded and consolidated in the SICAJ. The institutional activities of the Access to Justice Centers were also codified and represented in this system. It captured all aspects of the program from internal work (team meetings, training, planning, evaluations, preparation of reports, etc.), to community-based work (workshops, seminars, operations, etc.), and institutional cooperation (meetings with public agencies, etc.).

The design and production of the SICAJ was approached as a participatory and collective process of definition, codification, and systemic operational design of the services and the institutional processes at the Access to Justice Centers. It translated the theory of action and the structural vision of the program into processes, sequences, and actions that gave it a specific operational identity, reflecting the people-centered model.

The SICAJ was not just a tool for managing information or producing statistics. It contained the codified language of everything that occurred within the centers. It structured and formalized all processes and provided an operational guide for action, a stimulus for reflection on the process of managing a consultation, and a viewpoint for organizational perspective. By learning how to use it, the teams learned how to interpret the particular situation of their clients, and how to understand the strategic and institutional dimensions of their service.

Based on that language, the creation of a common and cohesive work culture was articulated, as well as the definition of performance goals, progress indicators, strategic planning and evaluation, and training.

The consolidation of the working method in everyday experience: Experimentation, monitoring, and evaluation

Investing in creating a working method will only be impactful if it is effectively applied in everyday tasks and meets its objectives. In theory, the consistency and practical use of the working method are connected. By putting this into practice, the method will adjust to maximize its functionality. In turn, both dimensions are linked to the level of legitimacy that the method has in the eyes of those who must apply it and the degree of commitment and trust that it generates. They are also connected to—and conditioned by—the quality of the resources and capabilities of the teams that will apply it, and the quality of the institutional incentives associated with implementation.

All these aspects were considered in the process of consolidating the working method for the Access to Justice Centers. The kind of variables that exist in the Argentine case are generally present in middle- and low-income countries, with relatively weak and unstable institutional and bureaucratic structures, limited resources, and poorly established traditions of community justice services. However, in other countries these processes are likely to be simpler and more direct, and the authorities may have more and better tools available.

Due to the high level of precariousness, implementing the method required a radical improvement in physical working conditions and equipment to remove any obstacles which hindered the full operation of the

program and the provision of services to the community. Political and institutional support for the program was critical in creating a clear, sustained, and accelerated path towards improving working conditions.

Regional coordinators also played a strategic role in the process of implementation. They were able to manage the high degree of variation in professional abilities, strategic skill sets, seniority in the program, and lack of training initiatives available. During the first years of the cycle, the regional coordinators' work had a strong component of teaching, accompaniment, and close monitoring of the varied aspects of the method and work practices. They assisted the teams by encouraging them to learn by doing, and supported them by translating and contextualizing the general directives to help the specific teams adjust. They also played a key role in the process of legitimizing and validating the practices, attitudes, initiatives, and habits that were consistent with the program objectives, and in empowering the agents to do their best to act as a learning resource for their colleagues.

Only consistent action over time would make it possible to overcome uncertainty about outcomes, consolidate internal trust, and build legitimacy for this new way of working. In this regard, the political-institutional support of the ministry's higher authorities established an institutional environment characterized by a steady mastering of the working method. The authorities provided resources, validated the vision and methodological principles, as well as provided public recognition of the progress made by the teams and the program. They also supported transparent, open, participatory, and accountable management for the program, which was critical for its internal legitimacy.

The development of an everyday experiential learning network

The social impact of community justice services would be best achieved if Access to Justice Centers were able to address problems that were otherwise overlooked, and if they provided unique and distinctive services that helped and supported people in addressing their legal needs.

To achieve this, it was critical to identify and master what worked best depending on the context, and to examine what made the action successful when faced with a wide range of possible strategies for addressing legal needs.

It is important to remember this diversity of experiences because there is no formula to achieve the ambitious and vital goals of the Access to Justice Centers. It is incredibly context-driven: the community conditions, the configuration, action and reaction of various actors and processes are different in each place and in each case. With this in mind, it is important to explore what is successful and why, through trial and error.

One of the most important strategic advantages that can be found in programs like the one we are analyzing, is that the different Centers form a kind of network of micro-laboratories of access to justice, in which experiential learning can be conducted. This is extremely valuable, and it is crucial to continuously build upon the knowledge obtained to ensure that it is not lost. From our experiences we've learned that the following elements were important for the learning process:

- *Joint attendance at consultations.* Whenever it is possible or required, two or more agents should carry out the initial interview and design the intervention plan following the consultation.
- *Weekly team meetings.* Teams should set aside two or three hours a week (generally on Friday afternoon) to reflect collectively about the progress of the Center's work and, in particular, to discuss complex or challenging cases and to report their findings to their regional coordinator on a regular basis.
- *Inclusive participation.* Participation should be encouraged by all in the development of strategic planning and periodic evaluation reports. These exercises can further encourage regular processes of collective institutional analysis.

In relation to the construction of networked learning, the central actors in the strategy were regional coordinators. They acted as identifiers, legitimizers, and disseminators of learning. Many of these activities were carried out informally and on a daily basis, based on consultations and spontaneous requests made by the teams when facing a practical challenge, but other practices were more institutionalized and formalized:

- *Regional coordinators' meetings with the directorate.* The bimonthly meetings of the directorate team with the regional coordinators were a space for collective analysis, exchange and evaluation of Access to Justice Centers' operational challenges, as well as a stock-taking moment about the learning and practical knowledge that had been identified by the coordinators.
- *Regional Meetings of Access to Justice Centers with their regional coordinators.* These meetings had a role in monitoring, evaluation, and information exchange in relation to the progress of the program, but also functioned as a formal space for mutual knowledge exchange, bonding, and trust-building.

Task Force on Justice

From 2018-2019, Argentina's Minister of Justice and Human Rights, Germán Garavano, was co-chair of the Pathfinders' Task Force on Justice, together with Minister Sigrid Kaag of the Netherlands, Minister Priscilla Schwartz of Sierra Leone, and Hina Jilani, an advocate of the Supreme Court of Pakistan and a member of The Elders. The members of the Task Force were distinguished justice leaders and experts from around the world.

The Task Force established thematic workstreams, a collaborative research process, and knowledge exchange between public officials, civil society leaders, international organizations, and academics, and held three general meetings in Buenos Aires, Freetown and The Hague. These meetings paved the way for the *Justice for All* report as well as a series of joint commitments from several countries around SDG 16 and people-centered access to justice.

Through Argentina's leadership of the Task Force process, the Access to Justice Centers received international visibility as a model to advance SDG16 in a middle-income country. Such recognition was important for the program's legitimacy, both internationally and domestically. The innovative initiatives developed in Argentina during those years, were seen and discussed globally as examples of people-centered justice.

The embrace of people-centered justice in the context of SDG16, by Argentina's Minister of Justice, provided strong support for the vision, goals, and direction of the Access to Justice Centers program. This explicit support increased its institutional position and leverage. Having a group of influential international actors who praised and supported the work of the Access to Justice Centers before the highest national political authorities, also increased the recognition of the value of the program.

The access to the international community, through the work of the Task Force, provided a vital source of learning, reflection, collaboration, and self-evaluation for the program. By discussing philosophical, strategic, and practical challenges with a diverse group of practitioners from around the world, the program obtained a more consistent and comprehensive understanding of what it takes to deliver people-centered justice services.

- *Exchange visits.* Within the constraints of limited existing resources, several inter-Center visits were conducted with the aim of experiential learning.
- *Regular exchanges.* In the city of Buenos Aires and the surrounding area, where more than 30 centers are located, regular meetings were held to exchange experiences and discuss cases among professionals from different centers, generally between those specializing in different topics.

All these formalized practices, along with centralized and local training activities, were critical to advancing the strategic capabilities and resources of the teams.²⁷

Step 3: Strengthening institutional capacity to provide appropriate solutions to legal needs

When the most vulnerable people face legal problems and require direct or indirect assistance from an institution, the landscape they find is one of fragmented and partial services. It is often bureaucratized, distant and depersonalized, with countless blind spots for addressing multiple problems, and a lack of accompaniment, support, and close follow-up.

In general, traditional justice institutions and services are only available in cases that are sufficiently limited in scope, so that they fall under the list of narrow and limited categories available. It is only when those who are helping people with legal needs have sufficient cultural, relational and economic knowledge to recognize the legal situation and to identify possible providers and management mechanisms, will they have a good chance of accessing institutional help to solve it. When any of these elements are absent, legal needs will hardly ever find an adequate solution.

