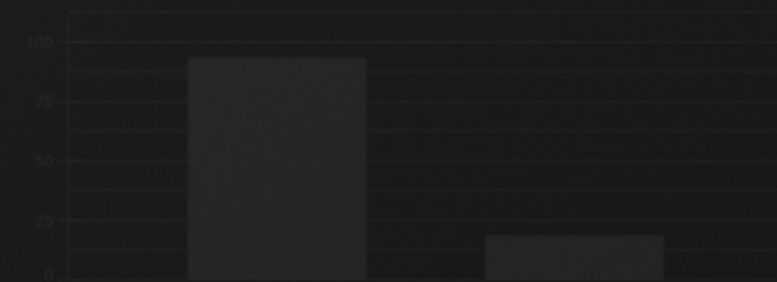




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Impacts of **COVID-19** on Justice Systems

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Impacts of COVID-19 on Justice Systems



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Project

2020



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“Be the change you want to see in the world.”
(Mahatma Gandhi – 1869/1948)

ACKNOWLEDGEMENTS

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Data analysis was performed by Franklyn Roger Alves Silva, Júlio Camargo de Azevedo and the survey coordinators.

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I. INTRODUCTION

The COVID-19 pandemic took all nations on the planet by surprise and continues to drive a quest for efficient and effective mechanisms to contain the spread of this highly contagious virus.

In addition to initiating a humanitarian crisis, the outbreak is triggering multiple impacts (social, political, economic, environmental etc.) on the global stage, whose consequences – both negative and positive – were not only unforeseen, but remain unpredictable, although we can be sure they will inevitably touch, one way or another, our justice and legal aid systems.

While the pandemic advances and envelops us all, from those living in developed countries to those in low income nations, human rights violations are being committed under the pretext of curtailing the threat of COVID-19. Serious doubts are arising about each country's capacity to maintain the rule of law during the pandemic and prevent arbitrary infringement of civil liberties, whether by private individuals, organizations or governmental authorities.

Mandatory social isolation measures have in some instances motivated justice systems and legal aid agencies to invest in the use of technology to avoid face-to-face contact. However, limited resources and improvised solutions have also undermined the capacity to maintain normal levels of access to justice during the outbreak. The current uncertainty that undermines the stability of justice systems and legal aid agencies is likely to continue for the foreseeable future, and the economic crisis triggered by mandatory social isolation measures has already in some countries raised the prospect of cuts to legal aid funding.

Although many questions remain unanswered, it is clear we are facing an historic milestone, and cannot afford to ignore the implications of the COVID-19 pandemic. With a view to assessing its current impact on justice and legal aid systems, the Global Access to Justice Project collected quantitative and qualitative data from 51 countries during April 2020.

Given that the pandemic is ongoing, the survey has had to deal with a moving scenario in which the situation in each country is constantly changing. Notwithstanding this highly dynamic, unpredictable and unstable global context, our preliminary survey results attempt to provide a reasonably accurate and up-to-date snapshot of the access to justice movement at this particular moment in the dramatic COVID-19 pandemic.

II. METHODOLOGY AND LIMITATIONS

In order to obtain the very latest information on the ambivalent impacts of COVID-19 on a sample of the world's justice and legal aid systems the Global Access to Justice Project circulated, between 7 and 27 April 2020, a specially designed questionnaire to project researchers located around the world.

National experts responded very quickly and provided both quantitative and qualitative data from the following 51 countries: Australia, Belgium, Brazil, Bulgaria, Cambodia, Canada, Chile, China, Colombia, Cuba, Cyprus, Democratic Republic of Congo, Denmark, Ecuador, Ethiopia, Finland, France, Georgia, Honduras, Hungary, India, Ireland, Italy, Japan, Kazakhstan, Kenya, Kosovo, Lithuania, Malawi, Maldives, Mongolia, Namibia, Nepal, Netherlands, New Zealand, North Macedonia, Pakistan, Poland, Portugal, Seychelles, Sierra Leone, Singapore, South Africa, Spain, Taiwan, Tajikistan, Tanzania, United States, Vanuatu, Zambia and Zimbabwe. The responses received are the professional opinion of each researcher.

The questionnaire has provided a common framework, ensuring a broadly consistent approach to data collection which should facilitate the comparative analysis of research findings both now and over time.

It is important to emphasise that the situation in each of the countries analyzed remains very fluid and unstable, and has been subject to constant change since the outbreak of the pandemic. This inevitably impacts on these interim findings reported in this study which we stress can offer only a transient and fleeting analysis of how justice and legal aid systems are responding at this precise historical moment.



SECTION 01

Overview of COVID-19 Impacts

SPECIAL MEASURES IMPOSED TO CURTAIL THE SPREAD OF COVID-19



SPECIAL CARE RECOMMENDATIONS

Social distancing, use of masks, wash hands frequently, etc.



TRAVEL RESTRICTIONS FROM ABROAD

- No person is allowed entry including citizens and residents who wish to return to the country
- No foreigners are allowed entry
- Foreigners from specific countries are not allowed entry



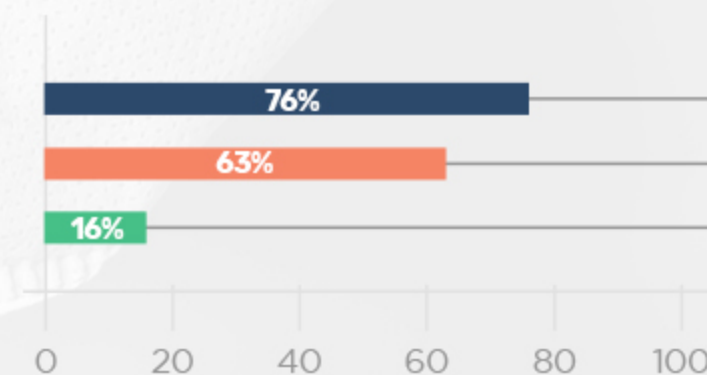
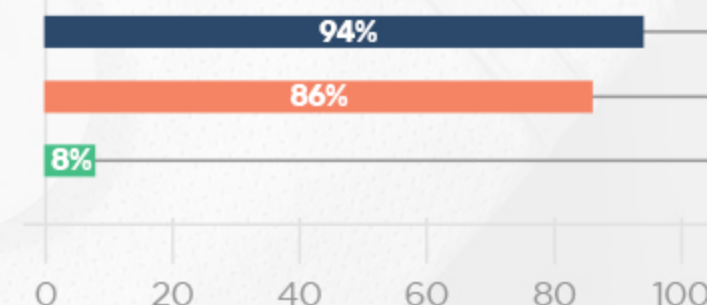
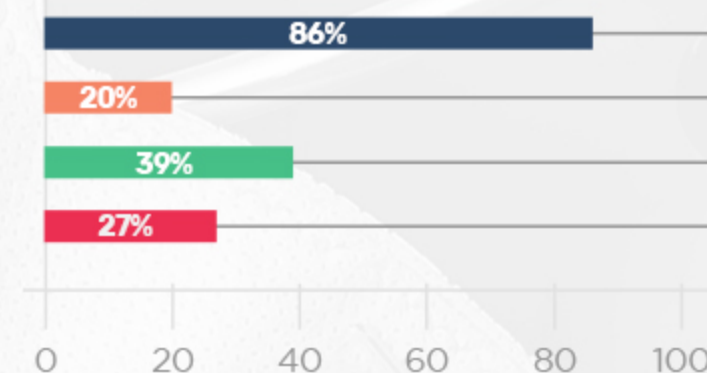
MANDATORY CLOSURE OF EDUCATIONAL INSTITUTIONS

- All over the country
- Some areas of the country

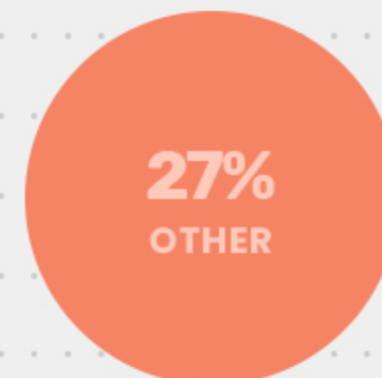


MANDATORY CLOSURE OF NON-ESSENTIAL BUSINESSES

- All over the country
- Some areas of the country



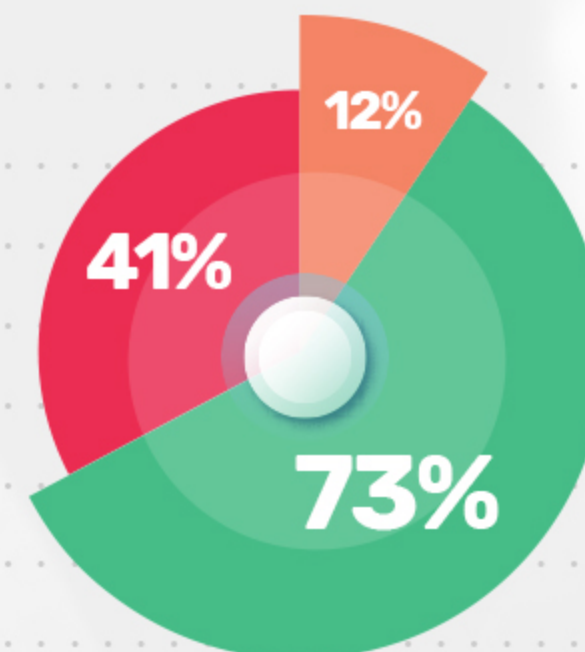
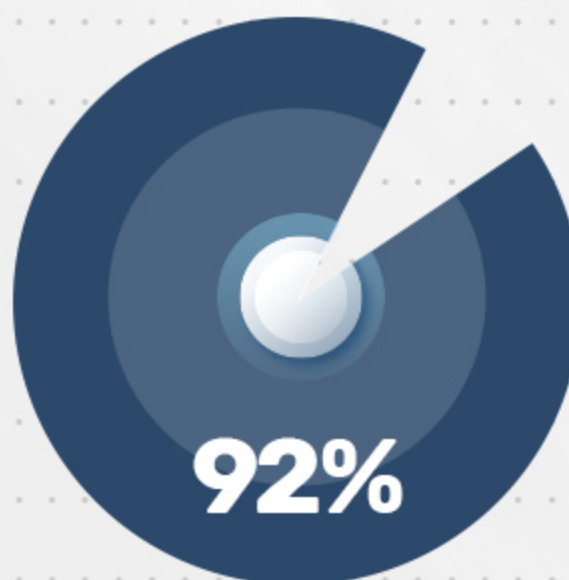
MANDATORY SOCIAL ISOLATION MEASURES



