

People-Centered Justice

AN APPROACH TO STRATEGY, POLICY AND PROGRAM DEVELOPMENT

THE JUDICIARY



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Getting Started: A Checklist for Judiciaries Interested in Pivoting to People-Centered Justice



CHECKLIST: Setting a strategic people-centered justice vision



- ☐ **Identify and engage key stakeholders.** A people-centered approach requires a broad analysis of stakeholders including internal and external stakeholders.¹ Create a map of stakeholders, including potential people-centered justice champions among the judiciary, government actors, CSOs, academia, community- and faith-based organizations, international actors, etc. alongside a list of potential challenges and barriers at the local and national level.²
- ☐ **Rely on data.** Establish a baseline of people's most pressing justice needs and the means by which they seek to resolve them (or the reasons why they do not). Consider data collection as an important, ongoing process. Without this data, policymakers may misdiagnose problems or misallocate scarce resources.³
- ☐ **Support integrated data collection systems.** Advocate for developing an integrated data collection system regarding justice service delivery. Support regular monitoring of the impact of access to justice initiatives and the use of data in strategy, policy and program development.
- ☐ **Support legal/justice needs assessments.** Explore options and identify joint resources for commissioning comprehensive justice needs assessments at the provincial/country level.
- ☐ **Plan to improve service delivery.** Engage in strategic planning to identify objectives for reform. Ensure long-term sustainability and develop a model for scaling up successful pilots and local level programs.
- ☐ **Take a sector-wide approach.** Establish or participate in national coalition(s) for promoting people-centered justice. Coordinate efforts to enhance justice service delivery, mapping out the role for the judiciary and other justice actors as well as service providers working outside of the justice system including non-governmental actors and non-legal professionals.



CHECKLIST: Adopting a people-centered approach in daily practices



Lead by example in daily courtroom practice, ensuring that:

- ☐ Courtroom layouts and procedures allow for the respectful treatment of litigants.
- ☐ Victims of crimes, survivors of gender-based violence, witnesses, people with disability, etc. receive adequate protection, psycho-social, and other support in and out of court.
- ☐ Court administrators, court-based paralegals, or inclusive tech-supported apps provide access to relevant information for filing cases and understanding what to expect in the legal process.

Advocate for procedures that will improve trust and justice journeys among users by:

- ☐ Identifying the most expeditious mechanisms for dispute resolution proportionate to the complexity of the legal case.
- ☐ Providing access to adequate and affordable legal advice and representation in court in accordance with users' needs and economic means.
- ☐ Conducting consultations with community leaders, civil society representatives, and other community members through regular meetings.



CHECKLIST: Training and improving service delivery



- ☐ Introduce people-centered justice into judicial training curricula and programs.
- ☐ Support and implement judicial training programs to increase knowledge and capacity to develop and implement people-centered justice strategies, policies, and programs.
- ☐ Use media and organize conferences, seminars, workshops and public events for formal and informal justice actors to promote people-centered justice approaches.



CHECKLIST: Raising public awareness



- ☐ Partner with legal aid institutions and law schools to **find ways to interact directly with people** and understand their problems in accessing justice.
- ☐ **Focus public awareness and outreach on the role of the judiciary** and the importance of rule of law and procedures to protect people's rights. Explain ways in which the judiciary is taking a people-centered approach. Counter the narrative that judges live in "ivory towers" and do not understand people's problems. Co-create solutions to improve people's experience of seeking justice.



CHECKLIST: Equitable use of technology



- ☐ Incorporate electronic case management systems which can **improve record-keeping and promote transparency**.
- ☐ Explore online applications that provide legal information and assistance needed for filing cases, **allowing more people to participate in court processes at reduced costs**.
- ☐ **Consider virtual and hybrid court sessions** using video conferencing in contexts where technology is accessible.