"... as simple as it may sound, the most important element for achieving this unique and transformative service is the attitude and commitment with which each worker approaches each client. They must take clients' problems almost as seriously as if they were their own."

The Access to Justice Centers' mission is to radically change that approach, with their holistic, interdisciplinary people-centered approach and working methodology. And as simple as it may sound, the most important element for achieving this unique and transformative service is the attitude and commitment with which each worker approaches each client. They must take clients' problems almost as seriously as if they were their own. They must make it their mission to resolve the issue(s) a client faces, and they must consider themselves as partners with their clients in finding an effective path to deal with their legal needs.

On some occasions, intervention results may be unsatisfactory and many things may go wrong in the process. Access to justice services are not in the correct position, nor do they have adequate tools or resources to adjudicate disputes and apply a fair outcome to conflicts.

They also do not manage material resources to provide better life conditions. Their job is different: the role of an Access to Justice Center is to bring people closer to resources, services, and institutions that can best resolve their legal needs and problems fairly and effectively, and to provide support along the way.

Practical challenges

In order for the Access to Justice Center program to put these commitments into action, an appropriate methodology and workplace strategy had to be implemented, as has been mentioned. While developing that approach the program had to work hard on expanding its response capacity and its effectiveness in strategic interventions to solve more clients' legal problems. That meant creating and strengthening a network of cooperative relationships with relevant institutions and services in the justice and social sectors to find the best paths to solving justice problems.

However, the program faced complex challenges in attempting to achieve this goal. It lacked effective and established practices to rely on, and even though it was relatively new it already needed to correct previous habits that distanced the Centers from these goals. At the same time, it had scarce institutional resources

and operated in isolation. The main challenges in this aspect could be summarized as two major issues: learning what works effectively and expanding institutional capacity.

Learning what actually works

As the process of community trust-building advances, people-centered justice services will receive more and increasingly complex inquiries, until they reach the limit of their ability to respond to them. If that limit is relatively high, the social relevance, legitimacy (and demand) for the service will also be high. Conversely, if the ceiling is very low, the legitimacy, relevance and demand will be low, as well.

The ability to learn how to solve people's legal problems, create change, and avoid and/or overcome the usual bureaucratic and formalistic paralysis (of the service itself and of those institutions that should provide a response to the problem), is perhaps the most relevant indicator of the social value of this kind of initiative.

In our case study, the program had to be able to build a system of work that was suitable for the flexibility, evolution, and diversity of demand and effective responses. To this end, it must be understood that the capability to solve problems does not depend on the knowledge of certain general and uniform legal rules and answers to diverse and contextualized questions. Nor can it be constructed or taught through information or substantive knowledge. Thus, it had to be built and consolidated into a guide for action that would activate different strategies in order to navigate institutional, legal, and relational labyrinths. Teams had to learn and develop an experimental learning method and techniques to find solutions for the problems that the clients could not solve by themselves.

It must be said that this was particularly challenging for most lawyers at the Centers, since—at least in countries like Argentina—the legal profession is widely characterized by its rigid, formalistic, static, and dogmatic traditions, methodologies, and epistemologies. For the disciplinary canon of this profession, it was necessary to shift the understanding of what the legal profession should be. This required shifting the viewpoint and self-perception of a legal professional from being an oracle of the law, to a legal professional being an active problem solver who worked in cooperation with their client and colleagues.

To expand institutional capacity for a comprehensive service

The experience of working on issues of access to justice with vulnerable communities often leads to frustrating situations, in which the “success” of an intervention in facilitating access to an institutional response is often dampened by a “failure” in the content and scope of that answer by the responsible institution. Access to justice, even when well directed, does not always lead to a successful resolution. Instead, the result ends up being a lack of justice in substantive terms for the person experiencing a legal problem. In structurally weak states, with limited public resources and ineffective bureaucracies, it is common that public responses are not adequate to solve the common justice problems of the population.

Access to justice programs that provide primary legal services must be able to deploy as many resources and cultivate as many institutional relationships with other justice providers as possible. This way their interventions can achieve transformations in favor of vulnerable people who seek them. Access to Justice programs must create a network of institutional cooperation with public and private actors that can be part of the solution, to establish collaborative working practices that provide better results for people. Intense and constant institutional investment, both localized and centralized, is required for this to happen.

Access to justice programs are a gateway, a pathway towards the possible solution of everyday legal needs, but they will almost never be the authority or the agent that solves them, at least when it comes to the most complex and serious problems. Access to justice programs will direct clients to institutions or legal professionals who will process their case in an equitable and attentive manner, and will provide a (hopefully just) solution.

Therefore, an institutionally invisible program (isolated from the rest of the justice and administrative ecosystems), will hardly be capable of solving complex legal needs of its population. This was often the case for many Access to Justice Centers at the beginning of the cycle we are analyzing. Except for the informal connections that had been developed by the oldest centers in some cities, the program was unknown to institutional, social, and justice actors. And when they first took off, the Centers had almost nothing to offer in terms of resources or services to even start a conversation.

The Access to Justice Centers had to become a valuable social resource, with a comprehensive offer of resources to address legal problems and effect change. They had to activate an effective network of inter-institutional cooperation with other service providers and administrative agencies that could provide effective solutions.

Strategic actions: What the program did, and how it did it

Operational tools for continuous improvement & supervision

Given the conditions in which they had operated, and the framework created by the adopted vision and working methodology, the Access to Justice Centers network had to make considerable progress in order to develop the conditions for effective and impactful services. Finding the appropriate and necessary tools was gradual and incremental, and resulted in three simultaneous processes of building and promoting continuous institutional improvement, which adapted reasonably well to the existing structure.

The “collaborative-pedagogical supervision” model for regional coordination

The strategy and working dynamics of the regional coordinators in relation to overseeing the services and performance of the Access to Justice teams was defined with a pedagogical and supportive approach, rather than an authoritative or disciplinary one. Regional coordinators assumed the role of building local knowledge, and educating the Access to Justice teams about good practices and work strategies throughout the working community. This collaborative-pedagogical supervision reduced internal tensions and resistance, built trust and learning dynamics, and strengthened the institutional culture, while making accountability effective.

The regional coordinators were the “epistemic operational authorities” of the program, in charge of identifying, cultivating, and socializing practical knowledge, adapting it to the contexts and conditions of each team, and orienting the team’s actions towards the vision and mission of the program. The key to this role was their particular institutional position (between the front-line workers and the central authorities of the program), which allowed them to act as channels for the multidirectional flow of knowledge. They moved new learnings vertically from the Access to Justice Centers teams to the directorate and vice versa. They also facilitated a horizontal flow of information between the different regions and teams.

Similarly, regional coordinators were able to facilitate the implementation of innovative institutional processes, practices, and services. They brought the knowledge and perspectives from the front-lines back to the drawing board and were the engine that guided, sustained, and accelerated the local internalization processes as much as possible. Thus, they built an “amphibious legitimacy” (which combined elements of central and local work) that operated as a buffer in institutional progress.

The program of goals, indicators, and strategic planning

The implementation of the program’s overall vision and corresponding institutional identity required massive transformational progress in all operational aspects of the Access to Justice Centers. The implementation of

a continuously progressive dynamic that could be developed on a large scale was a necessary condition for the program to have a realistic chance to put itself in a position to carry out its mission. Without it, Access to Justice Centers would never be able to consolidate the special and unique service they were supposed to produce to transform lives.

Resource limitations, internal weaknesses and tensions, the enormous disparity in the Centers' capabilities and performance, and the lack of data, baselines, and benchmarks to work off of, generated serious operational challenges. However, they could be overcome. The design and implementation of the canon of consultation services and the SICAJ made it possible to gather the data and evidence about all relevant aspects of the Access to Justice Centers' work, development and performance. This would allow for an objective and verifiable matrix of goals and progress indicators. At the same time, the regional coordinators' thorough knowledge about the reality of each team provided the necessary guarantees for taking contextual particularities into account, and for maximizing the chances of implementation, follow-up and evaluation processes.²⁸

The program of goals, indicators, and strategic planning had three distinct functions:

- Develop capabilities in the teams for maximizing social and institutional growth and impact: Access to Justice Centers must be understood as small institutions, and their teams had to learn to perform annual Strength, Weakness, Opportunities and Threats (SWOT) Analyses, and to develop action plans to overcome deficits. In this process, the agents had to stop perceiving themselves as bureaucratic operators and assume the role of institutional strengthening agents.
- Establish regular cycles of assessment, planning, implementation, monitoring, evaluation and accountability, conducted by the Access to Justice Centers themselves: To that end, a simple process that replicated the typical public policy cycle would be established. The M&E process that every Center had to perform included: (a) baseline report and action plan, (b) monthly report on action plan implementation and status of indicators, (c) quarterly report, with evaluation of and adjustment to the action plan.
- Build a structural matrix of indicators for long and short-term institutional progress: Without a sound and institutionalized matrix of objectives, goals, indicators and evaluation mechanisms, public policy will advance without a consistent understanding of the conditions of its evolution. In turn, these elements have a high institutional value for consolidating a responsible, accountable, evidence-based work environment where evaluative judgments and decisions about people's performance or productivity were based on public reasons.²⁹

As we have mentioned, when the program began its implementation, there was no precedent for this type of practice. Internal political tensions and distrust had not been dissolved, teams lacked knowledge, tradition and training in strategic planning, they were not familiar with the use of indicators and goals, in many cases did not have internal dynamics of collaborative work, and they had not fully internalized the meaning and scope of the vision and working method.

