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A PEOPLE- CENTERED APPROACH TO JUSTICE

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1. INTRODUCTION

On 10th December 2023, the World marked the 75th anniversary of the Universal Declaration of Human Rights (UDHR).¹ The UDHR, a norm of international customary law, provides that ‘all human beings are born free and equal in dignity and rights’.² Relatedly, the preamble to the United Nations Charter³ reaffirms faith in human rights and the ‘dignity’ of the human person, so does the Constitution of the Republic of Uganda (as amended).⁴ Schachter argues that the concept of ‘human dignity’ carries with it a corollary duty of promoting social justice and freedom from want, underscoring the duty of states to respect, protect and fulfil human rights.⁵ The concept of human dignity creates two inter-connected sets of rights: the right to equal treatment and protection in law as a civil right, and ‘due process rights’, in particular, the right to a public hearing by an independent and impartial tribunal, the presumption of innocence, and the right to legal assistance.⁶ Therefore, equality, justice, and fairness are intrinsic to us all as human beings. In search of these values and legal entitlements, societies have created legal and justice systems with a view to uphold these human aspirations and norms. But are these justice systems delivering the desired outcomes? And what are these societal aspirations?

2. THE NORMATIVE FRAMEWORK

Societal aspirations are aptly derived from the rule of law principle and its corresponding demand for effective access to justice. At the normative level, the requirement for effective access to justice can be discerned from various legal frameworks: The **Durban Declaration** notes that ‘*the legal system must be made affordable, accessible, and efficient. Human rights are meaningless if only the wealthy can enforce them or if the remedies are subject to inordinate delays*’.⁷

SDG 16 of UN Agenda 2030 focuses on peace, justice and strong institutions. It speaks to the need to ‘*promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*’. SDG 16.3 in particular urges states to ‘*promote the rule of law at the national and international levels and ensure equal access to justice for all.*’ To ensure access to justice for all, it is envisaged that countries undertake to;

¹ UN General Assembly Resolution 217 A (111) 10 December 1948, available at UN Doc. A/810 at 71, 1948.

² Ibid, Article 1.

³ Adopted 1945, as the world constitution.

⁴ Article 20 (1) of the Constitution of Uganda, promulgated on 8 October 1995.

⁵ Oscar Schachter, ‘Human Dignity as a Normative Concept’, *American Journal of International Law*, Vol.77 (1983):848-854.

⁶ Articles 18,19,21,22, and 25, of the International Covenant on Civil and Political Rights (ICCPR), adopted on 16 December 1966, UN General Assembly Resolution 2200A (XXI), 21 UNGAOR Supp (No.16) at 52, UN Doc. A/6316, 999 UNTS 171, entered into force on 23 March, 1976. See Article 28 (Right to a fair hearing) of the Constitution of the Republic of Uganda (as amended).

⁷ Durban Declaration on Human Rights Education, 1994.

- Put people and their needs at the center of justice systems;
- Prevent and resolve justice problems; and
- Move from the current model of justice for a few to justice for all. Overall, Agenda 2030 construes justice as a key development goal, ensuring fairness among people, societies, nations, and economies.

Aspiration 3, Goal 1 of the AU Agenda 2063 provides for ‘*An Africa that subscribes to democratic values, practices, universal principles for human rights, justice and the rule of law.*’

Article 126 (2) of the Uganda Constitution⁸ reiterates these aspirations even more succinctly: In adjudicating cases of both a civil and criminal nature, the courts shall, subject to the law, apply the following principles-

- (a) Justice shall be done to all irrespective of their social or economic status;
- (b) Justice shall not be delayed;
- (c) Adequate compensation shall be awarded to victims of wrongs;
- (d) Reconciliation between parties shall be promoted; and
- (e) Substantive justice shall be administered without undue regard to technicalities.

Based on these normative frameworks, there is an underlying assumption that an effective justice eco system should be fair, accessible, responsive, and inclusive to the needs of users regardless of their social, economic, or cultural background. It should, of necessity, be easy to navigate, and focused on remedies that address people’s needs. Such a justice system should go beyond resolution to include prevention, protection, rehabilitation and reintegration.