Introduction and Objectives

This Practice Note is part of a series developed for different justice actors and service providers to support the transition to a people-centered approach to justice. Such a transition is in line with Sustainable Development Goal 16.3 (which promises equal access to justice for all) and seeks to promote the rule of law at the national and international levels and ensure equal access to justice for all.

People-centered justice is a context-specific approach, prioritizing the prevention and effective resolution of people's justice problems by putting people and their needs at the center of justice systems, priorities, policies and interventions. While a 'one-size-fits-all' methodology for delivering people-centered justice is not possible, we have developed a series of practice notes to support key justice stakeholders in implementing the approach.

This note serves as a guide for **judiciaries** interested in transitioning to a people-centered approach to justice. It is designed to be read in conjunction with the series' introductory note, which discusses the concept of people-centered justice and outlines key interventions needed for its implementation.

The Role of the Judiciary in Pursuing a People-Centered Approach to Justice

The judiciary is traditionally seen as one of the key actors for justice sector reform at the national level. Judiciaries are among the main recipients of resources for capacity building and infrastructure development and often lead the implementation of justice sector reform initiatives. This, among other reasons, is why the judiciary is central in any transition towards people-centered justice.

Placing people at the center bestows dual responsibilities on the judiciary - as adjudicators as well as service providers. Judiciaries can at times be more focused on their role as adjudicators than on their role as service providers who engage actively with users and communities to better understand their needs. Transitioning to people-centered justice requires rethinking the latter role. In doing so, it is also important to include the participation of non-governmental justice service providers, paralegals, non-legal professionals and alternative dispute resolution practitioners in justice service delivery.⁴

Evidence shows that the majority of the world's population resolve their disputes and claim their rights outside of formal justice systems.⁵ This presents both challenges and opportunities for the judiciary. It means that the provision of justice may, in many cases, fall outside the ambit of the constitutional and human rights standards that many judiciaries seek to uphold. But it also presents an opportunity for collaboration with alternative justice service providers and to reach more people while ensuring that their rights are being adequately upheld. In Kenya, for example, the Alternative Justice Systems Policy seeks to do just that, to embrace alternative justice systems while upholding the nation's constitutional and human rights standards.⁶ When members of the judiciary take the responsibility to lead reforms, access to justice increases. Judicial support for reducing pre-trial detention through the deployment of paralegals or for reducing the backlog of cases through alternative dispute resolution mechanisms enhances public trust in the judiciary and in justice services.⁷

Entry Points for Action

Achieving SDG16.3 in national and local contexts requires coordinated interventions at strategic, policy and programmatic levels. The judiciary has a critical role to play in leading and mobilizing other actors towards a people-centered approach to justice service delivery. Recognizing that each context is different, below is a suggested list of potential entry points for action.



Setting a strategic people-centered justice vision

The judiciary at the highest level is generally well-suited to lead the development of a strategic people-centered justice vision, including long-term planning, design, and implementation. It is also well-situated to build the coalitional support needed to sustain reforms. In many countries where reform has produced significant gains in access to justice, the process was led by a Chief Justice or Supreme Court Justices. This leadership raised the profile of the initiative and brought key stakeholders to the table.⁸ Reform can gain further legitimacy and efficiency if steered in cooperation with other top officials within the justice chain, including ministers of justice, attorney-generals, police commissioners, etc. In leading these efforts, the judiciary should play a critical role in promoting policy coherence, program coordination and strategic alignment with a broad range of local, national and international stakeholders.



Adopting a people-centered approach in daily practices

In their daily practice, judges should ensure that courtrooms and their procedures are people-centered. This includes ensuring that people feel heard and respected and that their time and effort is well spent. It also means ensuring that people have access to the legal information needed to file their claims, as well as to legal representation in the courtroom. Adequate security and psycho-social support, where possible, should be provided for both victims and witnesses.

People-centered justice is most effective when diverse stakeholders are working together. Senior and mid-level judges should promote the benefits of people-centered justice to the public through media outlets, public engagements, or other forms of outreach.