**COUNTRIES THAT HAVE
ADOPTED SPECIAL MEASURES**

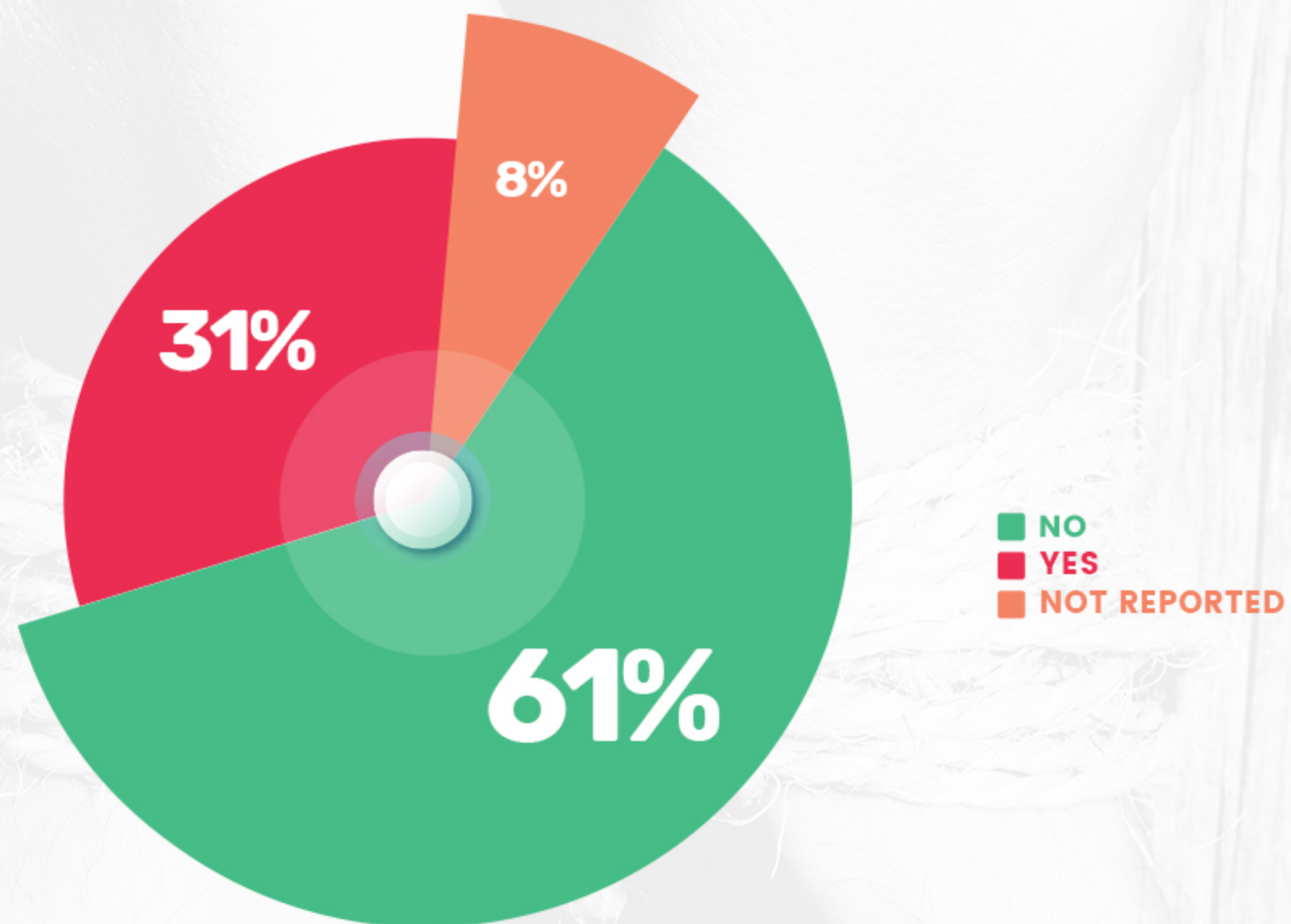


PENALTY FOR BREACH

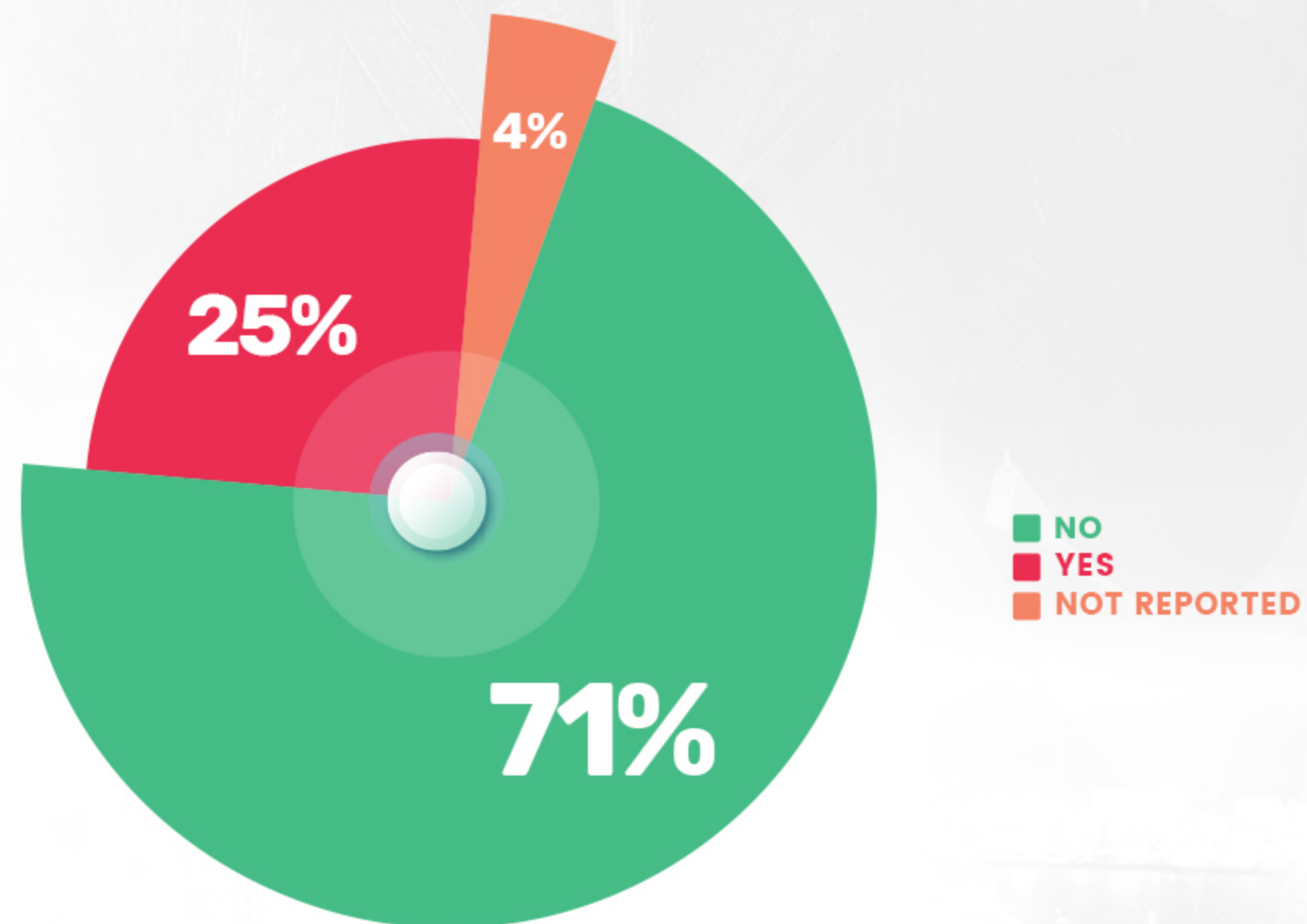


NONE
**FINE OR OTHER
NON-CUSTODIAL MEASURES**
IMPRISONMENT

HUMAN RIGHTS VIOLATIONS COMMITTED UNDER THE PRETEXT OF CURTAILING THE SPREAD OF COVID-19



CONCENTRATION OF POWER UNDER THE PRETEXT OF CURTAILING THE SPREAD OF COVID-19