3. UGANDA AT - A- GLANCE

Population:

- The population of Uganda in 2023 was 48,582,334, a 2.82% increase from 2022.
- The median age in Uganda is 16.3 years.

Source: United Nations, Department of Economic and Social Affairs, Population Division, 2023

The Economy:

- In 2022, the Gross Domestic Product (GDP) was worth 45.57 US \$billion.
- As of June 2023 Uganda’s total debt stock stood at US \$ 23.7 billion compared to December 2022 when it stood at US \$ 21 billion (*National Budget Framework Paper 2024/2025.*)

(Source: World Bank Group)

⁸ The Constitution of the Republic of Uganda, 1995 (as amended).

Poverty:

- Measured at \$2.15/day. (Poverty line).
- In 2023, 41.7% of Uganda's population lived below the poverty line.
- At the regional level, poverty is highest in the Northern region at 63% followed by the Eastern region at 45.7%.⁹(UBOS 2022)
- In 2023, about 56% of the population were moderately food insecure and 15% severely food insecure.
- Households, in particular the poorest ones continued to feel the impact of increased prices.
- Less than half of the population were able to access basic needs (sugar, cooking oil and rice).

(Source: World Bank Group: Poverty and Equity brief on Uganda April 2023)

Human Capital Index (HCI):

- HCI measures the amount of human capital that a child born today can expect to attain by age 18. It conveys the productivity of the next generation of workers compared to a benchmark of complete education and full health.
- According to the World Bank 2023, Uganda's HCI is low.
- A child born in Uganda today will be 38% as productive when she grows up as she could be if she enjoyed complete education and full health. (World Bank 2023)
- The global HCI average is 56%.

(Source: World Bank 2023)

Literacy levels:

- Literacy rates were reported at 80.5% in 2022 for adults (84.5% male and 93.1% women). *(World Bank 2022)*
- Access remains inequitable. Secondary level enrolment of the richest 20 per cent of the population is five times that of the poorest 20 per cent. *(Unifec.org)*
- In geographical terms, the highest Secondary Net Enrolment is seen in Kampala (52 per cent) and lowest in Acholi (7 per cent). *(Unifec.org)*

Health:

- Health sector is underfunded at 7.9% of total government expenditure far below the Abuja target of 15% that the government committed to.¹⁰
- About 76% of Uganda's population lives in rural areas and has poor access to quality health care.¹¹
- Currently, there is one doctor for every 25,000 people—well below the WHO's recommendation of 1 doctor per 1,000 people.¹²

⁹ UBOS 2022

¹⁰ Annual report on the State of Equal Opportunities in Uganda, 2022/2023

¹¹ Uganda general fact sheet:livinggoods.org

¹² Ibid.

- In 2022, according to the Ministry of Health, about 14 million Ugandans were battling a mental disorder ranking Uganda among the top 6 countries in Africa with this challenge.

Access to clean water:

- According to *Water.Org*, out of Uganda's population of 45 million people, 38 million people (83% of the population) lack access to a reliable, safely managed source of water.
- High population growth stresses the water and sanitation services that exist.
(Source: *Water.org*)

Employment:

- In 2022, total unemployment rate stood at 4.28% slightly down from 4.29% in 2020. (*World Bank*)
- 39% of the households in Uganda are engaged in the subsistence economy which is dominant. 56% of these are in purely subsistence farming.
- Only 39% of youth in Uganda have access to employment under public services (*Annual report on the State of Equal Opportunities in Uganda, 2022/2023*).

Gender equality:

- Increased vulnerability of women and girls:
 - **Domestic violence:** According to the Uganda Police Annual Crime Report 2022, 17,698 cases of domestic violence were reported to police, showing an increase of 0.94% from its preceding year. Domestic violence remains the most common type of GBV in Uganda and includes femicide.
 - **Defilement:** In 2022, 12,580 cases of defilement were reported to police, showing a decrease of 12.8%¹³. 3,620 of the 12,580 were cases of aggravated defilement¹⁴.