The program of goals, indicators, and strategic planning was undoubtedly the most disruptive and uncomfortable change, and was the least appreciated or welcomed by workers. The whole process was outside the comfort zone of the teams and exposed all the shortcomings and weaknesses of the Centers. However, the practice was consolidated over time, until it became part of the daily landscape of the work. There were some strategic elements needed in order to achieve this: (a) institutional patience with the learning cycle and the poor products of the first iterations; (b) persistence in repeating short cycles at the beginning of the practice, in order to train teams in the dynamics of the program; (c) continuous fine-tuning of the methodology in order to incorporate the perspectives of agents in an inclusive and responsive dynamic; (d) availability and dissemination of data, which strengthened transparency, objectivity, comparability and accountability in the process; and (e) the adaptability of goals and indicators, as well as reporting duties to different contexts and circumstances the teams experienced, which reinforced the connection between their daily life and work and the progress of the initiative.

The “Integral Strategic Interventions” (ISI) for less advanced teams:

After two years of implementing the vision for the Centers, the working method and the cycles of strategic planning, there was sufficient evidence and knowledge to evaluate the evolution of the Centers, the keys to their progress, and the causes for lack of progress. There was also a proven toolbox to build community presence, institutional relationships and cooperation, and to provide a quality and effective service for communities.

In any large-scale program, it is expected that the incentives and general dynamics will not work for all parts of the diverse community. Changing the trajectory of these teams requires a flexible amount of energy from the institution. Once the majority of Centers reached a stable level of performance, attention shifted to addressing the challenge of identifying a set of tools for those that were not reaching the expected minimum. In those cases, one or more of the following structural failures were present:

- Problematic institutional conditions (location of the center, building conditions, local political conflicts, insufficient community presence, etc.)
- Lack of capabilities and agency of the team (for community and institutional relations, for effectively addressing problems, etc.)
- Lack of leadership, commitment, and dedication in the team (failure to comply with schedules, conflictive internal relations, etc.)

The ISI initiative was implemented to address these challenges. It included:

- (a) Preparation of a comprehensive situational assessment by the regional coordinator to identify the causes of low performance. The assessment considered structural, institutional, organizational, operational and attitudinal aspects of the work.
- (b) Analysis, and open and direct discussion of the assessment with the team and the directorate of the program.
- (c) Implementation of a structural four-month plan, carried out jointly by the regional coordinators and team.
- (d) The formation of a special support group at the directorate to assist the regional coordinators in the plan’s implementation.

The strategies included community communication campaigns, reforms of Center’s physical space, institutional articulation carried out locally and directly by the regional coordinators or the directorate team, everyday work overseen by the regional coordinators with constant supervision by the support team, establishment of new regular outreach services, and internal organizational adjustments of roles and responsibilities.

For one year, there were dozens of initiatives that in most cases produced a significant change in the energy, commitment and intensity of the work, and an evolution in the tendency of the performance indicators.

Access to Justice Centers as enablers of legal resources

The goal of consolidating community-oriented primary justice services into a “one-stop-shop,” and committing to the idea that Access to Justice Centers should never be the “wrong door” in a person’s justice journey demands continued attention and dedication. In contexts of weak institutions and small budgets, the implementation of these models depends on inter-institutional cooperation and collaboration mechanisms.

The impact of primary justice services is highly dependent on the resources and tools that teams have at their disposal, as well as on external factors that can activate the clients' and community's inclinations to utilize them. These factors stem from both other service providers and institutions in charge of adjudicating legal issues, and being in charge of carrying out the actions needed to resolve the problem. Primary justice services must be seen as "resource centers" for navigating legal needs, as well as expanding and strengthening them as a fundamental part of the institutional justice agenda. Holistic services and people-centered approaches will be a reality only to the extent in which the Access to Justice programs can successfully activate and channel institutional resources to attend to communities' unmet legal needs.

With this strategic approach, the Access to Justice Centers program worked on strengthening its institutional capacity to maximize the internal and external resources available, both locally and centrally managed:

- **Internal resources of local management:** These resources consist of the capabilities, skills, and volume of team staff. A good selection of personnel and, above all, effective learning and training tools, are the best way to achieve the best results possible. If institutional incentives are adequate, teams will be autonomous agents of progress and development in their own capacities as they achieve greater impact. In our case study, policies directly and indirectly related to staff selection were beyond the reach of the program authorities, so the emphasis for strengthening internal local resources was placed on the coordination, support, and supervision strategies previously discussed.
- **Internal resources of centralized management:** These resources consist of general support initiatives related to strategic aspects of the teams' work (e.g. the creation of research, communication, or strategic litigation areas), but especially the deployment of an institutional infrastructure for producing collective knowledge and learning (training and capacity building programs, knowledge and information management programs, etc.).

These initiatives must operate under the assumption that the community of practice is working to provide a public good, and therefore must take advantage of the scale and institutional resources available to central authorities. In our case study, budget constraints limited the possibility of extending these services. Nevertheless, two initiatives had a relevant impact: First, a specialized team and a program of continuous training for the working community were established. Another centralized initiative to develop internal resources was dedicated to "community mediation" services. Through this project, Access to Justice Centers staff were trained and certified as community mediators so that each center would have at least one person equipped to offer it to their clients. The initiative also included continuous support and follow-up for the centers and the newly certified mediators for the implementation and development of this service. It transformed centers' ability and strategies for handling important parts of their caseload. The new built-in service became a public good for the local institutions, beyond the center's clientele. None of this would have happened without the centralized organization and articulation of the training, certification, and implementation support process.³⁰

- **External resources of local management:** These resources depend on the cooperation that each Access to Justice Center is able to activate in its area of influence. Therefore, their expansion and maximization played a central part of the daily agenda through institutional relationships with other service providers and rights adjudication agencies. In the justice field, it is common for programs to operate from an institutionally self-centered and isolated perspective; focused exclusively on their relationship and interaction with the clients they assist. But the circle of service and impact of primary justice services is only closed when justice services can provide effective answers for people to overcome barriers and strengthen their capabilities. The Centers that succeed in this agenda were able to activate a network of institutional support to solve people's problems. This created a kind of clearinghouse of institutional cooperation helped all the institutions fulfill their mission and be more useful to their communities.³¹
- **External resources of centralized management:** In programs of national scope, many obstacles at the local level are a reflection of problems and certain structural dynamics at the national level. This may include issues with the execution of public institution operations, or structural failures of the

justice sector and legal profession in general. At the same time, strategic action by central authorities can activate some general, large-scale initiatives with potential transformative effects on local justice ecosystems if properly implemented. In this regard, access to justice programs must develop centralized strategies and dynamics of inter-institutional cooperation with the whole spectrum of the justice sector and—equally important, and often overlooked—with the social sector. The ability of community justice programs to truly function as “one-stop-shops” and provide comprehensive solutions is determined by the level of cooperation and collaboration of different institutions and actors (even though they generally lack institutional incentives and interests to collaborate). Only through a network of cooperative services will it be possible for Access to Justice Centers to start realizing the aspiration of never being “the wrong door,” and more importantly, to ensure that, to the greatest extent possible, they will be “the last door” a person will have to knock on to receive legal need.³²

Cooperation with the justice sector

Diverse participants in the justice ecosystem—especially law schools and bar associations—have a unique ability for organization, articulation, and institutional supervision of service providers (e.g. students and lawyers). In many cases they have an obligation to provide legal aid services to the community. However, due to the inertia, biases, and traditional conceptions of the role of the legal profession and the law, their legal aid involvement is typically scarce, scattered, or is inaccessible and inadequate to meet the legal needs of vulnerable populations.