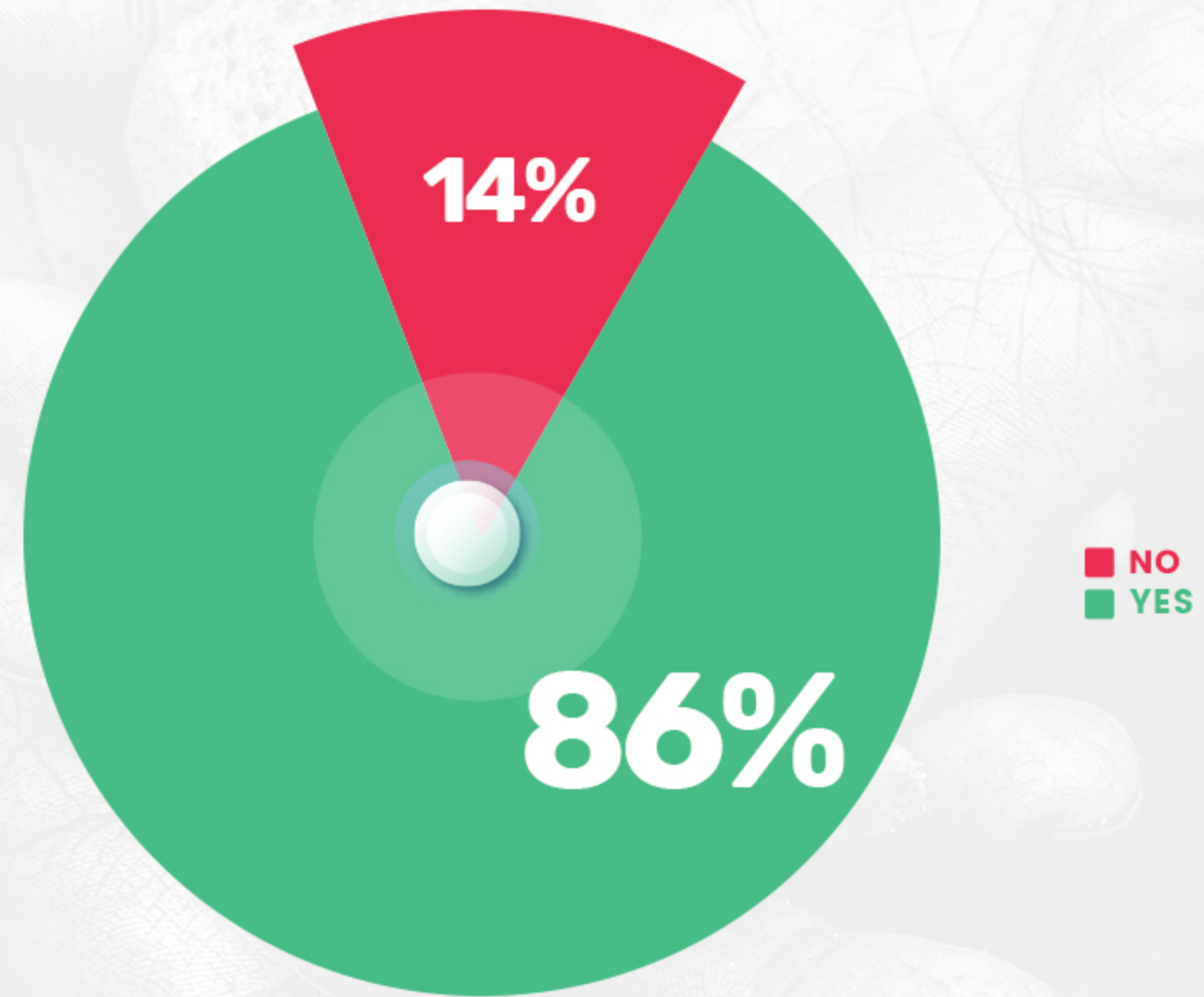
SECTION 02

**Special measures taken to reduce
the negative impact of COVID-19
on vulnerable groups**

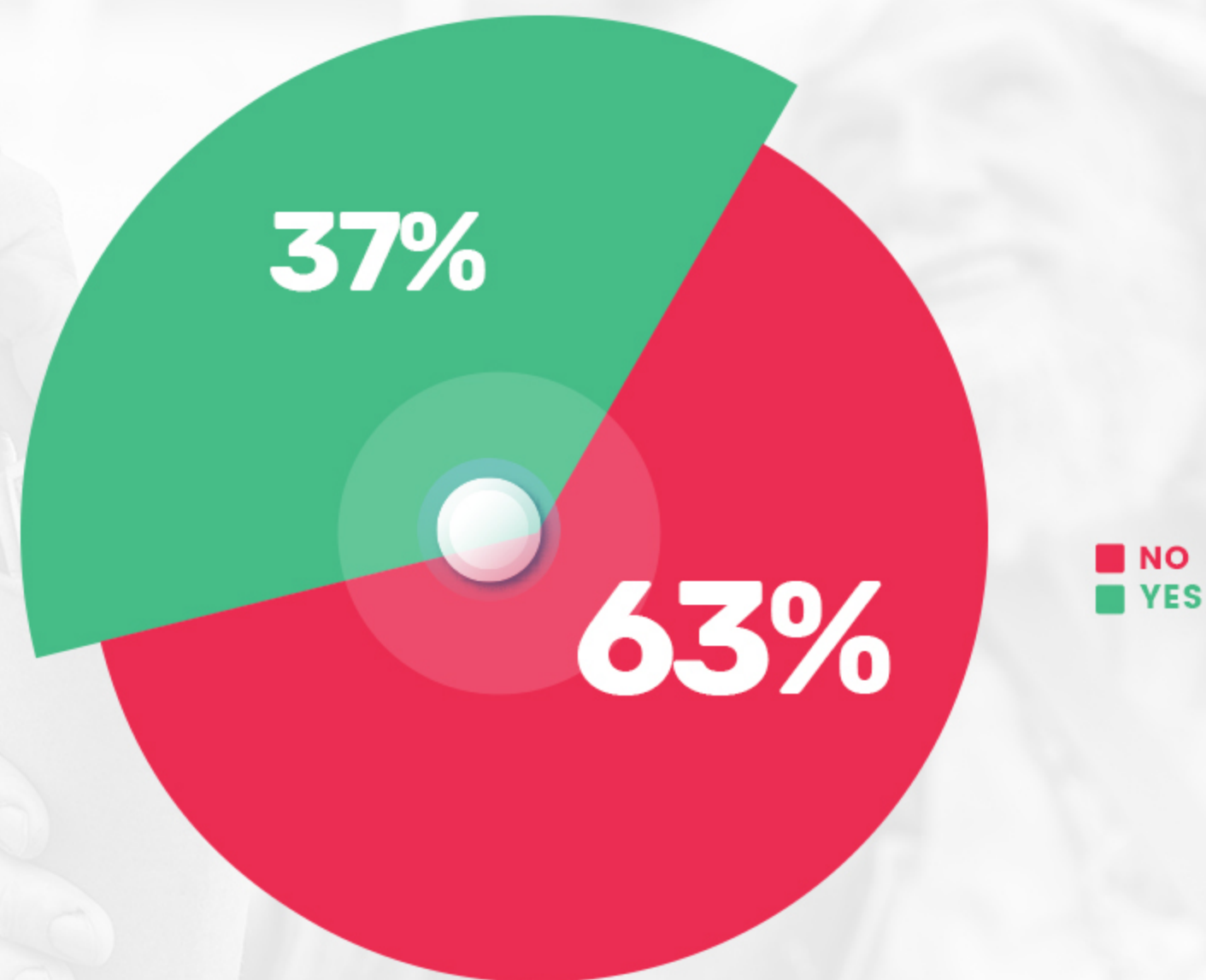


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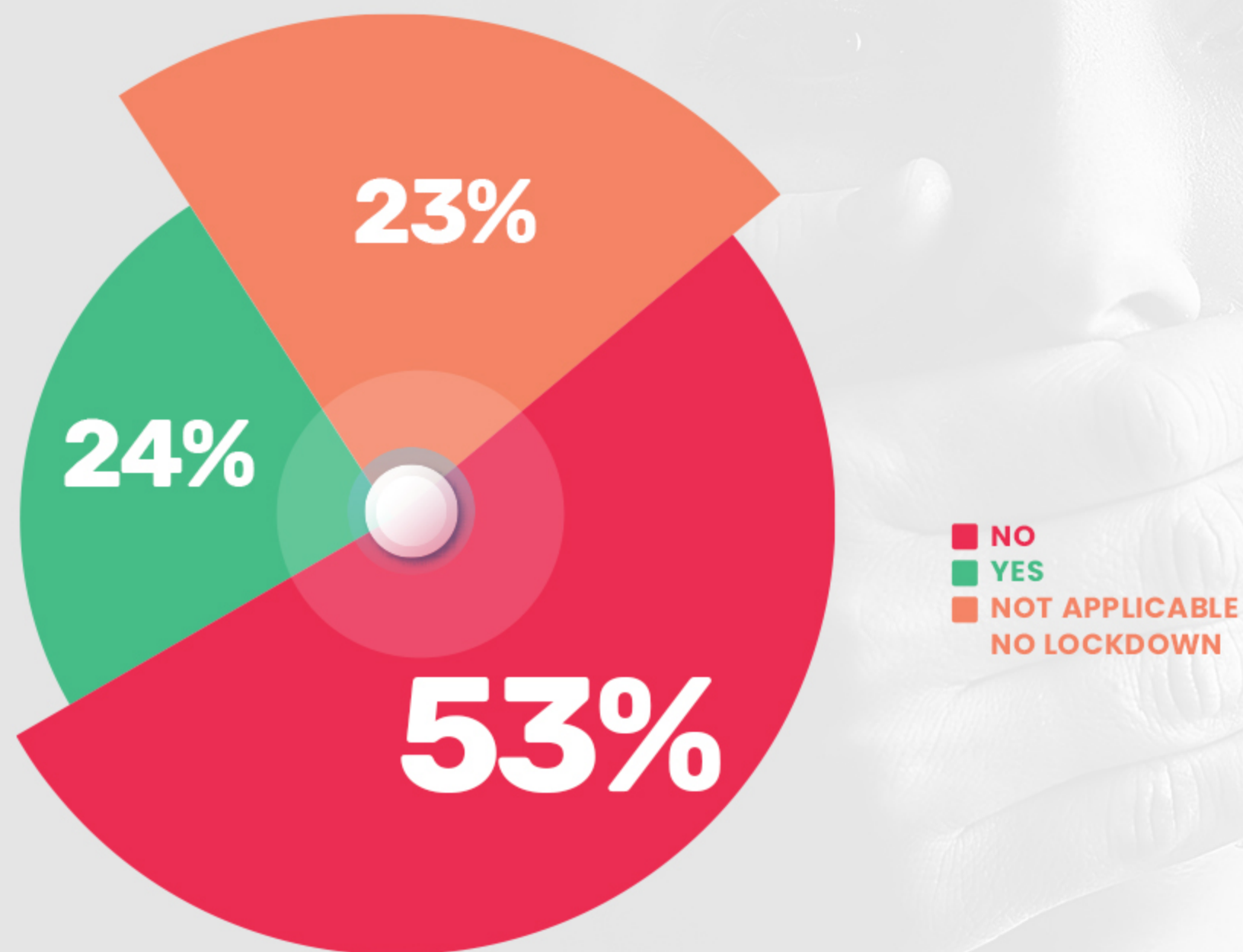
**MEASURES TO ENSURE
IMMEDIATE ACCESS
TO WELFARE BENEFITS
TO REDUCE THE
ECONOMIC IMPACTS
OF THE PANDEMIC**