Crime:

- Crime rates in the country increased by 20% in 2022. (*Uganda Police, Annual crime report 2022*).
- According to the Uganda police, the most common types of crime were theft, robbery, and assault. The report attributes the surge to poverty, unemployment, and the proliferation of illegal guns, with crime more prevalent in urban areas.

Justice delivery:

- Ugandans abandon attempts to resolve almost 4.7 million legal problems every year on account of negative perceptions.¹⁵

13 Official annual crime report 2022- Uganda Police Force, available online at <<https://www.upf.go.ug/wp-content/uploads/2023/02/OFFICIAL-ANNUAL-CRIME-REPORT-2022-Web-Version.pdf?x89335>>

14 Ibid.

15 2020 HiiL report on Justice Needs and Satisfaction in Uganda.

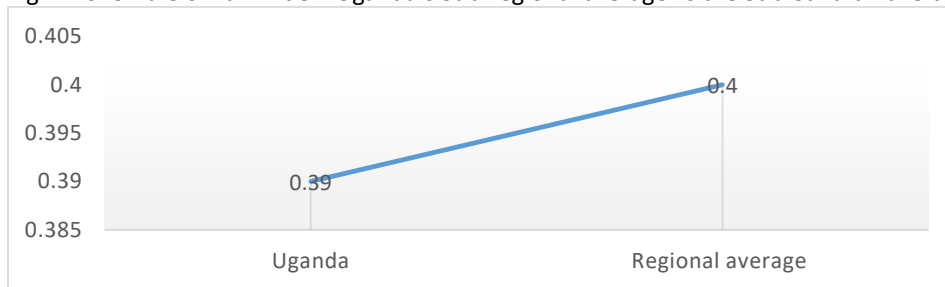
- Case backlog: In 2022/2023, courts closed with a case backlog of 42,960 cases with a slight reduction of 2.83% when compared to 2021/2022.¹⁶
- The Court of Appeal, High Court Divisions, High Court Circuits and Chief Magistrates recorded the highest numbers.¹⁷
- Remand population: By the end of September 2023, the remand population stood at 48% while the convicts were 51%. Debtors accounted for 0.6% of the prison population in the country at that time. (*Uganda Prisons Service Sept 2023*)

Uganda: Regional Trends

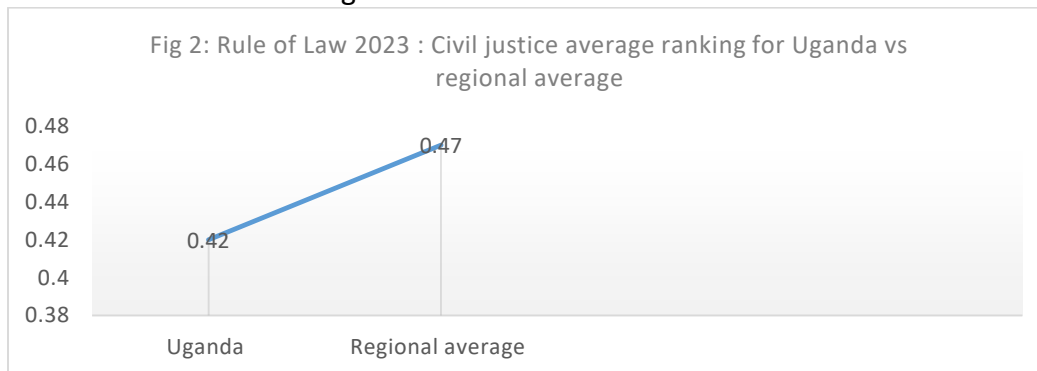
Overall, Rule of Law 2023 (World Justice Project)

- Globally, Uganda ranked 125th across 142 countries in 2023 while at the Sub-Saharan Africa level, Uganda ranked 28th across 34 countries.
- While the sub-regional average was 0.46, Uganda was below this average scoring 0.39.