These actors are nevertheless the most promising potential allies to initiate a path of cooperation. The key enablers for cooperation identified to implement such initiatives were: (a) designing an initiative that had the potential to function on a large scale, so that the institutional investment would be justified; (b) finding initiatives that were strongly connected with the institutional mandate of these actors; and (c) providing economic support for administrative and coordination costs involved in the initiatives.

In our case study, that initiative was the creation of the Federal Network of Free Legal Representation, to provide legal services to the Access to Justice Centers communities. Through a series of cooperation agreements with bar associations, law schools, and NGOs,³³ the program was able to provide legal representation to clients in situations of structural vulnerability when a judicial solution was seen as necessary to address their legal needs, and neither the legal profession nor the public defense systems were able to provide adequate and accessible legal representation.

The inclusion of these services in the Access to Justice Centers toolkit qualitatively transformed their action and impact. Teams gained confidence to address complex legal needs that might require legal representation at some point, as they knew they could offer that resource. In turn, in many cases in which public defense systems had collapsed, the service made it possible to avoid the referral of clients to these mechanisms, and provide an immediate response.³⁴

Cooperation was organized through various instruments:

Law schools: The program organized a nationwide competition for projects about experiential learning, clinical education, and access to justice. The projects had to include the active involvement of law students in providing community legal services, including legal representation for Access to Justice Center clients. The Ministry of Justice and Human Rights, in cooperation with UNDP, financed the administrative costs of 12 selected projects.

Bar Associations: The vast majority of bar associations have a legal mandate to provide legal assistance to individuals who cannot afford a private attorney. Although they have some free legal advice at the institution’s headquarters (always located close to the courts), only in very exceptional circumstances and at the request of the judiciary do they provide free legal representation through a registered attorney. In turn, the practice of pro bono service provision is generally rejected or minimized. The collaborative model

implemented consisted of a series of agreements through which bar associations throughout the country would channel the provision of legal representation services for Access to Justice Centers' clients. The Ministry provided financial support for administrative costs and a symbolic sum for participating lawyers in relation to the expenses of the cases they represent.³⁵

Cooperation with the social sector

A complex set of administrative institutions, sometimes inadvertently, make significant decisions on justice issues. These procedures and decisions directly affect the ability to access rights, benefits, and services considered to be social goods. The social sector is a critical domain of what's called "administrative justice," and a key element of social justice and enforcement of rights in modern states.

In relation to these actors, the agenda of the Access to Justice Centers consisted of establishing channels that could optimize the timing and fairness of decisions, and ensure an adequate weighing of urgent and serious situations that Centers clients could be facing. Access to Justice Centers acted as translators and facilitators for people to fulfill administrative demands and requirements to avoid delays and procedural or substantive arbitrariness in decision-making. In some cases, too, centers identified structural, procedural or substantive problems that affected disadvantaged communities' rights.

Successfully building these interactions depended on centralized agreements as well as local decentralized implementation. The diversity of experiences, strategies, obstacles, and solutions to approach cooperation initiatives was remarkable. In almost all cases—both at the local and centralized level—cooperation and collaboration only worked when the social sector agencies found significant, concrete, and daily benefits to facilitate or reduce their workload, at no additional cost.³⁶

Predictably, the other element of successful centralized cooperation was the existence of a political initiative from higher political authorities, which aligned the incentives of professional policy actors. In general, it was not possible to build a stable volume of centralized institutional cooperation with public agencies in the social sector. The lack of stable professional bureaucracies with interests and incentives aligned to achieve institutional progress, regardless of the political implications, creates enormous transaction costs and largely dysfunctional incentives for this kind of initiative.



Keeping records matters – the story of Nora

Nora is 52 years old and she lives in Olavarría, Buenos Aires. When she was two years old her mother abandoned the family, taking Nora's sister Miryan with her, and left Nora with her grandparents. She never heard from them again. She never met her father either, nor did she have any information about him. She didn't even have her own birth certificate, which caused administrative problems.

She approached the city's Access to Justice Center and request assistance in obtaining her birth certificate with the hopes of also eventually identifying her father. As she interacted with the interdisciplinary team, and began to process her own story, her journey of family history began. Once she started getting pieces of information about her family, she had an interest in receiving assistance in identifying her sister, Miryan, who was a new-born baby when they were separated.

Accompanied by Center, she was able to access her sister's birth certificate, which stated that she had been given up for adoption in 1975, when she was seven years old, and received a new last name.

Through collaboration with the Comprehensive Care Unit of the National Social Security Agency, the Center discovered that Miryan was living in another city in the same province. They were able to locate Myrian based on the data that was discovered, and the sisters were able to meet again.

After that meeting, Nora returned to the Access to Justice Center. Both sisters now wanted to find their biological mother. Through the Centers' Case Management System, the team was able to learn that their elderly mother was living in the city of Río Gallegos, in the province of Santa Cruz, in south Patagonia, more than 2,000 km away. According to the Centers records, a year earlier the Center located in that city had intervened in a legal case that involved her.

The Olavarría Center immediately contacted their colleagues in Río Gallegos. They made a series of inquiries and verified that Nora and Miryan's mother also had a son, Pablo, and another daughter, Andrea, both living in Río Gallegos.

A few days later, four siblings who had never met before, or knew of each other's existence, were put in contact by the Centers.³⁷ However, they did not stop there. The Olavarría Access to Justice Center helped Nora and Miryan to obtain financial assistance to travel to Patagonia to reunite.

Justice Innovations



Justice for All initiatives

This brief and final section describes four specific initiatives designed to address structural gaps in access to justice that were identified as the as the Access to Justice Centers progressed in their work.

Each one of the four initiatives presented, deal with specific challenges that the Centers could not solve within the scope of their model and design, and required institutional innovation and an expansion of dynamic services. These initiatives were designed and implemented as pilot projects to test strategies to approach these challenges, and to generate data which could be utilized for a more comprehensive model design in the future.

The “Hospital of Rights” was an integrated and comprehensive model for justice services (not just primary ones) for big cities. Through an integrated and collaborative approach, the model aims to solve structural and well documented problems between multiple specialized and fragmented justice providers. It also aims to serve as a referral center for the Access to Justice Centers in the surrounding area.

The “Northern Corridor Project” brought itinerant justice services to rural areas and aims to serve indigenous communities in inaccessible regions of the country, where the predominant urban model of the Access to Justice Centers wouldn’t work.

The campaign “My First Document” was the first nation-wide, synchronic service initiative, which involved more than fifty Access to Justice Centers. It was designed to address legal needs specific to lack of identity documentation through a centralized planning, organization, support and supervision and decentralized execution. These methods would optimize institutional resources and alliances, and accelerate communication.

Finally, the cost/impact assessment was a particular initiative designed to strengthen the program’s data and improving its accountability by developing a measurement instrument to analyze its social and economic cost/benefits dynamics, and eventually build a robust and evidence-based case for scaling up the investment in primary justice services programs.

Hospital of Rights

In large urban centers, the problem of access to justice is not usually the lack of any legal service. Quite the contrary, it is often the case that many justice providers, public and private, local and national, co-exist in the same city. But these legal services and agencies are often fragmented, disjointed, and lack coordination between them, making it almost impossible for vulnerable people to access legal knowledge, comprehensive services, and institutions to solve their legal needs.

The model of a Hospital of Rights was developed as a pilot project in the city of Buenos Aires, as a response to this issue. It was designed as an inter-institutional initiative, aimed at solving coordination problems and implementing a full-scale collaborative model of comprehensive justice services to address all kinds of justice problems in any field of law, requiring any kind of justice service. The initiative was designed to provide assistance all in one place, without referrals, applying a holistic and interdisciplinary people-centered approach.

Currently, in the hospital, staff from different justice providers are trained, collaborate, brainstorm, and create innovative solutions together which can be implemented within the structure of the Access to Justice Center program. This not only creates a collaborative work environment in which people are excited to contribute, but also a place conducive to innovation and constant improvement.



Photo by Mariano Alonso

Access to justice in comparison with the health care system

Within the healthcare system, a hospital is the place that brings together different health specialists and types of professionals, ensuring the care of even the most complex cases. The Hospital of Rights draws a parallel between how health care systems operate and how systems of access to justice could operate to ensure people's legal needs are met. In the healthcare system there are different mechanisms with different degrees of complexity, including specialized clinics, dentists, rehabilitation spaces and neighborhood health centers, social and mental health services, etc. Similarly, access to justice frameworks must have multiple actors with different roles: state agencies in charge of social benefits, social security or documentation, public defense offices, courts, prosecutors' offices, lawyers, non-governmental organizations, etc. However, there is one platform in the healthcare system with the capacity to integrate all of them, which has no functional equivalent in the access to justice ecosystem: general hospitals.