HOUSING SOLUTIONS FOR PEOPLE EXPERIENCING HOMELESSNESS DURING THE OUTBREAK

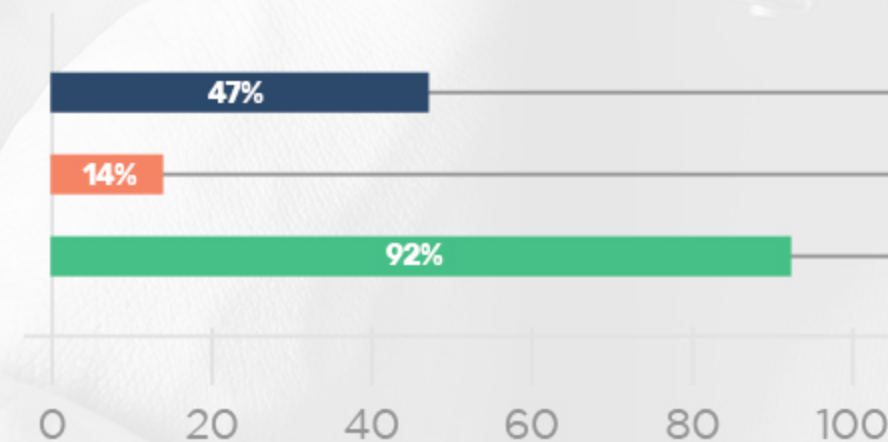


**SPECIFIC MEASURES
TO PREVENT
GENDER-BASED AND
FAMILY VIOLENCE
DURING LOCKDOWN**



MEASURES IMPOSED TO CURTAIL THE SPREAD OF COVID-19 IN PRISONS

- Release of prisoners
- Move prisoners to single cells
- Restrictions on visiting prisoners





SECTION 03

**Special measures taken by
judicial system to mitigate
the negative impact of COVID-19
on legal processes**



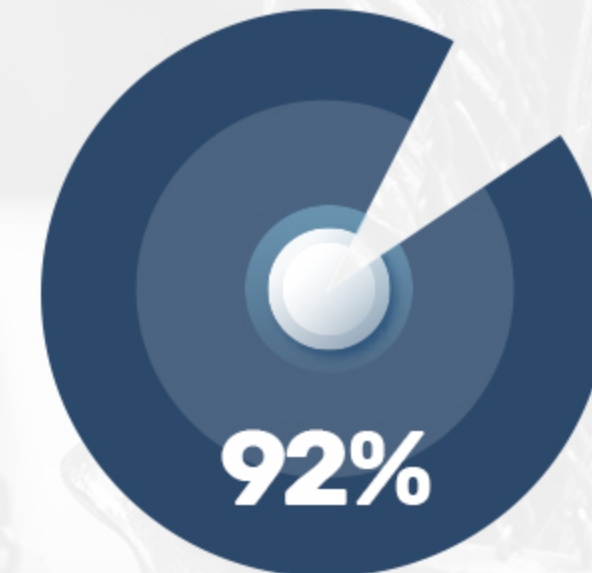
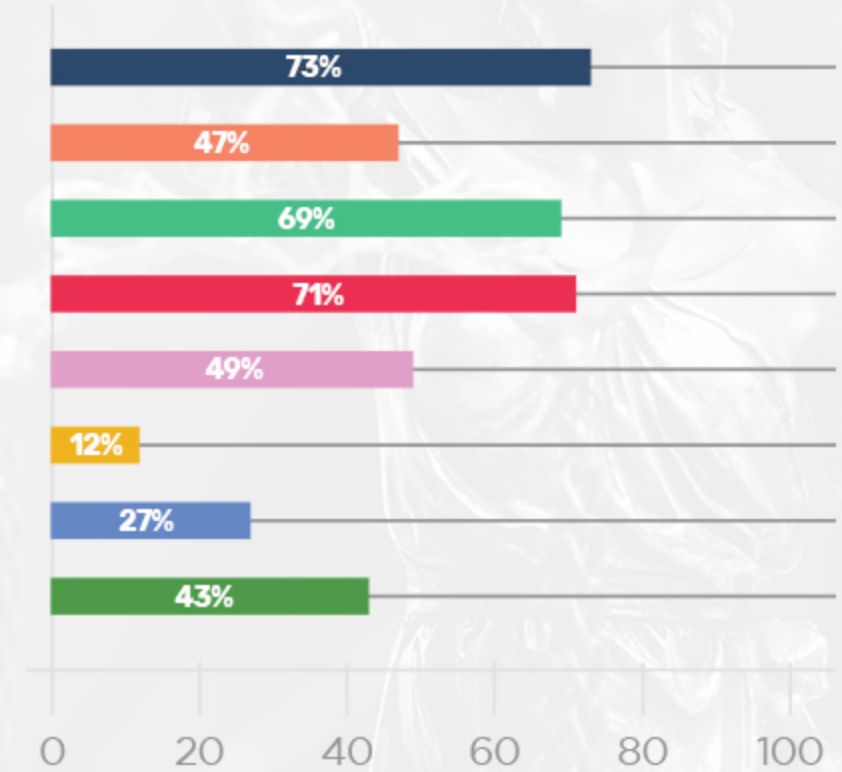
SPECIAL MEASURES TAKEN BY JUDICIAL SYSTEM TO MITIGATE THE NEGATIVE IMPACT OF COVID-19 ON LEGAL PROCESSES



- Internal reorganization around remote working for staff
- Judges/Justices are working on a duty system
- Temporary suspension of court hearings
- Temporary suspension of face-to-face attendance in court buildings
- Temporary suspension of processing of judicial cases
- Temporary suspension of evidentiary protections
- Temporary suspension of the need for parties to comply with case management rules/orders
- Temporary protection against eviction and/or foreclosures



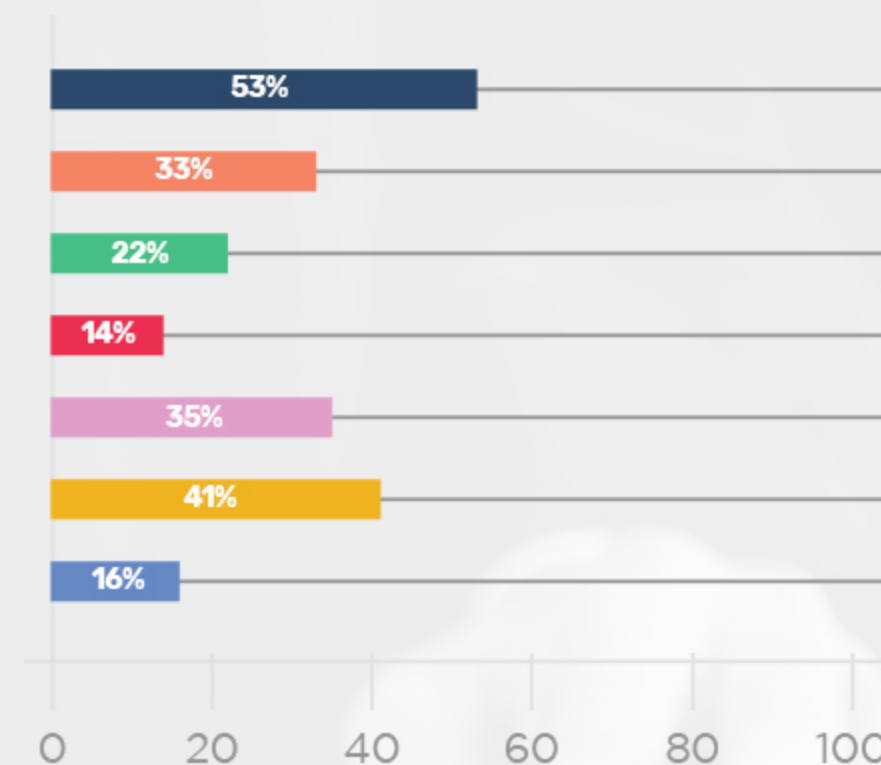
COUNTRIES THAT HAVE ADOPTED
SPECIAL MEASURES



