



Recommendation of the Council on Access to Justice and People-Centred Justice Systems

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Please cite this document as:

OECD, *Recommendation of the Council on Access to Justice and People-Centred Justice Systems*, OECD/LEGAL/0498

Series: OECD Legal Instruments

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Background Information

The Recommendation on Access to Justice and People-Centred Justice Systems was adopted by the OECD Council on 12 July 2023 on the proposal of the Public Governance Committee (PGC). The Recommendation aims to support Adherents in advancing access to justice and putting in place core elements of people-centred justice.

The need for a standard on access to justice

Access to justice is globally recognised as a fundamental right underpinning quality democracies, inclusive growth and equality of opportunity. Under the United Nations (UN) 2030 Agenda for Sustainable Development ([A/RES/70/1](#)), all UN member countries committed to “promot(ing) the rule of law at the national and international levels and ensur(ing) equal access to justice for all”. Despite significant advances in the efficiency of justice in many OECD Members and beyond in recent years, challenges remain to ensuring justice systems’ responsiveness, effectiveness and accountability. Globally, according to estimates by the World Justice Project, more than 5.1 billion people lack meaningful access to justice.

Against this backdrop, the PGC developed the [OECD Framework and Good Practice Principles for People-centred Justice](#), which aim to support countries in implementing their access to justice commitments under SDG 16 on Peace, Justice and Strong Institutions. They are a milestone in the PGC’s work on access to justice developed over the past decade, building on the continuous work on effective and efficient public institutions, as well as on the pillars related to the rule of law and effective justice. Following a call from several countries at the OECD Justice Network and the Advisory Group on Justice, this Recommendation makes a step forward to elevate the work on access to justice to an OECD-wide standard, strengthening its impact and reach.

Process for developing the Recommendation

The development of the Recommendation involved extensive consultations both within and outside the OECD. At the launch of the OECD Framework and Good Practice Principles for People-centred Justice during the 2021 Global Dialogue of Justice Leaders, several OECD Members called to build on the Principles for the development of an OECD legal instrument.

The consultation process involved direct contributions from governmental representatives as well as from stakeholders from public and private sectors, academia, NGOs, civil society organisations and international organisations. The Recommendation also reflects inputs from other OECD policy communities and the wider public. An online public consultation was carried out in late 2022. Multiple rounds of comments were held on the draft text with the PGC to finalise the text of the Recommendation.

Scope of the Recommendation

The Recommendation builds on the OECD Framework and Good Practice Principles for People-centred Justice and other OECD work in the area of access to justice since 2013, and enriches existing initiatives by countries, civil society and other international organisations designing and delivering people-centred legal and justice services, and strengthening access to justice. It complements these international efforts, while avoiding duplication, through a whole-of-government approach to access to justice that goes beyond the formal justice system and integrates the full range of legal and justice services. The Recommendation supports Adherents in adopting government-wide strategic approaches for people-centred justice and governance mechanisms towards more responsive justice systems that contribute to foster trust in public institutions and strengthen democratic governance models. It also complements a number of OECD standards.

The Recommendation focuses on four main pillars that underpin people-centred justice systems – designing and delivering people-centred services; governance enablers and infrastructure; people empowerment; and planning, monitoring and accountability. The pillars of the Recommendation are built on a foundation of strong leadership that is committed to a people-centred purpose and culture in the justice sector. The Recommendation underscores fundamental values that are common to many countries in relation to the existence of an independent and transparent justice system based on the rule of law, and the importance of achieving broader well-being and inclusive growth. It also highlights the potential of investments in access to justice to become a cost-effective driver towards other social goals, such as improved health, housing and employment.

Next steps

The PGC will support the exchange of information and experience, and foster a multi-stakeholder and interdisciplinary dialogue on access to justice for all. It will develop further guidance, indicators and an implementation toolkit to support implementation, and report to Council on the implementation, dissemination, and continued relevance of the Recommendation in 2028.