At the same time, judiciaries should try to reach a broader population of justice seekers. They can commission quantitative and qualitative assessments of people's needs, applying innovative legal approaches to support social causes, economic prosperity, and environmental protection, for example.⁹ In countries with significant inequality, such as South Africa or Colombia, the judiciary plays an important role in the enforcement of social and economic rights.¹⁰



Judicial training and improving service delivery

An important step towards promoting a new approach to justice is to ensure a common understanding of the concept of people-centered justice, its relevance, and its implications for local contexts.¹¹ To accomplish this, the judiciary should provide trainings and outreach programs to different groups, including peers and other providers. A people-centered justice approach should also be included in judicial training and incorporated into the curricula of national and provincial judicial academies and institutes. For example, curricula could include instructions on people-

centered courtroom management and procedures, how to use legal needs and user satisfaction data effectively, the importance of supporting alternative dispute resolution mechanisms and community-based access to justice initiatives, or how to ensure effective public information and outreach services.¹²



Raising public awareness

By raising public awareness on the role of the judiciary and how people can access justice, the judiciary helps to build public confidence in the justice system and in public institutions more broadly, which is in decline in many countries.¹³ The Canadian judiciary, for example, has taken an active role in reaching out to university students to inform them about the role of law in social and economic life and the importance of providing justice for all.¹⁴ Instruction regarding access to justice through legal empowerment and civic engagement,¹⁵ for example, can also be an integral part of civic education, including secondary education.



Working with other actors on service delivery

SDG16.3 has reinforced the role of the judiciary as a key development partner and a service provider that engages in justice delivery beyond the narrow task of resolving legal cases.¹⁶ This role implies that the judiciary needs to have an understanding of the needs of the communities it serves. At the same time, the judiciary needs to ensure effective information sharing about how courts work. As part of judicial outreach, judges can make themselves available for regular meetings with community leaders and members. In such meetings, community representatives can discuss problems they encounter in everyday life that may have a legal dimension and can thus be addressed through legal means. For example, in Colombia the judiciary regularly participates in local consultations with civil society and community representatives to better understand people's needs and improve accessibility at the municipal level.¹⁷ This Local Justice Systems initiative has enhanced coordination of local government agencies, facilitated broader participation of the public, and enabled direct contact with judges, building trust and capacity to respond to issues relevant to the community.¹⁸

In supporting a people-centered approach, the judiciary should also work with civil society organizations and other service providers to increase access to justice at community levels, particularly for people in communities with high rates of vulnerability, criminality, community conflict, and/or social or economic marginality, as well as rural communities. This type of partnership has led to innovative justice initiatives such as mobile justice brigades and one-stop shop justice centers.



Use of technology

Innovation and technology can improve the quality of judicial processes and access to justice for both the general public and for disadvantaged groups. Information technology offers a myriad of opportunities to improve access to information and participation in court systems. Online platforms that offer legal information and services can reach new justice seekers, especially younger users, and enhance legal assistance. However, the use of technology and its potential benefits must be contextualized because in certain instances and jurisdictions, due to limited access, technology may present an additional barrier as opposed to being a solution.

Examples of Effective Policy Intervention by the Judiciary



Red Hook Community Justice Center: USA

Red Hook Community Justice Center is an example of a judicial initiative intended to provide people-friendly justice and to develop effective partnerships between the judiciary and other service providers. It was created in 2000 as an experimental problem-solving community court designed to resolve a multitude of neighborhood problems in this disadvantaged urban community in Brooklyn, New York City. It is the first multi-jurisdictional court in the country dealing with low-level criminal cases and matters otherwise adjudicated by Family Courts and Civil Courts. Cases are handled by a single judge with support by a community service team. The Center has programs that focus on healing and community restoration, use community service as restitution for minor violations, provide onsite assistance to victims of domestic violence, and include a youth court where teenagers are trained to resolve real-life cases involving their peers. An independent evaluation in 2013 found a preventative component to the Center's impact, indicating a steady decrease in the number of felony and misdemeanor arrests that correlated with the Center's work in the community.