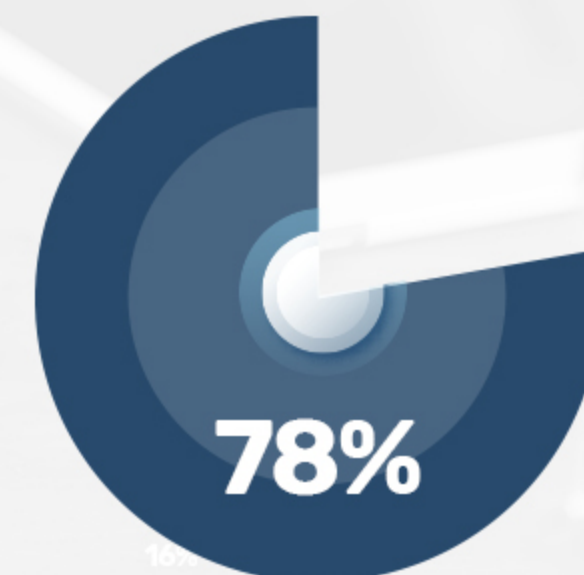
USE OF TECHNOLOGY BY COURTS TO AVOID FACE-TO-FACE CONTACT



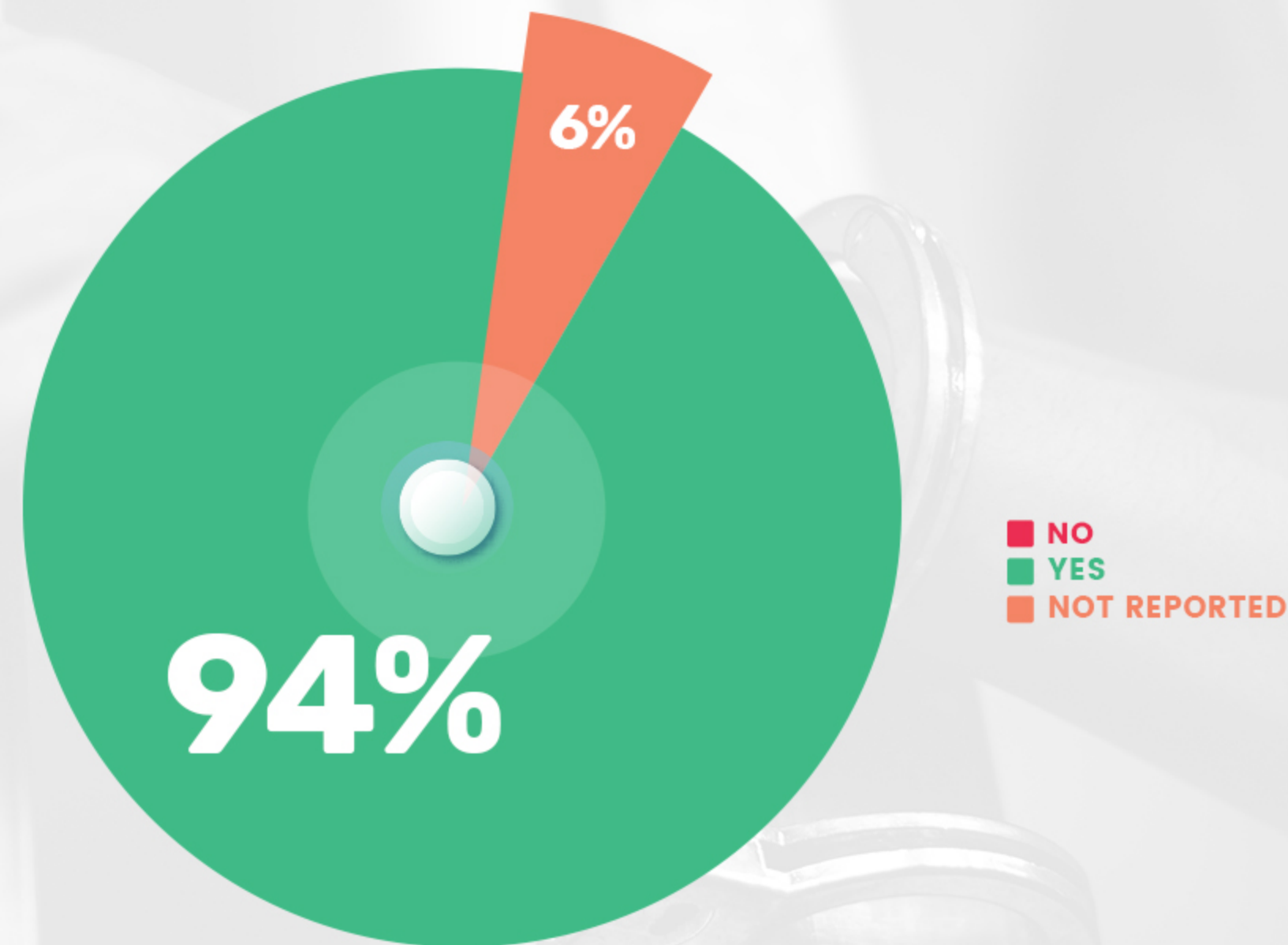
- Video conferencing for court hearings
- Digital systems to enable lawyers to file a lawsuit online
- Digital systems to enable online processing of judicial cases
- Call centers to enable communication between parties and/or lawyers and court staff
- Cellphone to enable communication between parties and/or lawyers and court staff
- Email to enable communication between parties and/or lawyers and court staff
- Other



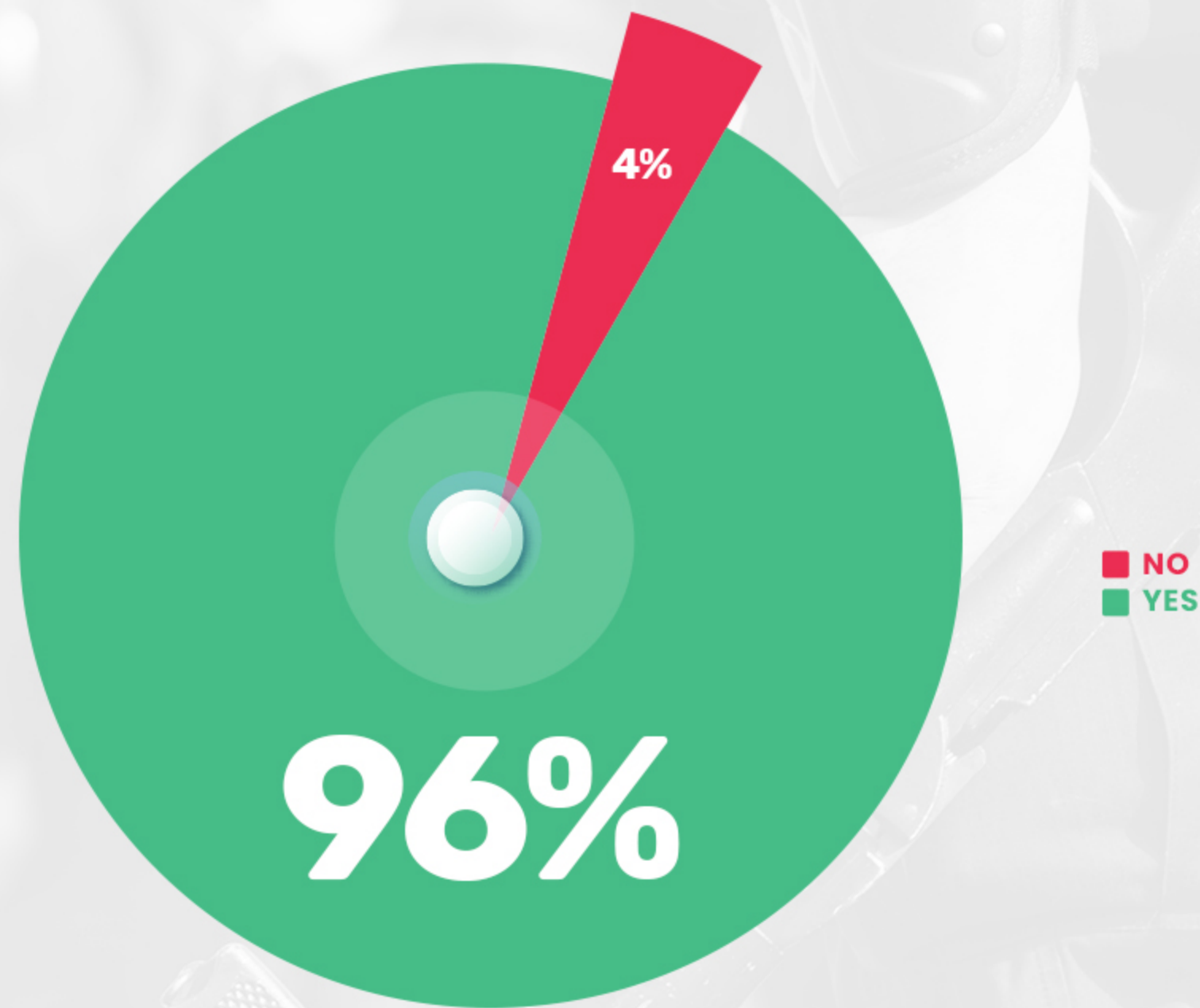
**COURTS THAT HAVE
ADOPTED SPECIAL MEASURES**



**CAPACITY TO
MAINTAIN THE
ANALYSIS OF THE
LEGALITY OF ARRESTS
AND DETENTIONS OF
CRIMINAL SUSPECTS**



**CAPACITY TO
MAINTAIN THE RULE
OF LAW AND PREVENT
ARBITRARY
INFRINGEMENT OF
CIVIL LIBERTIES BY
PRIVATE
INDIVIDUALS,
ORGANIZATIONS OR
GOVERNMENT
AUTHORITIES DURING
THE PANDEMIC**