Fig 1: 2023 Rule of Law Index- Uganda's Sub-regional average vs the Sub-Saharan average



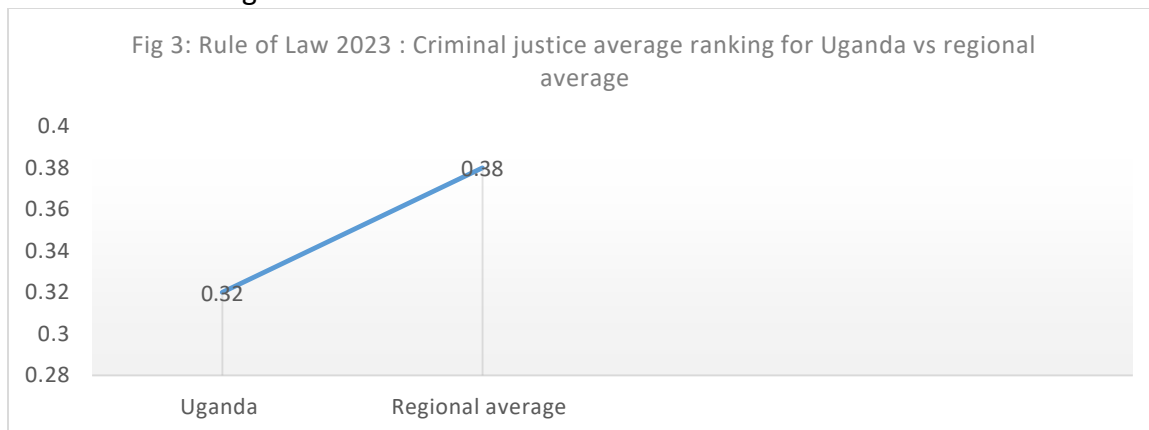
- Behind the numbers, the factor scores for Uganda include *constraints on government power, absence of corruption, open government, fundamental rights, order and security and regulatory enforcement, civil justice and criminal justice*. In all 8 factors, Uganda was below the regional average.
- Particularly for **civil justice**, Uganda's average was 0.42 below the regional average of 0.47 as illustrated in fig. 2 below:



¹⁶ Annual performance report for financial yer 2022/2023 address by Hon Alfonse Owinyi Dollo, Chief Justice of Uganda, 20th October 2023.

¹⁷ Ibid.

- For **criminal justice**, Uganda’s average was 0.32 below the regional average of 0.38 as illustrated in fig 3 below:



- In comparison to regional counterparts, Tanzania ranked 98th across 142 Countries, Kenya ranked 101st across 142 Countries in 2023, while Ghana ranked 61st across 142 Countries in 2023.

Table 1: Rule of Law scores 2023: Comparison with regional counterparts

Country	Rank/142	Position
Ghana	61	1 st
Tanzania	98	2 nd
Kenya	101	3 rd
Uganda	125	4 th

Freedom in the World 2023 (Freedom House)

- Uganda had a global freedom score of 35/100 and an internet freedom score of 51/100 in 2023.
- It was rated ‘Not free’.
- In comparison, Kenya ranked 52/100 (partly free), Tanzania at 36/100 (partly free), Rwanda at 23/100 (Not free), Burundi at 14/100 (Not free) and Ghana 80/100 (free).

Table 2: Freedom in the World 2023: Comparison with regional counterparts

Country	Rank/100	Global Position
Ghana	80	1 st
Kenya	52	2 nd
Tanzania	36	3 rd
Uganda	35	4 th
Rwanda	23	5 th
Burundi	14	6 th

Corruption Perceptions Index (Transparency International 2023)

- Uganda is ranked 141 out of 180 most corrupt country in 2023.
- In comparison to her counterparts Kenya was at 126/180, Tanzania at 87/180 and Rwanda at 49/180.
- Uganda lies in the league with countries such as Russia, Liberia, Madagascar, and Nigeria.

