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USING TECHNOLOGY TO ADVANCE ACCESS TO
JUSTICE FOR ALL

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Statement by Henk-Jan Brinkman, Permanent Observer of the International Development Law Organization

Mr. Chair, Excellencies,

As the only global intergovernmental organization dedicated to promoting the rule of law to advance peace and development, IDLO has long recognized the potential of digital technology and innovation as a means in which to strengthen access to justice.

As the Secretary-General recognized in his July 2023 report on *Strengthening and coordinating UN Rule of Law activities* “Digital technologies provide new means for people to seek and obtain remedies through formal and informal justice institutions ... provide the potential to build more inclusive and accountable institutions that, when properly designed, can respond to the needs of people and communities ... [and] advance access to justice by creating easy, inclusive and accessible filing or complaint mechanisms and processes.”

This is ever-more critical at a time where over two-thirds of the world’s population is without access to justice in a meaningful way.

We must, therefore, harness the potential of new technologies to ensure implementation of SDG16.

IDLO has developed a body of experience in using technology in the delivery of justice services to strengthen the rule of law and access to justice. This includes promoting e-justice to strengthen justice systems and processes, making them more transparent, accountable and efficient.

In Afghanistan, for example, prior to the Taliban takeover, IDLO expanded efforts to improve access to justice for women and girls by designing, setting up and maintaining an online database for the Elimination of Violence Against Women (EVAW) Units, which was used to record, track and report cases of violence. [We are checking with Afghan office what – if anything – is left of this.]

In Indonesia, IDLO has enhanced efforts to strengthen the effectiveness, accountability and transparency of the Indonesian Public Prosecution Service by supporting institutional reforms through a digital Case Management System.

In Kenya, IDLO collaborated with a range of public and private stakeholders to implement a groundbreaking project enhancing access to commercial justice, by, *inter alia*, digitally automating all processes under the Commercial and Tax Division of the High Court.

And in Ukraine, IDLO has strengthened a people-centred approach to governance by developing a legal framework for electronic public registers and e-governance tools to improve communication among state institutions and the quality of services provided to citizens and businesses and, therefore, reduce the risks of corruption.

These examples illustrate how IDLO has sought to utilize the potential of technology to strengthen access to justice. It is also why digital innovation is a major IDLO priority, cutting across the 2 Goals around which our Strategic Plan is constructed: making justice systems more effective and responsive; and leveraging the rule of law to advance inclusive development, support climate justice and food security and promote preparedness to health crises and improved access to health services..

While we seek to harness its potential, we must be cognizant of the risks of offline inequalities permeating in the design and access to digital technologies.

The digital divide in particular, risks perpetuating inequalities experienced by marginalized groups.

Of the 2.9 billion people who remain unconnected – the majority are women and girls. The digital divide is particularly acute in Least Developed Countries where only 1 in 5 women have access to the internet.

Furthermore, if technology is developed in a manner that is gender blind or neutral it can result in the exclusion of women, girls and LGBTQI+ minorities and an increase in gender-based violence and discrimination.

We must ensure therefore that the digital divide does not become the new face of inequality, exacerbating pre-existing forms of discrimination, including those based on gender, race, ethnicity or class.

Let me offer 2 recommendations in this regard.

Firstly, ensure e-justice delivery is inclusive and people-centred.

This will require understanding the justice needs of the justice seekers; improving their user experience to ensure that they are not alienated by the digital processes; and ensuring that technology does not create further barriers to justice.

The development of an inclusive justice delivery approach is a collaborative effort between justice providers and justice seekers.

It will entail improving and developing infrastructure, such as setting up virtual hearings or enabling remote witness testimonies in a manner that is consistent with fair trial rights, as

well as developing case management technologies. It will involve building capacity and digital literacy for all concerned be they judges, community paralegals or justice seekers.

It will also require investment in digital public infrastructure to ensure that e-justice tools are not dependent on private sector interests or profit.

Secondly, ensure a feminist and gender-transformative approach to e-justice and digital access.

This entails: (1) investing in robust, gender-transformative laws and policies to guide all aspects of innovation and technology; (2) strengthening protection and accountability for women's human rights, including a survivor-centred approach to preventing and combatting technology-facilitated gender-based violence; and (3) ensuring the participation and leadership of women and youth in the development, governance and use of technology and digital spaces.

Mr. Chair, colleagues,

This year, IDLO celebrates 40 years of advancing the rule of law and creating a culture of justice. In so doing, we recommit ourselves to fostering an inclusive, human rights-based and non-discriminatory approach to digital innovation in the justice sector, empowering people, communities and groups, particularly those that have suffered from a justice deficit.

Thank you.