SECTION 04

**Special measures taken by
legal aid system to mitigate
the negative impact of COVID-19
on access to legal services**

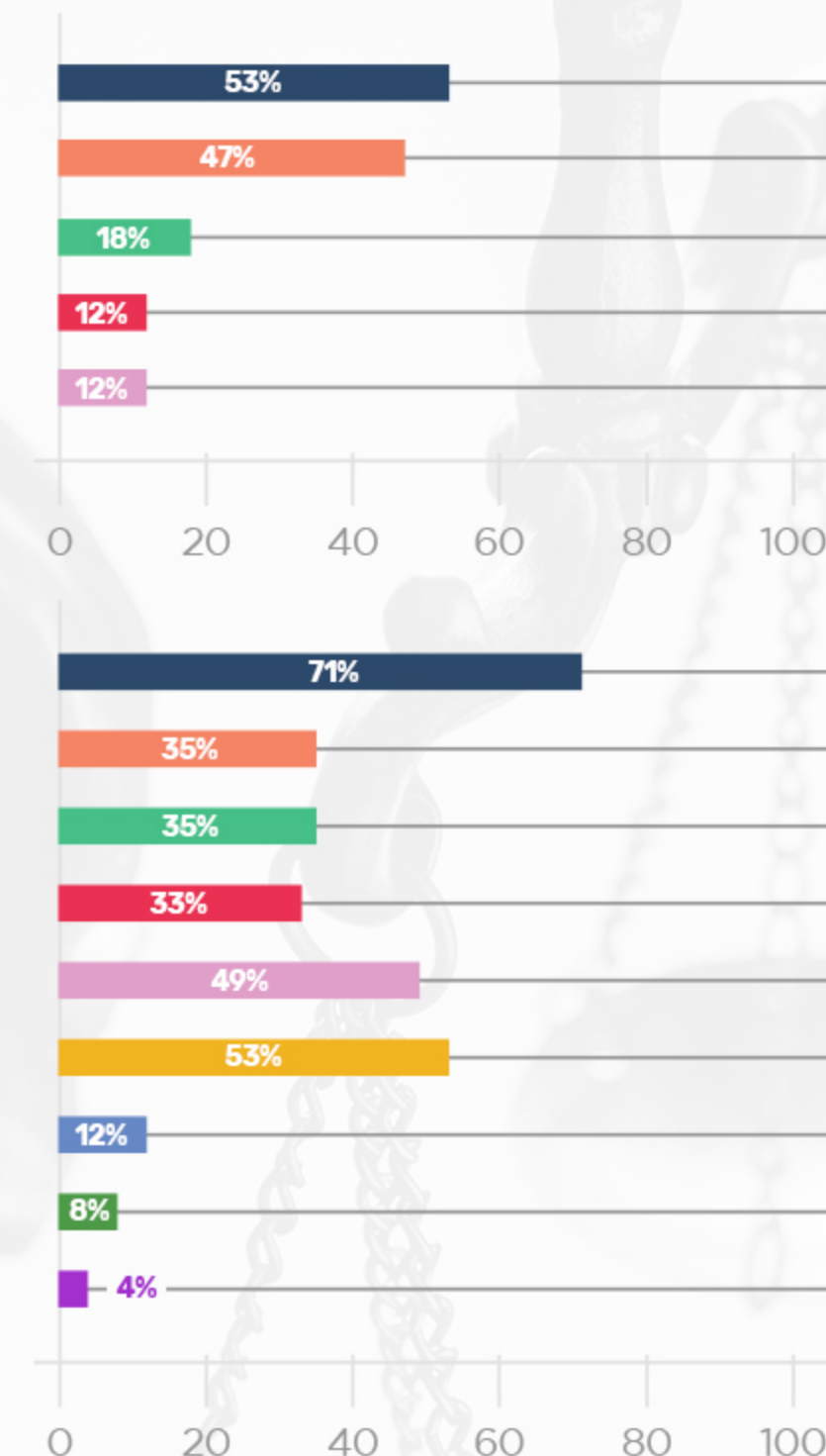
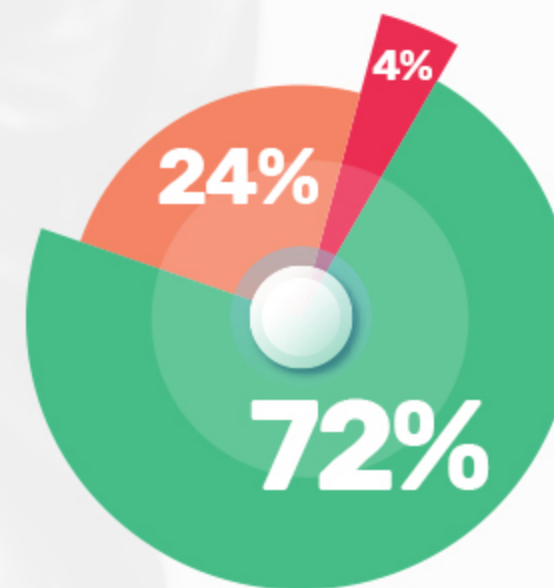


SPECIAL MEASURES TAKEN BY LEGAL AID SYSTEM TO MITIGATE THE NEGATIVE IMPACT OF COVID-19 ON ACCESS TO LEGAL SERVICES

- Internal reorganization around remote working for staff
- Suspension of face-to-face legal advice and legal aid
- Suspension of intake of new cases
- Suspension of quality assurance measures
- Expansion of legal aid eligibility parameters

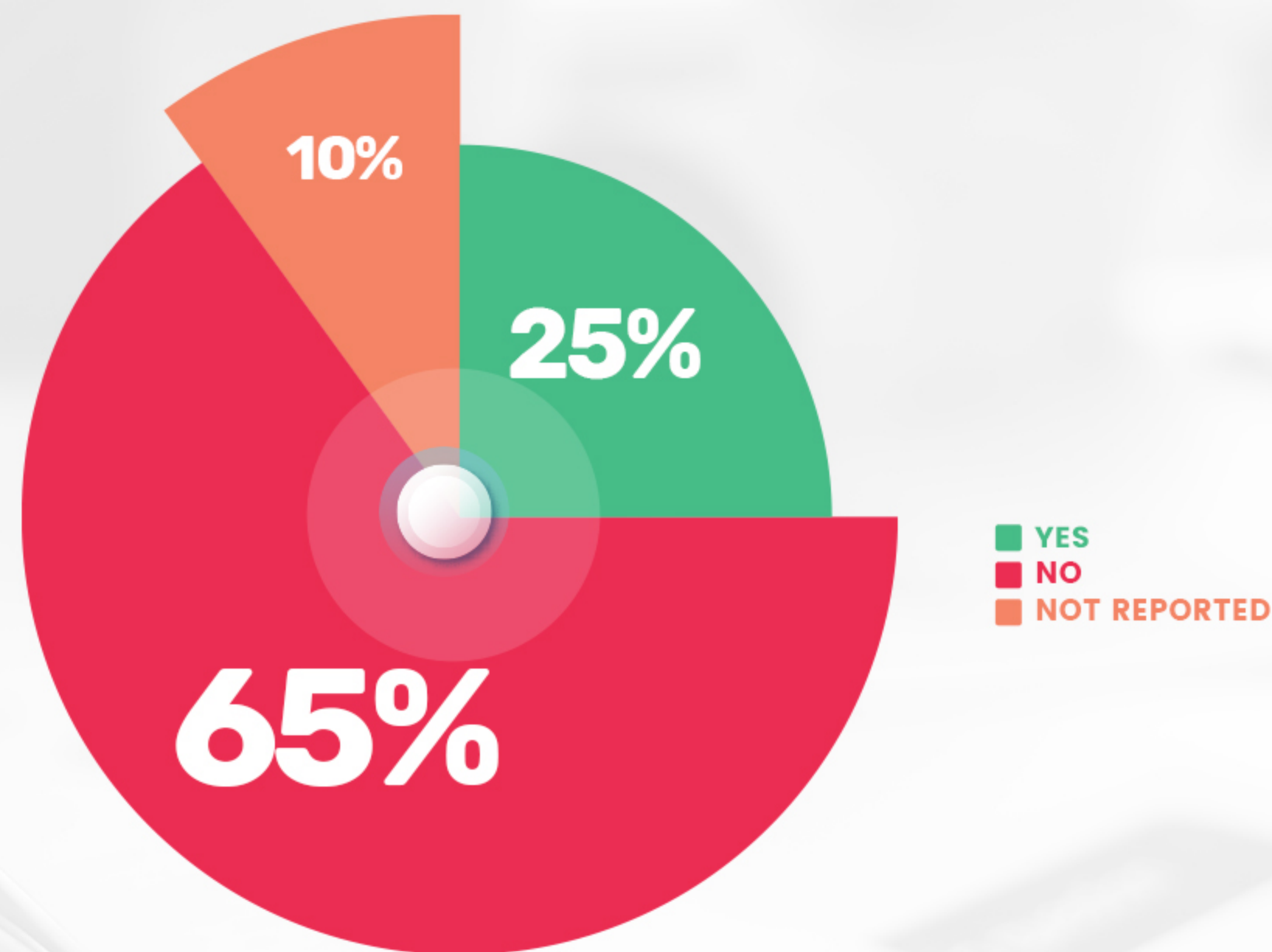
- USE OF TECHNOLOGY TO REDUCE OR AVOID FACE-TO-FACE CONTACT WITH CLIENTS**
- Video conferencing to enable communication between legal aid providers and clients
- Websites, live chats and/or online forum to enable communication between legal aid providers and clients
- Call centers to enable communication between legal aid providers and clients
- Cellphone to enable communication between legal aid providers and clients
- Email to enable communication between legal aid providers and clients
- Self-help systems
- Free mediation on line
- Others