The organization of services in the Hospital of Rights

The institutional design of the hospital integrates the services of a primary legal service model with specific legal services provided by different state agencies (and private actors such as universities or bar associations) through an integrated and collaborative operation. The project is more ambitious than previous ones which brought together different agencies linked to Access to Justice under the same roof (usually called houses of justice) because it aims to build bridges between formal agencies and Access to Justice agencies that are often disconnected. It is also different because it promotes collective knowledge among those who are part of it, and creates a distinct link with the community it serves. It is not a question of an "accumulation" of public agencies, but rather ensuring virtuous institutional interaction and coordinated work that makes it possible to take advantage of and strengthen the specific capabilities and competencies of each agency.

The Hospital of Rights had to have well-defined levels of organization with specific functions and solutions, which facilitated coordination, and avoided staff becoming overwhelmed by the feeling that, "everyone does



Photo by Mariano Alonso

everything.” Furthermore, the organization had to ensure that each staff member at every level knew what was expected of them. The following four steps were developed to organize workflow and client intake:

Level 1: Triage & Registration: All visitors are welcomed at a reception desk, where they are registered, and their priority level is identified based on a brief intake interview.

An agent with an administrative role will provide guidance or advice on administrative procedures (migration, documentation, social security, etc.). This is

particularly helpful for those who may be illiterate or have very little experience interacting with government agencies. Lack of access to the Internet is often a further insurmountable obstacle, so the “Hospital of Rights” has computers available to carry out the procedures with the help of staff trained for this purpose.

During this first step, people are also offered the option of a legal health checkup (LHC), which consists of completing a survey listing different topics linked to possible unmet legal needs. The client can choose to fill in the LHC completely or partially, depending on their available time, or the sensitivity or complexity of the topics listed. The responses of the LHC will be reviewed at the next stage between the client and a legal professional.

Finally, in hospitals, other state agencies’ services may be carried out (filing for identity documents, social security procedures, etc.). The Centers replicated this, and clients were able to do the same during this initial step.

Level 2: Advice and counseling area: In the second step, the client is moved to an area with lawyers and social workers, and may request the assistance of psychologists if needed. These professionals are responsible for offering an integrated approach. They conduct an initial interview to identify conflicts or situations linked to the main consultation and help the client to understand their rights and decide which path to follow in order to solve it. They also review the LHC with the client and will make corresponding recommendations for each problem identified. The staff’s full attention is on this task and their client, and they try to make the most of their time with the client because their interaction with them ends after this step. If the client requires another type of intervention from the “Hospital” after this step, they will be referred to Level 3 and assigned a primary practitioner.

Level 3: Area of complex interventions: At this level a client will be assigned a primary professional who will work with other professionals to address the issues identified in the previous step.

All non-litigation interventions such as legal assistance, community mediation, accompaniment, and assisted external referrals are executed at this level. During this step the objective is to address and help solve complex problems identified in level 2 through non judicial interventions. Furthermore, this step is carried out by lawyers, social workers, psychologists, and mediators who dedicate themselves exclusively to the execution of the mutually agreed strategy. Other agencies may also get involved at this level depending on the needs of the client.

Level 4: Free legal representation: In order to fulfill the mission of the “Hospital of Rights,” it is essential to provide free legal representation. This service is provided by the “Hospital” through external agencies which have a presence at the Center such as the public defender’s office, legal clinics run by the “Hospital,” or services and referrals provided through agreements between the “Hospital” and the bar association or law

schools. When the need for litigation is identified, the lawyers at Level 3 decide what the most appropriate course of action is, and refer the person to the corresponding service, with the consequent follow-up. This way the client always has a professional to reference during the process.

Creating a Teaching “Hospital”: Advanced law students were invited to participate through legal clinic courses at the “Hospital.” This aspect of the program

imitated medical residencies, and resulted in a mutually beneficial relationship between the “Hospital of Rights” and future lawyers. It ensured that the latter graduate from university with a practical experience from real life situations. By actively participating in the third level of the hospital’s process—not only in the providing legal representation—and by maintaining close contact with other professionals (psychologists and social workers, among others) it provided an educational experience that exposed the students to the many options available for solving conflicts between individuals or with a public agency or private company. Students who participated tended to be committed, innovative, and willing to learn, which is often not the case for those who have spent their career in state offices or in agencies that do not provide sufficient economic incentives and career advancement.

Strengthening Access to Justice in one place: As discussed above, it’s not common to find constructive interactions between agencies dedicated to matters related to access to justice (Ombudsman’s Offices, Public Prosecutor’s Offices, Public Defender’s Offices, thematic administrative offices, offices of different jurisdictions, etc.). Therefore, an office that physically enables the interaction of several of these offices adds great value to the attention provided to the client. The exchange of information and knowledge that is generated from daily contact is beneficial for those working in the Center, as well as for the client who has the opportunity to be interviewed by different public agents. This results in a significant improvement in the quality of the service overall.



Photo by Mariano Alonso

The Northern Corridor Project



Photo by Mariano Alonso

Justice gaps in rural and indigenous communities: Argentina is a large country, and more than 90% of its population lives in urban areas.³⁸ While all cities and towns are connected to the national road network, a huge number of rural areas—especially in the northern provinces of the country—are geographically, socially, economically, and institutionally isolated and disconnected. In many areas the presence of the state is scarce or non-existent, and when it is present services are not effective. Large parts of these regions have been traditionally inhabited by indigenous communities who experience structural discrimination, and vulnerability is a widespread reality.

Bringing people-centered justice services where they're needed most: The Northern Corridor Project was designed to address these challenges. It was implemented in cooperation with the national and provincial Ministries of Health and the local UNDP office. It was conceived as a pilot project in 8 northern provinces.

The core of the project was a small network of rural/mobile Access to Justice Centers, which would be established in small rural villages. Each center would serve an area of approximately 200 kilometers around its headquarters and would use a truck with a camper attachment as a mobile office to make regular visits to the populations and families who lived in remote and vulnerable areas. The staff of each mobile Access to Justice Center would be composed of a lawyer, a social worker, an administrative assistant/driver and a doctor, and it would work in cooperation with the local primary health care services.

Teams would work at headquarters two days a week and the other three days would be dedicated to travelling within the province or to the provincial capital to carry out administrative or judicial work related to their cases. The headquarters of the Access to Justice Center would be located within a primary health care center when possible, or in community buildings provided by the local authorities.

The initiative had three pillars: (a) a strategic alliance between the health sector and the justice sector, (b) inter-jurisdictional institutional cooperation between national, provincial, and local state actors to attend to community needs, and (c) a robust dynamic of outreach services, with a patient and sustainable methodology of community presence and trust building, through active consultation with indigenous authorities and communities.

Access to health and access to justice: The Northern Corridor project understood that integrating and creating the basis for collaborative work between primary healthcare and primary legal services had great potential to optimize operational conditions and community impact. Primary healthcare services had the greatest presence, proximity, awareness and trust in the community, and already had a functional organizational model for bringing attention to the most remote areas.

In Argentina, as in many other parts of the world, the most assiduous and stable contact of rural communities with state services is made through the healthcare and education systems. Coordinated work between community healthcare and justice services would strengthen their organizational potential, as well as their capacity to meet the needs of the most vulnerable populations.

In addition, studies³⁹ have already demonstrated the connection between barriers to access to justice and their implications in relation to access to health services. The project was conceived with a strategy of applying an interdisciplinary approach and integrating healthcare practices into justice services to address

the problems identified in each location or community visited. It was not a matter of simply taking advantage of the material resources or the learning capital of the other service, but rather of having the teams working together in a coordinated manner, providing a holistic and systemic response to individual or community problems.



Photo by Mariano Alonso

Inter-jurisdictional cooperation and its challenges: Given Argentina's geographical, social, and institutional conditions, a project such as the Northern Corridor project could only be carried out with the contributions and cooperation of various national, provincial and local authorities. The design and preparation stage of the project was an arduous and laborious process of inter-jurisdictional negotiations and agreements at various levels, but without them it would not have been possible.

Once the coverage areas and the Centers' locations were decided, a stage of dialogue began with the municipal authorities who were responsible for national and provincial healthcare, and with the relevant community actors in each region to consensually define the central elements of the project's operation, and its operational and methodological identity.