For further information, please consult: <https://www.oecd.org/governance/global-roundtables-access-to-justice/>.

Contact information: gov.accesstojustice@oecd.org.

Implementation

THE COUNCIL,

HAVING REGARD to Article 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the standards developed by the OECD in the areas of international regulatory co-operation; judicial co-operation to combat transnational crimes and bribery of foreign officials and foster public integrity; open government and participation; gender equality in public life; youth empowerment; employment, entrepreneurship and investment; transparency and procedural fairness; digitalisation and artificial intelligence; consumer dispute resolution and redress; consumer protection in e-commerce; data accessibility, governance and interoperability; and public governance at large;

HAVING REGARD to international standards to guarantee access to justice, in particular in the context of the United Nations, including the United Nations 2030 Agenda and its Sustainable Development Goals, in particular to Sustainable Development Goal 16 to “provide access to justice for all” and its target 3 to “promote the rule of law at the national and international levels, and ensure equal access to justice for all”, as well as a core element of the United Nations ‘Our Common Agenda’, which calls to ensure justice and build trust through reinvigorated multilateralism;

RECOGNISING that access to justice for all is a fundamental underpinning of democracy and the bedrock of a strong social contract, as well as a crucial part of the institutional foundation promoting inclusive and sustainable economic growth and a thriving investment climate;

RECOGNISING that access to justice based on transparency, procedural fairness and legal certainty is a vital component of policies that foster equality, including gender equality, opportunity and well-being for all, including for marginalised and underserved groups and those in the most vulnerable situations;

RECOGNISING the significant impacts of access to justice on people’s well-being, and on their ability to participate in the economy, employment, relationships and health;

RECOGNISING the role of access to justice in enabling the delivery of broader outcomes to people, including health, environment and education;

CONSIDERING the democratic principles of the rule of law and the separation of powers;

RECOGNISING that Members and non-Members having adhered to this Recommendation (hereafter the “Adherents”) have different legal and institutional frameworks through which they will implement this Recommendation;

CONSIDERING that improving access to justice requires contributions from all branches and levels of government, alongside non-government actors and in collaboration with all participants in formal and informal parts of the justice system, in accordance with existing legal and institutional frameworks;

On the proposal of the Public Governance Committee:

I. **AGREES** that for the purpose of this Recommendation the following terms should be understood as follows:

- Access to Justice refers to the ability of people, businesses and communities to prevent conflicts and obtain effective, fair, equitable and timely resolution of their legal and justice-related needs.
- Justice pathways refer to formal and informal pre-court and court mechanisms and services used by people and other stakeholders to prevent legal issues and/or seek their resolution.

- Justice sector stakeholders and the justice system refer to the various agencies and institutions across all branches and levels of the government as well non-governmental stakeholders active across the justice system, whether involved in policy making, legal reform, administering or enforcing the law, or providing legal and justice services, as well as other human and social services that contribute to legal empowerment.
- Legal and justice needs may include a problem with a legal or justice dimension in any sector or any party to the dispute, whether or not this is recognised by those involved, and to the subsequent demand to access (public) justice services and other dispute resolution mechanisms in order to obtain recognition of and remedy to such problem.
- Legal and justice services refer to the spectrum of in-person, online or hybrid judicial and non-judicial services offering individuals and businesses 1) support in the form of legal information, advice, resources and representation, and 2) formal or informal mechanisms to resolve their dispute or address their legal needs, including alternative dispute resolution (ADR) mechanisms that enable out of court settlements and schemes that support prevention and de-escalation.
- People-centricity refers to a human-centred approach that adopts the perspective of people as a starting point and places people at the core when designing, delivering, implementing and evaluating public policies, services and legal procedures within and beyond the justice system. It takes into account the perspectives and needs of specific communities, including marginalised, underserved and groups in vulnerable situations (e.g. women, children, indigenous groups, elderly and people with disabilities).
- People-centred justice data refers to data that is collected in line with data protection standards directly from people, businesses and communities, and which relates to the justice problems they face, the impact these problems have, the justice they want and need, their decisions about resolving their justice problems, their experiences with justice services and their ability to obtain a fair outcome.