LEGAL AID SYSTEMS



- ADOPTED SPECIAL MEASURES: 72%
- CONTINUES TO WORK NORMALLY: 24%
- SUSPENDED LEGAL AID SERVICES: 4%

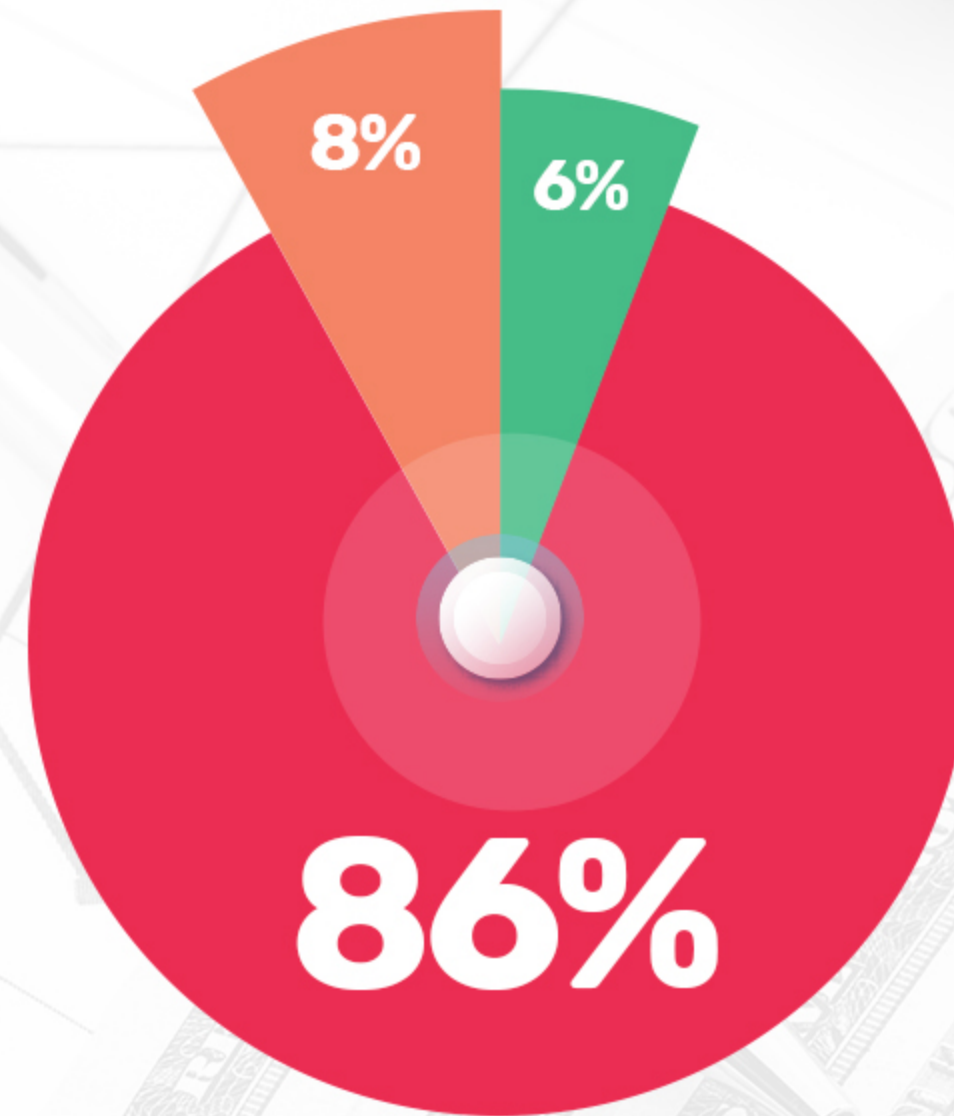
SPECIAL MEASURES TO FACILITATE INTAKE OF NEW LEGAL AID CASES RELATED TO THE PANDEMIC





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ADDITIONAL FUNDING FOR LEGAL AID DURING THE PANDEMIC

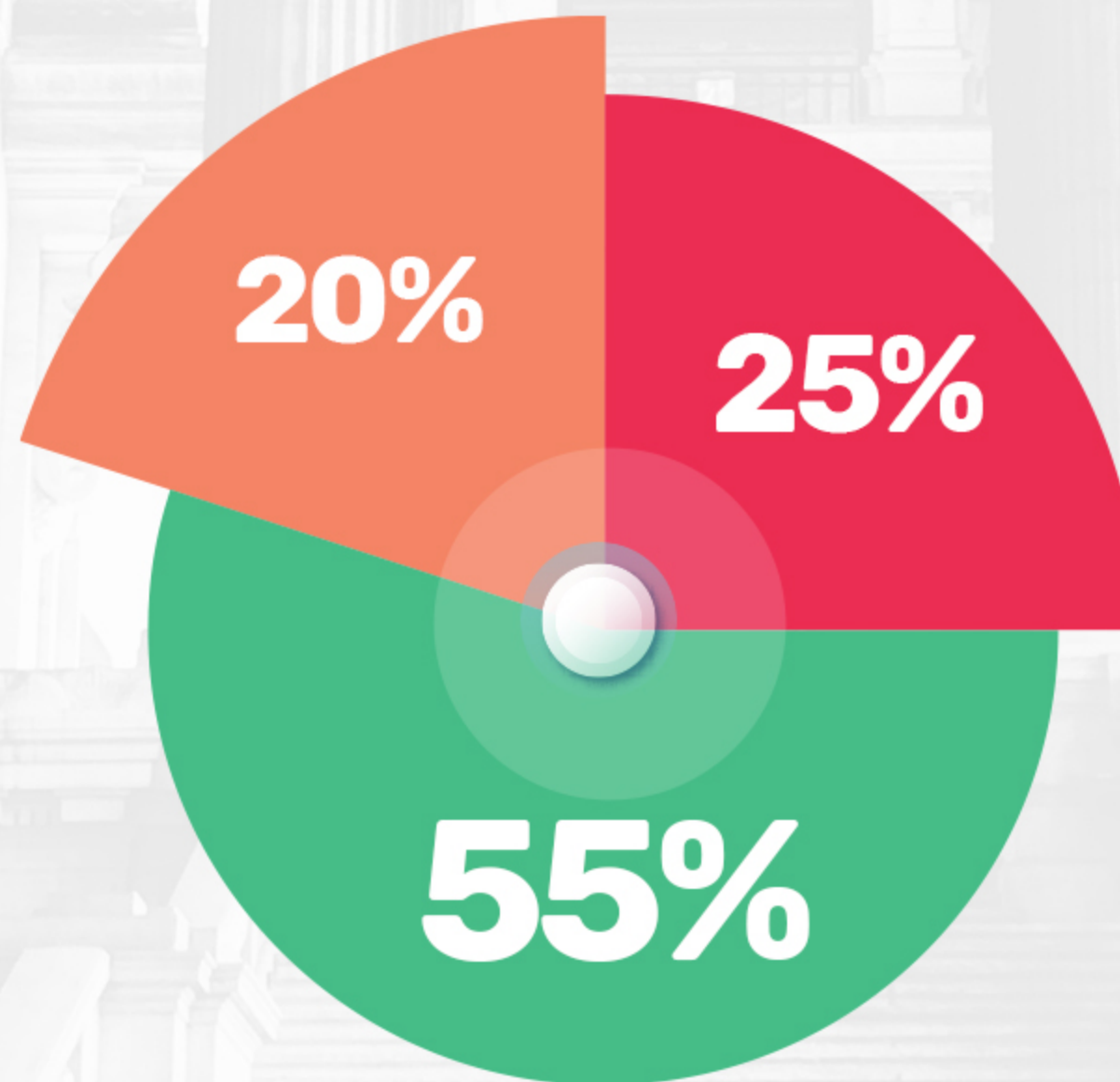


 YES
 NO
 NOT REPORTED



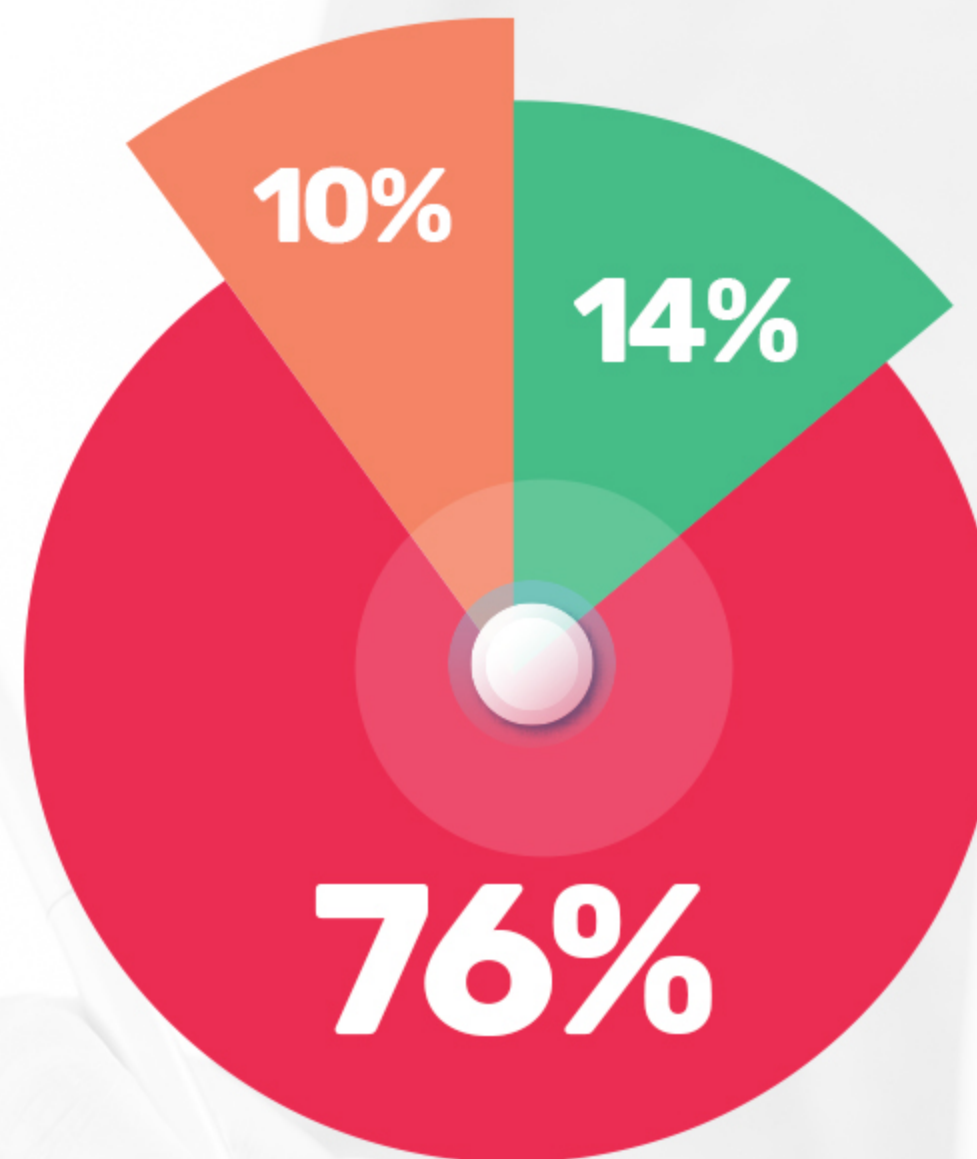
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PROSPECT OF CUTS IN THE FUNDING OF THE LEGAL AID SYSTEM