Putting together the interdisciplinary teams presented great difficulties. Not only because of the shortage of professionals interested in establishing themselves in inaccessible places with precarious physical and social conditions, but also because of the political tensions generated by local stakeholders interested in influencing the activity of new actors in the community. The selection criteria prioritized all agents having the strongest possible commitment to remain and take root in the community for a sustained, long-term period. Several city-based professionals who were initially selected resigned in the first year of work, at great cost to the development of the program and the services provided by the community.

Methodology: In order to define a workable agenda for outreach services in these large and dispersed geographical areas, teams had to know the territories and the relevant actors involved, to identify the multitude of relevant legal needs—including those connected to health—and develop effective resolution strategies depending on the remoteness, isolation, and social and institutional distances of the community being served. Additionally, all of this had to be done on the basis of an inclusive and participatory consultation process with the communities; recognizing and respecting the identity and cultural perspectives of indigenous peoples.

In the early stages of the program, the goal was to get closer to the communities and have the mobile center be something recognizable in the communities it travelled to. As the mobile centers became familiarized with communities, identifying legal needs and making follow-up plans became easier and more effective. All communities in the selected coverage areas had to receive regular visits. Otherwise, trust would never be established with the Access to Justice mobile teams.

Cultural diversity and community participation: Primary justice services must always include a relationship and dialogue with communities. In this case this was a particularly important issue, given the cultural and social diversity in which the mobile Access to Justice Centers were operating, and the history of remoteness between institutions and communities. An effective service required constant and consistent communication and understanding of the perspectives of the communities—their interests, priorities, fears, and expectations—and it also required the time and patience to build trust, in these circumstances. The project benefited from a permanent specialized support of experts on the rights of indigenous communities, who carried out the training of teams and the design and monitoring of diagnostic practices, the planning and implementation of participatory and intercultural dialogue with communities, as well as the development of permanent working protocols that were incorporated into the work manual of the Access to Justice Center.

My First Document, Access to My Rights-campaign

United Nations Sustainable Development Goal (SDG) 16.9 establishes that states must, “provide legal identity for all, including birth registration.” Latin America is far behind other regions in terms of satisfying the right to legal identity. In Argentina, a citizen without legal identity cannot access social protection allowances, and pensions, secure a formal sector job, have a bank account, vote, receive educational degrees or travel long distances within the country, etc.

To obtain an identity card in Argentina, there are three very different procedures as a person ages, and it gets vastly more complicated the longer a person goes without one. At some point, legal assistance and a judicial process is inevitable. For vulnerable people in particular, navigating these complex bureaucratic systems is very difficult. This can be due to a variety of reasons like lawyers’ and judges’ lack of knowledge on the subject, the delays common to judicial procedures in almost all Argentine provinces, and the neglect of many cases because lawyers do not regard them as interesting and rewarding. Many people living in the most vulnerable conditions never have access to lawyers for these administrative or judicial processes.



Photo by Mariano Alonso

To tackle the problem, the program launched the My First Document, Access to My Rights-campaign; an intensive pilot joint effort to address structural justice needs in this field. Sixty-one Access to Justice Centers participated, as well as several state agencies (the Ministry of Social Development, the National Identity Registry, and the Civil Registry of the province of Buenos Aires, which is the province in which a large number of cases of unregistered people are concentrated).

The campaign was designed to have five phases:

1. A three-week communication blast, to spread the word that people lacking birth registration would be provided comprehensive legal assistance by the Access to Justice Centers, including legal representation. The main form of communication was through Facebook and WhatsApp, through which flyers were sent to social and community leaders, grassroots organizations, neighborhood media, and municipal offices, among others.
2. Opening a WhatsApp channel to answer different types of questions about the campaign. More than 10,000 queries were received from people with documentation problems or by people linked to others in that situation (teachers, social workers, community leaders, etc.).
3. During the following two weeks, the Access to Justice Centers organized community activities in more than 200 places, focused on the provinces with the highest level of problems. More than 12,000 consultations were conducted and 2,250 cases were initiated related to identity documentation issues.
4. In the fourth stage each center analyzed the cases received and contacted the clients to ask them for missing information, explaining the steps to follow to get some kind of documentation in order to start the process. A special team convened at the national directorate provided technical support to the agents of the respective teams.
5. Finally, the Access to Justice Centers began to refer cases requiring legal representation to the Federal Legal Representation Network, and other institutional allies. The teams also initiated administrative procedures for minors. Attempts were also made to maintain contact with clients who did not respond to

initial calls, and even to contact community references to assess the possibility of accessing those who did not respond to telephone contacts through other channels. In this way, it was possible to re-establish contact with many people with whom it had been lost.

The experience of the campaign showed that it is possible for a people-centered access to justice program to go beyond regular individual services and work on systemic initiatives aimed at addressing structural problems. But this is not business as usual; it demands an intense and sustained institutional effort in several areas:

- **Coordination between government agencies:** The campaign noted that a common and important problem was the lack of connection between the national documentation agency, the provincial civil registries, hospitals, municipalities that should have identified undocumented persons, and free legal representation services, among others. Promoting joint initiatives by the national administration together with provincial and municipal governments seems to be the best way to address many rights violations, especially those arising from coordination problems derived from the different tiers of government.
- **Avoiding unnecessary judicial processes:** The fact that a low-income person must go to court to resolve an issue as simple as identification represents a severe problem within the justice system. Going to court usually means having to deal with this problem for several years, facing an overwhelming institutional procedure, with significant economic costs.
- **Interacting with public officials:** The campaign clearly showed the difficulty that many citizens have in interacting with the public administration at different jurisdictional levels, even with offices that are not usually reputed to have excessive bureaucracy. Most government offices have not developed enough institutional empathy to provide service practices that make it possible for the most marginalized populations to satisfactorily carry out the procedures the offices demand.

Studying costs and impacts of Access to Justice Centers interventions

Community-based justice services and legal empowerment initiatives have proven to be effective in reducing the justice gap, especially when dealing with justice issues of a subjective nature which are more difficult for traditional formal systems and procedures to address. Compared to traditional justice systems, programs and structures, community-based primary legal services programs have greater presence and proximity to the most vulnerable populations, who find it hardest to resolve their justice problems; greater flexibility and adaptability to navigate precarious social and institutional contexts, and much lower administrative, infrastructure and personnel costs.

These services can provide effective, flexible and low-cost solutions to important social problems, while the formal justice system lacks the tools to solve this particular kind of access to justice challenge. Yet, there is still a long way to go before countries adopt general policies of providing primary justice services, as they have done in other fields, such as healthcare, social services and education. Efforts to change this state of affairs, both domestically and internationally, must be made at various levels.

There is a moral, principled argument about the connection between overcoming the justice gap and the values of dignity, autonomy, equal opportunity and citizenship. There is also a need to build a robust body of evidence about providing people-centered justice services, the institutional changes required, their foreseeable social impacts, the budgetary implications, and their re-distributive consequences. Both points are connected, since the transformation in the social conditions associated with the dignity and citizenship of the most disadvantaged groups, should translate into redistributions in social and/or economic conditions or positions, and in public budgets.

In order to address these challenges a cost-benefit analysis was undertaken of unmet legal needs and primary access to justice services, based on the experience and research conducted in the Access to Justice Centers program.

Building a case for investment in primary justice services

There is a growing global conversation about the relevance of large-scale investment in services that help narrow the justice gap.⁴⁰ There is also an emerging body of evidence and impact evaluations of specific programs in different regions.⁴¹ In the vast majority of cases, these exercises reveal and incorporate several impacts and costs that are otherwise left out, such as: indirect economic impacts related to public savings, non-economic impacts related to the enforcement of the rule of law, indirect monetary costs such as those related to psychological or mental health, etc.

More evidence is needed about the impact, magnitude and seriousness of unmet legal needs and unresolved justice problems, as well as the individual and social costs, together with data about what works to resolve them, including the comparative effectiveness of diverse alternative solutions. To date, institutional decisions on the creation, scale, or transformation of justice services programs are rarely based on careful consideration of evidence about their potential or actual impact and costs.

The impact assessment carried out in the Access to Justice Centers program

For this reason, the Ministry of Justice and Human Rights commissioned pilot research to produce a first assessment of the impact of Access to Justice Centers' services in 2019.⁴² The project would identify variables, indicators and possible forms of measurement related to access to justice services and test their application in relation to the Centers' work.⁴³

A matrix was designed to estimate the costs of handling legal needs through the Access to Justice Centers and the benefits of their interventions. It was applied to three specific areas of the Centers' work related to prevalent legal needs that particularly impacted on the most vulnerable communities.