Sources: [Center for Justice Innovation, Red Hook Community Justice Center](#); and [A Community Court Grows in Brooklyn: A comprehensive Evolution of The Red Hook Community Center, 2013](#).



Transforming Justice Service Delivery: Kenya

The 2010 Constitution of Kenya put a great emphasis on access to justice, defining it as “the provision of dispute resolution mechanisms which are affordable, proximate and ensure speedy justice and whose processes and procedures are understood by users.” Since its adoption, a broad group of Kenyan judges, lawyers and Ministry of Justice officials have come together to work on creating conditions that will live up to this norm.

- The 2012-2016 Judiciary Transformation Framework identified “people-focused delivery of justice” as the first pillar of reform.
- In 2016, the Kenyan Parliament enacted the Legal Aid Act, which led to the establishment of National Legal Aid Services, regulating the practice and ensuring adequate funding for capacity development and service provision.
- This was followed by the development of the National Action Plan on Legal Aid 2017-2022, which further incentivized collaborative efforts in service provision and brought on board all legal aid providers under one umbrella for easy coordination and quality assurance.
- In 2017, the Judiciary of Kenya commissioned a justice needs and satisfaction survey that assessed the effectiveness of various formal and informal justice mechanisms and evaluated the cost and quality of justice journeys.

- On the tenth anniversary of the 2010 Constitution of Kenya, Chief Justice David Maraga launched the Alternative Justice Systems Policy, which provides a framework for linking and co-referencing cases between formal and informal justice mechanisms with a view to enhancing access to justice.
- In 2023, Chief Justice Martha Koome unveiled the Blueprint for Social Transformation through Access to Justice vision (STAJ), laying down the “roadmap to deliver to the Kenyan people an accessible, efficient, expeditious and cost-effective justice system.”

Sources: [HILL, Justice Needs and Satisfaction Survey in Kenya](#); [HILL, Justice Innovation in Kenya: a case study](#); [Kenya leads the way in closing the justice gap](#); [OGP, Kenya: Implement legislation to increase access to justice](#); and [Global Access to Justice Project: Kenya](#). Also see, [A Blueprint for Social Transformation through Access to Justice 2023 to 2033](#) and [Towards utu-centered justice](#).