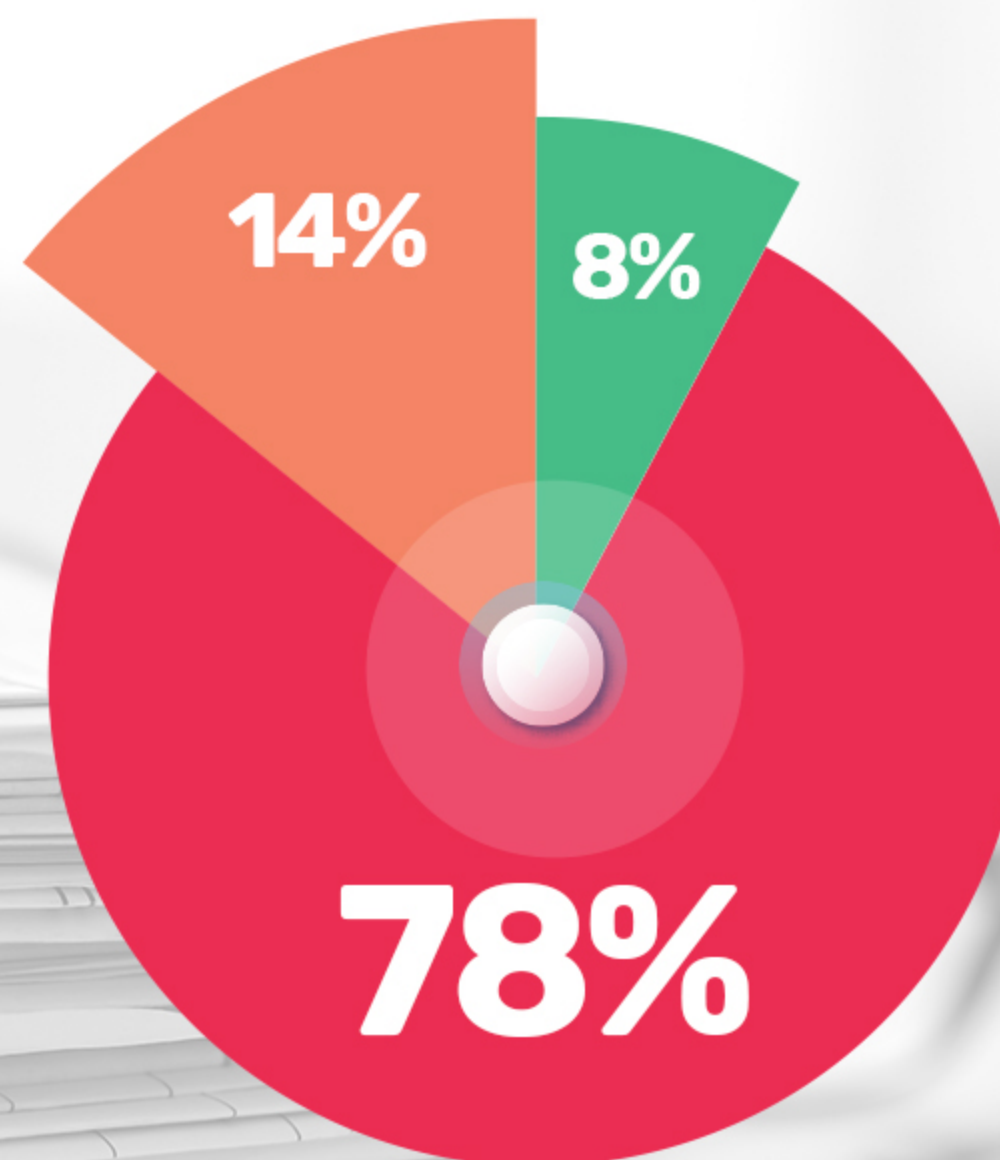
■ YES
■ NO
■ NOT REPORTED

**SPECIAL
ARRANGEMENTS TO
SUPPORT LAWYERS
WHO PARTICIPATE IN
THE LEGAL AID
SYSTEM**



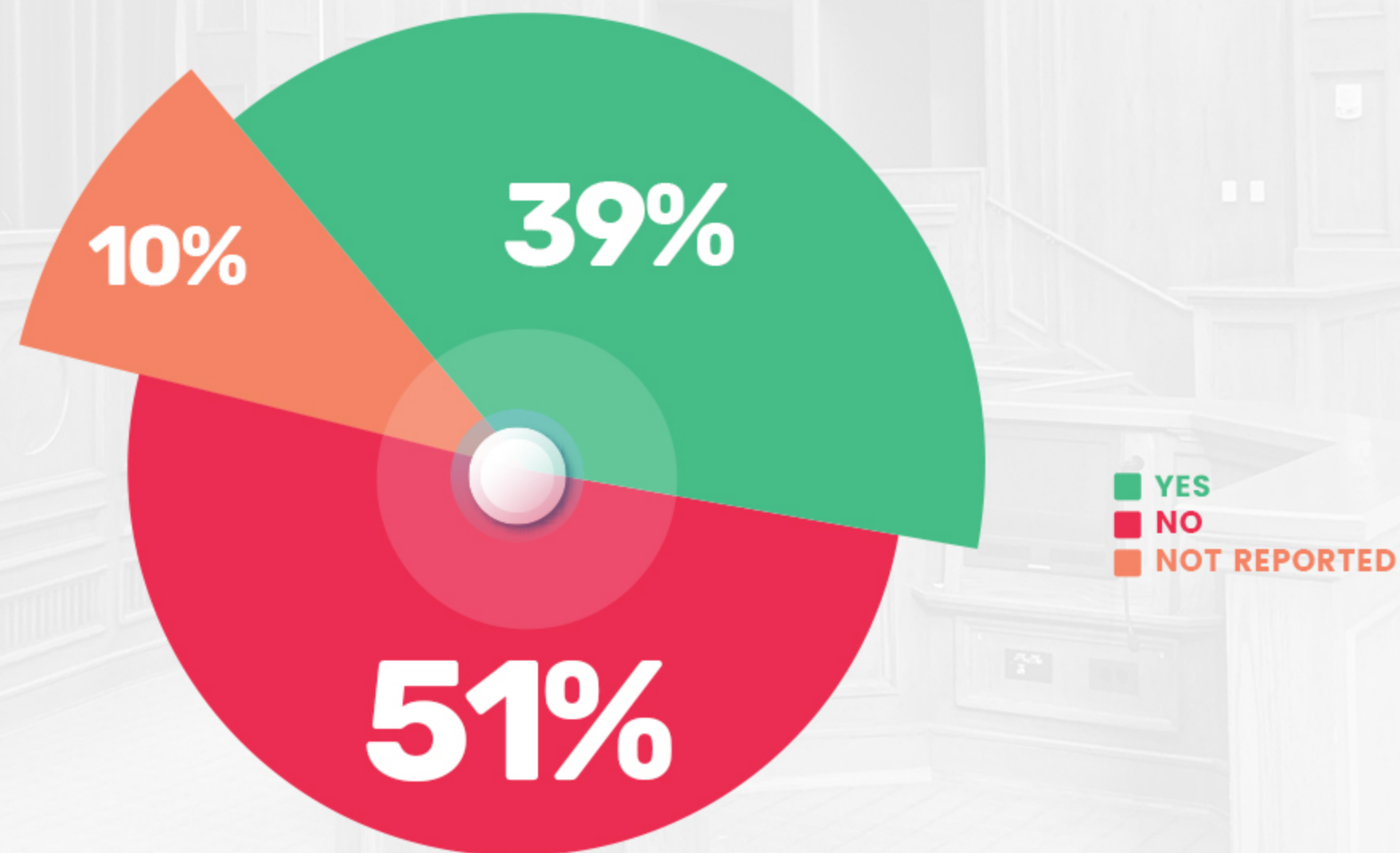
 YES
 NO
 NOT REPORTED

MEASURES TO AVOID A RESERVOIR OF CASES WITH LONG WAITING TIMES AFTER THE CORONA CRISIS




■ YES
■ NO
■ NOT REPORTED

**CAPACITY OF THE
LEGAL AID SYSTEM
TO MAINTAIN
NORMAL LEVELS OF
ACCESS TO JUSTICE
DURING THE
PANDEMIC**





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