Cases	Structural Problem of Access to Justice
Access to non-contributory social security benefits (pensions for unemployed or disabled people)	Administrative justice. Problems of exercising social rights before the administrative institutions that are responsible for granting them
Access to identity documents for nationals and residence permits for migrants	Legal inclusion. Facilitating access to rights that are legally enabling and have a multiplier effect on quality of life
Family childcare contribution claims	Conflicts between private individuals (family relations). Vulnerable groups' access to services to formalize money claims against another person, with special attention to the situation of women who are the sole breadwinners, in relation to the lack of parental contributions to the care of children

In relation to the costs and benefits related to the management of legal needs by the Access to Justice Centers program, the matrix distinguished between monetary and non-monetary variables, and between individual and public cost/benefit variables.

Positive Impacts of the Solution of Legal Needs

	Individual	Public
Monetary	Monetary gain due to the favorable resolution of their problem ⁴⁴	Higher tax revenues ⁴⁵ Net social security savings ⁴⁶
Non-Monetary	Positive impact on: Health Interpersonal relations Social status Empowerment and autonomy Working and creative skills	Positive impact on: Public trust Social conflict Authority of the law Inequality ⁴⁷

Costs of Managing Legal Needs Through Access to Justice Centers

	Individual	Public
Monetary ⁴⁸	Transportation Substitute care Unemployment (value of average working hours)	Access to Justice Centers program Budget

The exercise produced the following findings in relation to the economic impacts:

The cost to individuals of approaching the Access to Justice Centers to solve the three areas of legal problems selected was relatively low. On average, it was less than \$10 USD per individual, which represents less than 4% of the average income per person for the first four deciles. The total amount of individual costs associated with the management of the problems analyzed amounted to approximately \$ 300,000 USD.

- The vast majority of the costs of this service were absorbed by the public sector, with an annual budget of approximately \$12.5 million USD.
- From the point of view of individual monetary benefits, the monthly average benefit of the three types of cases analyzed (considering the percentage of favorable resolutions) was \$85 USD. The annual aggregate value of individual monetary benefits produced by these case areas was estimated to be approximately \$67 million USD.⁴⁹
- In the case of collective benefits, an increase in collection and social security savings, had an annual impact of \$20 million USD.

The pilot analysis carried out was the first of its kind in the country. While the analysis could be more exhaustive, it clearly revealed that Access to Justice Centers services produced positive economic impacts. Both individual and social economic benefits far exceed the costs of operation, and the services were economically efficient in addressing certain kinds of typical legal needs that especially impact the most vulnerable communities.

Studies such as the one carried out in relation to the Access to Justice Centers contribute to improving the understanding of what these services produce in society. More complete evaluations would make it possible to identify the areas of greatest comparative impact.

Ultimately, the most important decisions regarding public policy programs—at least in countries like Argentina—are often made based on reasoning that is not supported by evidence. It is worth building alternatives, exploring the extent to which knowledge about the impacts of access to justice programs enriches high-level discussion and decisions, and adopting accountability dynamics.



Access to Justice Centers matter – the story of Andrés

Andrés is an elderly man with a disability which causes certain interactions and tasks to be more challenging for him. He lived in Cordoba with his mother in her house until she passed away leaving Andrés in a precarious economic situation. He was barely getting by, and with great difficulty.

He knew that his mother had a pension and savings in the bank. However, when he tried to access her account, he was denied by the bank.

Andrés heard about the Access to Justice Center and visited it, motivated by trying to understand what the bank required from him in order to access those savings. After an initial conversation with Access to Justice staff, he quickly understood that he had to obtain his mother's death certificate and he was accompanied in the process of obtaining it. With the death certificate he managed to unlock the money from the bank and returned to the Center to thank the lawyer. In that second conversation, the lawyer, accompanied by the psychologist, came to know that Andrés' mother was receiving a pension for the death of Andrés' father, in addition to his pension for his disability. They brought the Center's social worker into the conversation, who was able to confirm that both benefits existed. The lawyer informed Andrés that by law, he was eligible to receive both of those benefits.

From that moment on, the social worker accompanied Andrés throughout the procedures to secure both benefits under his name.

Some months later, now more financially stable, Andrés returned to the Center, once again to thank them. On this occasion he commented that during the time he had been without income, his electricity had been cut off. He wanted to restore it but it was proving impossible because it was not in his name and he could not understand the company's representative on the phone.

The lawyer explained to him the steps he had to take to change the electricity to his name, and he noticed, while examining the bill, the amount he had been paying. It was high, and the Center's lawyer advised Andrés that he could get a Social Tariff through his disability certificate. With the information and instructions provided to him, Andrés successfully completed all these procedures independently.

Andrés visited the Center again, particularly empowered, to ask if he could put his mother's house in his name. He was then referred to a free lawyer through the Federal Network of Legal Representation to get the declaration of heirs and thus become the owner of the property.

Andrés' story is a powerful reminder of the potential of the Access to Justice Center's services. The staff were able to work closely with him to drastically change his situation. Not only did Andrés gain capital throughout his journey, he received support from multiple sources, gained independence, and felt increasingly empowered to take control of his life. This is what is special about Access to Justice Centers. This is why access to justice must be inclusive, multidimensional, and accessible. This is why we need people-centered justice for all.

Acknowledgements

I want to thank to all the people in the Access to Justice Centers' community of work for having given me the opportunity to learn from them while working together through countless conversations, discussions, and exchanges. I hope this study reflects my gratitude, admiration, and respect for their everyday work.

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The whole process was a joy, and I thank Maaike de Langen for the leadership, the trust, and the patience. I am humbled that this case study will be part of Pathfinders' publications.

Gustavo Maurino

Endnotes

1. [Justice for All Report](#)
2. [Landmark case](#) of two legal fathers and one legal mother
3. [The Ministry of Justice of Argentina Access to Justice Centers](#)
4. That institutional commitment and support from the minister was key in to keep the program running and advancing even when Argentina went into a severe economic crisis in late 2018, and major budget cuts were implemented by the administration.
5. In 2019, she was appointed Secretary of Justice.
6. We have outlined its main conceptual and methodological elements in the previous section. A comprehensive and elaborated presentation may be found in the first section of the [Access to Justice Manual of Work](#), edited during this policy cycle.
7. [Open Government Partnership Argentina Action Plan 2019-2021](#)
8. [Open Government Partnership – Justice](#)
9. See: Ministry of Justice and Human Rights of the Argentine Republic (Undersecretariat for Access to Justice) - (2017) [Diagnóstico de necesidades jurídicas insatisfechas y niveles de acceso a la justicia](#) and [Segundo estudio de necesidades jurídicas insatisfechas y niveles de acceso a la justicia](#).
10. Having been a victim of a crime (29%), consumer problems (24%), health-related problems (20%), work-related problems (19%), housing-related problems (15%), family problems (14,7%), general economic problems (11,1%), government and administration-related problems (10%), general discrimination-related problems (10%).
11. Education and employment levels were the most consistent predictors of a higher prevalence of legal needs; a predominance of social rights-related legal needs in the most vulnerable communities, or a markedly greater difficulty in identifying "who can help solve the problem" as vulnerability increases (and relational and knowledge capital decreases).
12. The general intuition at that time was that men would identify and recognize more legal needs than women, and this was not the case. The study also revealed a significant difference in the profile of needs identified by men and women.
13. The enormous degree to which "inaction" increases with economic vulnerability; the markedly disproportionate impact of legal needs on indigenous and structurally poor communities; the different composition of "general economic problems" among different socioeconomic groups, etc.
14. Such as Pathfinders for Peaceful, Just and Inclusive Societies, the OECD Global Policy Roundtables on Access to Justice and OGP.
15. The indicator was adopted in [March 2020](#). Read Access to Civil Justice Indicator [Proposal](#) for the SDG16.3.3 Indicator by the World Justice Project.
16. See the full report and technical specifications at: Ministry of Justice and Human Rights of the Argentine Republic/Catholic University of Argentina (2019) ["Acceso a la Justicia y condiciones de desigualdad social Informe final."](#)
17. In the poorest sector there was a higher prevalence of legal needs on "family issues" (37.5%) and "social rights issues" (35.8%), compared with the most advantaged ones (17.6 % and 21.3% respectively). On the other hand, "economic issues" had much higher prevalence in the richest groups (41.5%) than in the poorest ones (16.4%). In the poorest sector, dissatisfaction with the outcomes of legal problems reached 63,9%, while in the most advantaged sector it was 52,2%. In the poorest sectors those who "did nothing" with the legal problem were the 32.5%, while in the most advantaged ones they were the 18,6; and among all those who "did nothing" when facing a legal problem, the dissatisfaction index was 92%, while among those who sought help it was 61,2%.
18. It was common to find that the main demand on many centers, even quite old ones, consisted of people coming to manage an online appointment for some public office (typically the Social Protection Agency), or to carry out the online procedure to register their public transport card in the social fare program.
19. The full realization of this aspiration would imply approximately a doubling of the total number of Centers and would correspond to a future phase of structural expansion.
20. Regular outreach services played an important role in overcoming gaps in locations, but above all in extending territorial proximity to vulnerable communities. Centers located in the heart of the city guaranteed a constant presence (once or twice a week) in vulnerable neighborhoods or in some institution that provided services to vulnerable populations (for example, the general hospital of the city or a local social services office). When the location of the central office was highly deficient (typically those located in residential neighborhoods of) or not accessible to communities, teams had to intensify and expand their work in the regular outreach services locations further.