Table 3: Corruption Perception Index 2023: Comparison with counterparts

Country	Global position
Rwanda	49 th
Tanzania	87 th
Kenya	126 th
Uganda	141 st
Russia	141 st
Nigeria	145 th

4. INSIDE UGANDA’S JUSTICE DELIVERY MODEL.

Uganda’s justice system is a construct of the common law system. Like other common law systems it was largely designed to protect property rights, as it was the case in feudal societies in medieval Europe. With the advent of capitalism, it has evolved to focus more on enforcing contracts, property ownership and to provide solutions to property –related disputes. Even with inclusion of human rights, civil liberties, equality and social justice with the modern construction of justice, it is argued that Uganda’s justice system is far from guaranteeing equality and fairness in justice proceedings and processes *for all*. The justice system is perceived as bureaucratic, inequitable, inefficient, and inclined towards institutional objectives and indicators; serves a privileged few, and largely inaccessible.

Uganda’s justice delivery model is designed to address a range of issues: crime, family disputes, land related conflicts, disputes between workers and employers, environmental concerns, governance and commercial disputes. Indeed, many of these issues remain unresolved. Why? It is contended that formal justice institutions and services are alien to most people’s lives. They are perceived as too rigid and faceless, rules-based, distant and blind to everyday reality. The justice system is characterized as an avalanche of general rules and procedures, making it so hard for an ordinary person to interpret or to follow. To an ordinary Ugandan, the justice system is so complex, difficult to access, so distant and unpredictable. To many people the current justice system hardly offers any assistance when they experience injustice: Think about the current land evictions, housing evictions, family wrangles, domestic violence, inequalities at the work place, discrimination in employment, arbitrary arrests? To what extent does the justice system help the ordinary citizens to get the appropriate support, services and institutional back up to enable them to secure fair outcomes and address their everyday needs?

According to *Pathfinders*, ‘only 32 % of people experiencing a justice problem report that it is resolved in a satisfactory way; only 7% use a court or some other form of tribunal, while 8% get advice from a lawyer or other professional’.¹⁸ It is argued that dysfunctional justice systems enhance inequality; that poor people receive worse outcomes for their legal problems, and such poor outcomes have an adverse impact on their lives. It is reported that few people in Uganda have access including availability and accessibility to the justice system. In Uganda, access to justice is a ‘commodity’ that is easily obtained by the economically advantaged. The poor and the marginalized groups are excluded considering the physical distance to Justice, Law and Order institutions, the cost, the language used, attitudinal barriers, and the existence of conflict situations.¹⁹

This perception of disparity is even more pronounced when we consider prisons. Aside from the poor prison conditions and the overcrowding, a disproportionate majority of prisoners are poor people. Why? Are the poor inherently criminal or is this an expression of injustice of the justice delivery system? Is justice determined by how much money one has, such that those with limited financial means encounter less access and other barriers to justice, and hence better candidates for prison? Key fundamental questions arise: Does the current justice delivery model enhance freedom, does it contribute to poverty reduction? Does it promote equity? Does it reduce classism or does it enhance development? Or at best does it meet user’s expectations?

5. TOWARDS A PEOPLE- CENTERED APPROACH TO JUSTICE

(a) Why a People -Centered Approach to Justice?

Justice should inherently serve the people. The key question for justice providers to reflect on is: What do people *need* and what do people *want* when they seek justice? It is contended that for more than half a century justice delivery systems have focused more on institutions rather than the users. More investment has primarily targeted building more courts, training, and recruitment of more judges, prosecutors, lawyers and law enforcement agencies as a measure towards enhancing safety and security, reducing crime, and improving service delivery. Indeed, the Ugandan judiciary has taken significant steps in this direction. As at 11 January 2024, the Ugandan judiciary is comprised of 102 justices and judges, 78 registrars, and 472 magistrates, totaling 652 judicial officers.²⁰ Besides the recruitment of more judicial officers, new high court circuits have been created including Bushenyi, Kiboga and Kitgum, that brings the number of High Court circuits to 38.²¹ This is commendable as services are brought nearer to the people. However, as the Rule of Law Index shows, more safety does not equal more justice. It is common

¹⁸*Pathfinders, Poverty and Access to Justice* (2021), a study by HiIL for the World Bank.

¹⁹ JLOS Strategic Investment Plan II 2006/7-2010/11 at p.39.