II. RECOMMENDS that Adherents develop a people-centred approach to justice through a clear legal and institutional framework that secures appropriate leadership for people-centred justice and the transformation this requires. To that effect, Adherents should:

1. Establish a people-centred purpose and culture in the justice system by:
 - a) securing commitment at the highest levels of government to promote people-centred justice, based on empirical data and evidence, through whole-of-state and whole-of-society approaches that are, where appropriate, coordinated with regional and local governments, justice stakeholders, civil society and service organisations including those which provide legal aid, advocacy and human or social services contributing to legal empowerment;
 - b) publicly embracing the goal of ensuring equal access to justice for all, by defining shared goals for collaboration between different justice stakeholders and regularly monitoring progress towards these goals;
 - c) recognising and ensuring clear roles and prerogatives, and independence of justice sector stakeholders in the context of mutual co-operation and co-ordination;
 - d) identifying, analysing and working to eradicate any possible explicit or implicit bias and discrimination within the justice system and in the outcomes it produces;
 - e) ensuring that public institutions implement approaches grounded in equity by removing barriers to access to justice for communities and individuals, including those in vulnerable situations, marginalised and underserved groups.
2. Design and deliver people-centred legal and justice services by:
 - a) ensuring the availability, accessibility, and quality of a continuum of legal and justice-related services;

- b) ensuring that legal, justice and related services are:
 - i. designed with people at the centre, taking into account their rights and possible vulnerabilities, and based on empirical understanding of their legal and justice needs, preferences and capabilities;
 - ii. provided in clear, plain and inclusive language and manner, avoiding complexity;
 - iii. appropriate, proportionate, affordable, effective and responsive to legal and justice needs, emphasising the prevention and timely resolution of conflicts;
 - iv. addressing recurring legal and justice needs on a systemic basis, with attention to underlying causes and considering different population subgroups;
 - v. supported by safeguards and procedures to ensure fair processes and fair outcomes, and ensuring quality of legal procedures;
 - vi. developed through an appropriate mix of policy, regulatory and other measures and continuously improved on the basis of feedback from people, business and communities about their experiences with these services;
 - c) ensuring that justice is within reach for everyone regardless of their geographical location, including rural and remote areas, promoting mobility to bring the justice and legal services directly to the people.
3. Establish a governance infrastructure that enables people-centred justice by:
- a) developing and implementing legal and policy frameworks necessary to enable seamless, efficient, integrated, sustainable, resilient, and user-centred justice pathways, in line with data privacy and protection laws and principles and respecting the independence and autonomy of the bodies involved, by:
 - i. meaningfully and consistently engaging with groups of people impacted by justice systems in their own languages, including those in vulnerable situations, as well as through legal aid and civil society organisations to inform justice policies and practice;
 - ii. strengthening co-ordination and co-operation mechanisms across government bodies and agencies, as well as levels of government, across public service sectors and across the justice system, including private sector providers;
 - iii. supporting the efficiency and performance of justice institutions on the basis of data and evidence, including people-centred justice data, and strengthening openness, transparency, integrity, fairness, independence and accountability of justice institutions;
 - iv. ensuring sufficient resources, capacity and appropriate management across the justice system in a manner that is inclusive and context-appropriate;
 - v. increasing transparency of justice system budgeting;
 - vi. taking measures to enable effective enforcement of and respect for outcomes across the dispute resolution mechanisms in both the formal and informal parts of the justice system, as appropriate;
 - vii. promoting responsible digital transformation across the justice sector by maximising the potential of technology and data in designing and delivering people-centred legal and justice services, while preserving access to justice for people experiencing barriers to access technology, and ensuring trustworthiness and transparency of digital tools such as appropriate artificial intelligence tools' design and audit;
 - viii. fostering innovation and experimentation to identify and enhance simplicity, effectiveness, efficiency and scalability of people-centred justice pathways.
4. Empower people to make people-centred justice transformation happen by:

- a) providing equal and fair opportunities to all stakeholders in and outside of the justice system, including marginalised, underserved and groups in vulnerable situations and individuals with lived experiences to be informed, consulted and engaged in the design and delivery of justice services, while avoiding undue influence and policy capture;
 - b) fostering empowerment and legal literacy of people, including capacity to manage their own legal matters and disputes, where appropriate, through legal education, effective communication strategies, and multi-sectoral collaboration and outreach;
 - c) promoting competence, professionalism, empowerment, engagement and diversity of the justice sector workforce in a transparent manner.
5. commit to participatory and evidence-based planning, monitoring, and evaluation by:
- a) enhancing the role of evidence for operational, policy and decision-making purposes, in line with data protection standards, by:
 - i. improving data availability and quality, including from a people-centred perspective, to inform decision making, planning, investment and reforms in the justice sector, including disaggregated data related to marginalised, underserved and groups in vulnerable situations, using a comprehensive range of data sources that can be easily accessed, used, and made publicly available;
 - ii. developing sound and coherent governance arrangements for justice data and evidence, supported by appropriate data security, sovereignty and privacy safeguards, interoperable systems as well as tools and protocols to facilitate data access and sharing across the data value cycle, also to ensure equity and non-discrimination in the data collection, analysis, exchange and use;
 - iii. integrating justice impact assessments into the early stages of the policy, budget and service delivery process.
 - b) developing and implementing monitoring, evaluation and accountability mechanisms for people-centred justice strategies and initiatives – amongst others, to determine whether access to justice is experienced by all people equitably, eliminate any systemic barriers to opportunities and benefits for groups in vulnerable situations, and to identify reform needs to laws, policies or processes to advance equity and accessibility for all people – by:
 - i. regularly conducting robust review, evaluation and assessment of the performance of justice systems and services, including based on people-centred justice data and at the systemic level;
 - ii. encouraging and providing support for people-centred justice research, data generation, collection and collaboration;
 - iii. building the skills and capacity of relevant institutional actors to generate, collect and disseminate up-to-date inclusive, representative and reliable information, evidence and data, including people-centred justice and anonymised aggregated open data.
- III. INVITES** the Secretary-General to disseminate this Recommendation.
- IV. INVITES** Adherents to disseminate this Recommendation at all levels of government.
- V. INVITES** non-Adherents to take account of and adhere to this Recommendation.
- VI. INSTRUCTS** the Public Governance Committee to:
- a) support the exchange of information and experience on access to justice to facilitate the implementation of this Recommendation, through a multi-stakeholder and interdisciplinary dialogue to continue to build the body of global best practices, activities and emerging trends on access to justice for all;

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- b) develop further guidance, indicators and an implementation toolkit to support the implementation of this Recommendation, including through voluntary justice country reviews;
 - c) promote increased local, national and global harmonisation of the categories and methodologies for justice data collection to assess implementation of this Recommendation and enable international exchanges, data sharing and co-operation, as appropriate, while accommodating local needs and avoiding duplication of data collection efforts; and
 - d) report to the Council on the implementation, dissemination and continued relevance of this Recommendation no later than five years following its adoption and at least every ten years thereafter.

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

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OECD Legal Instruments

Since the creation of the OECD in 1961, around 460 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

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- **Decisions** are adopted by Council and are legally binding on all Members except those which abstain at the time of adoption. They set out specific rights and obligations and may contain monitoring mechanisms.
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- **Substantive Outcome Documents** are adopted by the individual listed Adherents rather than by an OECD body, as the outcome of a ministerial, high-level or other meeting within the framework of the Organisation. They usually set general principles or long-term goals and have a solemn character.
- **International Agreements** are negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several other types of substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.