21. The process included moving offices to adequate premises, and adding computers, printers, internet and telephone connectivity, office supplies, air conditioning, painting, first-aid kits, fire extinguishers, desks, chairs, meeting tables, and shelves. Banners and brochures with information about the services were distributed, together with legal literacy materials for communities.
22. [Justice for All Report](#)
23. At the institutional level, there had been a bumpy political transition, internal union tensions and organizational instability in the recent ministerial structure. At the cultural level, there were agents and teams with a wide range of visions, commitments, capabilities, expectations, and working attitudes. At the operational level, there was an extreme lack of material resources, and a minimum battery of incentives and tools for supervision and selection of personnel to guide the daily conduct of workers.
24. It was thus possible to understand to what extent the people who actually went for help to the Access to Justice Centers were the sectors of the population for which the program was being designed, and to identify socio-demographic gaps.
25. Institutional referral, "word of mouth" recommendation, previous relation with the Access to Justice Center, consultation identified during an interview or legal check-up, etc.
26. For example, the annual analysis of aggregate demand made it possible for the program to assess the impact of the severe economic crisis of 2018 on the behavior of social demand for justice services. There was a significant growth in consultations regarding economic contributions to child support. The same happened with legal needs associated with accessing social security benefits (e.g., people who needed legal assistance to regularize their personal documentation, to formalize a family situation that would trigger social assistance, etc.).
27. The establishment of a permanent capacity building and training team in charge of designing, promoting and carrying out talks, workshops and courses on skills and substantive topics relevant to the centers was also important for creating a general climate of continuous learning in the working community.
28. Each of these conditions had fundamental and irreplaceable importance in shaping the identity of the process, and they only existed after a year of general work of the program. Without any of them, the perspectives and scope of a structural process of goals, indicators and strategic planning would have been much different.
29. It will be recalled that in our case study there was a special need in this regard, in order to build trust and internal legitimacy and to overcome the politicization, fragmentation and arbitrariness resulting from the lack of public and shared standards on work.
30. At the beginning of the cycle only a dozen Access to Justice Centers, all in the City of Buenos Aires, had certified mediators, who came from another program that had been discontinued. By the end of the cycle, 80% of the centers, in all regions of the country, were offering this service to their communities.
31. The local work of building institutional relationships for cooperation must be carried out in a systematic and consistent manner, based on deep analysis about community's justice needs, the existing institutions and services and their performance and functionality, the structure of comparative advantages and opportunities for cooperation that may exist, as well as their limits and obstacles. In the case of the Access to Justice Centers, designing and executing concrete institutional articulation initiatives was part of the strategic planning cycles, with specific goals and indicators to evaluate their impact.
32. The strategic distinction between seeking to be "the first door" or "the last door" is important for community services. The decision in this regard depends on the available resources, service capacities and the existing service alternatives, etc. In our case study, the program lacked the scale, capabilities and resources to be "the first door". The institutional mandate to the teams was, in this sense, to make sure they were "the last door" and put an end to the frustrating course of the most vulnerable people in search of someone to take charge of their problems and assist them effectively to deal with them.
33. At the end of the cycle, the Federal Network covered the entire country and came to have the participation of 42 Bar Associations, 13 Law Schools and 8 NGOs through various agreements and cooperation modalities.
34. This happened especially with issues of family relations, which disproportionately affected women in vulnerable situations, who in turn were 66% of the clients of the Access to Justice Centers network.
35. The Bar Associations assumed the obligation to implement an open, transparent and fair procedure for allocating the cases among participating lawyers, as well as the duty to monitor and support their performance.
36. This was the case, for example, when these agencies saw their relationship with people facilitated thanks to the support and assistance of the Access to Justice Centers, or to the extent that the Access to Justice Centers became a resource for them to direct people to when they faced a complication in their case. All they had to do in return for the Access to Justice Centers consisted in paying due attention to some complex cases they were handling, which was also in their interest, since they had an institutional alert of the seriousness and severity of the case that raised the level of institutional reaction, improved its fairness, reduced conflicts, etc.
37. This case made headlines because of its special nature. See: ["Después de 50 años descubrió que tenía tres hermanos y ahora se reencontró con su mamá: "A mis 52 años, la abracé por primera vez"](#).

38. [World Bank Data](#)
39. Hazel Genn, [When Law is Good for Your Health: Mitigating the Social Determinants of Health through Access to Justice](#), *Current Legal Problems*, Volume 72, Issue 1, 2019, Pages 159–202.
40. See: HiiL (2020) [Charging for Justice. SDG 16.3 Trend Report 2020](#), OECD/World Justice Project (2019) [Building a Business Case for Access to Justice](#), and; [People-centred justice for all. A route to scaling up access to justice advice and assistance in low-income countries](#), April 2021 by Marcus Manuel and Clare Manuel.
41. See Trevor C.W. Farrow and Lesley A. Jacobs, “The Justice Crisis. The Cost and Value of Accessing Law”, UCB press, 2021. A review of dozens of these exercises can be found at: Moore, L.; Farrow, T. (2019) [Investing in Justice: A Literature Review in Support of the Case for Improved Access](#), Toronto: Canadian Forum on Civil Justice.
42. The project was carried out by the University of Buenos Aires, through researchers from the Human Rights Center of the School of Law, as part of a cooperation initiative with the local UNDP office.
43. The [final report](#) of the study published by Ministry of Justice and Human Rights of the Argentine Republic
44. The weighting structure of these benefits was particular to each problem area. For example, in relation to "access to documentation" the probabilities of accessing paid work for the most disadvantaged deciles, the general difference between formal and informal income, and the value of pensions for unemployed persons were weighted, and thus an average estimate of the value of the direct monetary benefit was composed. In relation to child support claims, the average value of the community mediation agreements reached and the percentage of agreements out of the total of mediations were weighted. In relation to access to social security benefits, the value of such pensions was taken into account. In all cases, the calculation considered the percentages of success in solving the cases, according to the evidence of the SICAJ and a survey of the work teams.
45. This impact was identified in relation to cases of access to identity documentation, weighing the probabilities of access to the formal labor market and its tax implications.
46. This impact was verified in relation to children support cases. In relation to access to social security pensions, a neutral effect was estimated in relation to the state, since the pension replaces care expenses that the state should assume in view of the situation of extreme vulnerability in which these people find themselves.
47. The impact on each of the variables in relation to each problem area has particularities. For example, access to documentation strengthens the capability of the state to combat unregistered work or improve electoral transparency; the resolution of cases of family complaints contributes to the climate of women's empowerment, reduces levels of community conflict, etc.
48. No relevant non-monetary costs associated with managing the legal needs analyzed were identified.
49. It should also be noted that this impact is produced on people who belong to the lower income sectors, which increases its social relevance.



The Pathfinders for Peaceful, Just and Inclusive Societies is a group of countries, international organizations, global partnerships, civil society, and the private sector that work to accelerate the delivery of the SDG targets for peace, justice and inclusion (SDG16+). Pathfinders is hosted by the NYU Center on International Cooperation.

The Pathfinders' Task Force on Justice was chaired by ministers from Argentina, the Netherlands, Sierra Leone, and by the Elders. Its *Justice for All* report sets out an agenda for action that will help deliver the SDG targets that promise justice for all. The Pathfinders for Justice will translate the Task Force's recommendations into action and promote a shift to people-centered justice.

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