²⁰ Judiciary.go.ug

²¹ The Judicature (Designation of High Court Circuits) Instrument, 2023, Statutory Instrument 2023 No. 94, dated 24th November, 2023.

knowledge that people feel less protected, as criminal law and civil law procedures hardly resolve disputes among people in a sustainable way. There is therefore a need for a paradigm shift to a more transformative, user- friendly based approach that puts the users at the center of justice to guarantee access to *justice for all*.

This novel model of justice delivery that promises to redesign justice systems around the *needs* and *experiences* of people and the *outcomes* they need is *people-centered access to justice*. People-centered justice (PCJ) is a rule of law approach that focuses on the perspectives, needs, strengths, and expectations of the justice user to improve the quality of justice and reduce barriers to service delivery. This approach recognizes that justice should be equally accessible and effective for all people, enabling them to resolve justice problems, address injustices, stand up for their rights, resolve disputes effectively and access the services they are entitled to.

The people centered justice approach shifts the *primary focus* from the *justice providers* to the *justice seekers*, without leaving the justice providers behind. This transformative approach to justice delivery recognizes that justice is not only a legal question, it should holistically counter inequalities and discrimination, address power balances, put people at the center, question traditional assumptions, and ultimately guarantee justice as an undeniable public good. Such a user-friendly justice system is one that people can use, access, and understand.

According to the **OECD Framework and Good Practices Principles on People-centered Justice**, there are *five* central principles of people- centered justice:

- Put people and their justice needs at the center of justice systems;
- Resolve justice problems;
- Improve the quality of people’s justice journeys;
- Use justice for prevention, and
- Provide people with the means to access services and opportunities. Simply put, people-centered access to justice recognizes that people are both at the *core* of the problem and the *key* to its resolution.²²

(b) **Benefits of a People -Centered Approach to Justice.**

There are several benefits that accrue to this justice delivery model. For a start, people-centered access to justice is a *game* changer. It has the potential of bridging the justice gap. By centering the justice system on the people it serves, this approach aims to create a fairer, more inclusive, and effective justice system that meets the diverse needs of society. It provides the justice provider the opportunity to identify, measure, and understand the justice gap hence ensuring *equity and fairness*.

²² Reinststitute: Taskforce on Justice, Justice for All-Final Report (New York, Center on International Cooperation, 2019).

People –centered Justice enhances *trust*. Meeting people’s demand for justice will strengthen trust and social cohesion, ultimately mitigating contributing factors of conflict. It is contended that when justice institutions actively involve users in decision-making, it fosters trust. Transparency, accountability, and responsiveness builds confidence in the system. This has a net effect of rebuilding trust in the rule of law.

PCJ improves *access to justice*. It is argued that people-centered justice reduces barriers to accessing legal services. Using user-friendly processes, it makes it easier for the user to seek help, understand their rights, and navigate the system.

Besides improving access, PCJ offers *effective solutions*. Once root causes of legal issues are proactively identified, larger issues are prevented from arising, and it is possible to have them resolved as they arise.

A people-centered approach to justice is *empowering*. Empowerment is achieved through building people’s legal capabilities to enable them participate meaningfully in the justice system. As empowered individuals, users are able to assert their rights, advocate for themselves, and contribute to positive change.

PCJ *reduces case backlog*. With streamlined processes and efficient case management, both the justice providers and the justice seekers benefit. With timely resolution of disputes, case backlog is significantly reduced.

This approach is *holistic* as it advocates for the systemic and integrated approach to address the justice gap. Going beyond the traditional approach of focusing on more lawyers, prosecutors, and courts, it brings about shifts in mind set, delving deeper into transforming the justice eco system to be service- oriented. It recognizes that legal issues are often interconnected with other needs (health, education, housing, family, land, etc.) which may have social, economic, and cultural implications.