Endnotes

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- 2 Embracing the reality that most Kenyans do not seek justice in the courts, in 2016, the judiciary established the Taskforce on Traditional, Informal and Other Mechanisms Used to Access Justice in Kenya. Its mandate was to examine existing practices of dispute resolution taking place outside the courts and to formulate an appropriate judicial policy in response. See Susan Lee, "Multiple Doors to Justice in Kenya: Engaging Alternative Justice Systems," *NYU Center on International Cooperation*, December 2023, <https://cic.nyu.edu/resources/multiple-doors-to-justice-in-kenya/>.
- 3 Peter Chapman, "Grasping the Justice Gap: Opportunities and Challenges for People-Centered Justice," *NYU Center on International Cooperation*, 2021, <https://worldjusticeproject.org/news/grasping-justice-gap-opportunities-and-challenges-people-centered-justice-data>.
- 4 Working Group on Customary and Informal Justice and SDG16+, "Diverse pathways to people-centered justice: Report of the Working Group on Customary and Informal Justice and SDG16.3," *Pathfinders for Peaceful, Just and Inclusive Societies*, <https://www.sdg16.plus/resources/diverse-pathways-to-people-centered-justice/>.
- 5 The adoption of Kenya's 2010 Constitution ushered in a new era of justice sector reform in Kenya, restructuring the judiciary and making possible successive leadership at the Supreme Court dedicated to the transformation of justice administration and delivery. Since 2012, the judiciary has worked to increase public outreach and engagement, simplify procedures, strengthen accountability through performance management and public complaints mechanisms, expand the availability of courts, improve the quality of service provided, and give justice seekers greater choice in how they resolve disputes. See Lee, "Multiple Doors to Justice in Kenya."
- 6 If justice institutions aggravate rather than alleviate social tensions, the social contract—the agreement of people to consent to state authority and follow rules in return for security, public services, and the ability to "articulate their interests, exercise their rights, and mediate their differences"—will come apart. Conversely, if justice actors are seen to be defenders of fairness and inclusiveness, they can help build trust and give societies the cohesion needed for peace and prosperity. See David Steven, Maaïke de Langen, and Sam Muller, "Justice in a Pandemic - Briefing Three: Justice for All and the Social Contract in Peril," *Pathfinders for Peaceful, Just and Inclusive Societies*, 2021, <https://www.sdg16.plus/resources/justice-in-a-pandemic-briefing-three-justice-for-all-and-the-social-contract-in-peril>.
- 7 In Canada, the Action Committee on Access to Justice in Civil and Family Affairs established in 2007 is led by the Chief Justice and has become a major vehicle for reform by aligning access to justice organizations across the country and fostering collaborative work based on implementation of Justice Development Goals, see Webpage, "Home," Action Committee on Access to Justice on Civil and Family Matters, n.d., <https://www.justicedevelopmentgoals.ca>; For the role of Chief Justices in Kenyan judicial reforms, see the box: Transforming Justice Service Delivery in Kenya."
- 8 See Carol C. Ngeng, "Judicial enforcement of socio-economic rights in South Africa and the separation of powers objection: The obligation to take 'other measures,'" *African Human Rights Law Journal* 32 (2014): <https://www.saflii.org/za/journals/AHRLJ/2014/32>; César Rodríguez-Garavito, "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America," *Texas Law Review* 89 (2011), <https://www.corteidh.or.cr/tablas/r27171.pdf>.
- 9 See also Further Readings section in the introductory practice note.
- 10 For judicial training programs aimed at strengthening access to justice, see for examples: Webpage, "ABA ROLI collaboration with Rodrigo Lara Bonilla Judicial Training School in Colombia," n.d., <https://www.americanbar.org/advocacy/global-programs/where-we-work/latin-america-caribbean/colombia/>; or UN Women Indonesia and The Supreme Court of the Republic of Indonesia, "Training of Trainers module on Women's Access to Justice," *UN Women Asia Pacific*, 2018, <https://asiapacific.unwomen.org/en/digital-library/publications/2018/12/training-of-trainers-module-on-womens-access-to-justice>
- 11 Chemonics, "Local Justice Systems: People-Centered Justice," 2023, <https://chemonics.com/video/local-justice-systems-people-centered-justice>.

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- 13 To learn more about the decrease of public trust in justice systems in recent years see, OECD, "Survey on the Drivers of Trust in Public Institutions," OECD, 2021, <https://www.oecd-ilibrary.org/sites/b407f99c-en/index.html?itemId=/content/publication/b407f99c-en>.
- 14 National Judicial Institute, "Innovation in Judicial Education, Review 2012-22," <https://www.nji-inm.ca/index.cfm/judicial-education/in-review-2021-2022/?langswitch=en>.
- 15 For examples of mobile justice courts and one-stop shop justice centers see: Gustavo Maurino, "Putting People at the Center: A case study on access to justice centers in Argentina," *Pathfinders for Peaceful, Just and Inclusive Societies*, April 2020, <https://www.sdg16.plus/resources/putting-people-at-the-center-a-case-study-on-access-to-justice-centers-in-argentina/>; News Story, "Bringing justice to the people: how the UN is helping communities deal with disputes in remote and dangerous areas," *United Nations*, 2019, <https://news.un.org/en/story/2019/04/1037411>; and Press Release, "Striving for Justice: Expansion of Legal Aid Program for the Poor in Indonesia," *World Bank Group*, 2012, <https://www.worldbank.org/en/news/press-release/2012/09/19/striving-for-justice-expansion-of-legal-aid-program-for-the-poor-in-indonesia>.
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