6. RE-IMAGINING A PEOPLE –CENTERED APPROACH TO JUSTICE

It would appear that a people-centered approach to justice is a magic bullet to effective justice delivery, but like all systems and delivery models, it can only be realized if some preconditions are met. Mindful that a people-centered approach to justice has emerged as a response to the empirical reality that there exists a *justice gap*, its actualization requires a *mindset change* among justice providers within the justice ecosystem. Justice is a service, and it should be provided with quality in mind. Justice providers must be open to change and be service- minded. To achieve this desired transformation, the justice eco system must strengthen the soft skills among justice providers, reduce existing red tape, build more staff capacity, and improve customer care. Justice users need to feel well- treated and empowered to trust the justice system. A People –Centered justice approach is built around three inter-connected pillars: user- centered, data driven, and solutions-oriented.

Data is needed to understand people's justice needs, level of trust in the justice system, and barriers to justice. People-centered justice data is lacking. The data on justice institutions to strengthen institutional processes and performance may be obtainable, but to understand the needs of justice seekers, where they go for help, or the rate at which problems are prevented or resolved, and the impact it has on their lives, communities or economy is not readily available.

PCJ necessitates gathering nuanced data on justice user needs, experiences, and capabilities, based on demographic, geographic, and socio-economic factors. Data that is generated would provide an empirical basis for action. The data collected would expose the scale of the justice gap, in particular on the most common justice problems: land, violence and crime, money, debt, housing, family disputes, neighbor conflicts, work-related disputes and difficulties associated with accessing public services. Moving forward, an Annual Country Justice Needs Perception Survey or a Rule of Law Index or Client Satisfaction Survey could be an option. It is argued that justice surveys can be useful in identifying justice users, problems, experiences, progress, impact and cost. According to the World Justice Project, *'there is need for reliable data; survey data that can show the epidemiology of justice problems and the impact of each of them. From this data, the country wide burden of injustices can be calculated. Such data would show what interventions people use and give insights on the effectiveness of these interventions.'*²³

Besides data, *evidence-based practice* comes in handy. Identifying what 'works best' to a given justice problem helps to foster effectiveness. How have past decisions impacted on pressing justice problems like domestic violence, land conflict or employment disputes? Documenting these experiences, from the 'user perspective' improves justice delivery. It is however advised that evidence-based practice works best where practitioners have a common vision of having an effective and successful justice delivery system. Having an integrated approach is a winning formula.

An *enabling environment* is key to PCJ. This approach is intrinsically rights-based and therefore requires policies, laws and institutions that can uphold the rights of individuals. It calls for inter-agency cooperation and communication among diverse stakeholders including justice users; in particular justice professionals, (judges and lawyers), grass root justice defenders, community paralegals, informal civil society actors and other private sector players. Investing in strategic communication to inform individuals of their rights and how they can access services improves the corporate image, enhances transparency and reduces the risk of misperception. The Court open days and District Chain Committee Meetings are a good step in this direction. Beyond the interagency cooperation and strategic communication is the need to increase accessibility to services, specifically by reducing barriers to assistance whether on account of language or distance to justice services.

Finally, PCJ calls for *innovation*. The success of this approach depends on the extent to which change is embraced. Innovative ways of empowering communities, review of policy frameworks

²³ HiiL Justice Dashboard, World Justice Project, Atlas of Legal Needs Surveys, 2021.

that hinder user participation in justice delivery, adoption of Alternative methods of dispute resolution (mediation, negotiation, arbitration) in the delivery of substantial and procedural justice have to be piloted. The use of digital technologies to develop mobile applications for the public that provide information on court proceedings, processes and procedures is inevitable. Overall, the necessity for constant evaluation, evidence-based learning and the sharing of best practices in harnessing people –centered justice cannot be over-emphasized.

7. CONCLUSION

Our biggest challenge in justice delivery is how to ensure that justice systems deliver fair, and acceptable outcomes that enable people move forward with their lives, their work and their businesses. Yet, there is a growing recognition that justice systems are not fit for purpose, deter people and economies from reaching their full potential, exacerbate inequality and exclusion, and ultimately negate trust and social cohesion. UN Secretary General has echoed this challenge as well when he notes that *'while the 2030 Agenda promises to provide access to justice for all, many justice systems deliver only for a few'*.²⁴ If we are to build better, the need to invest in rule of law institutions that are fair, inclusive, and accountable is paramount. A more holistic and transformative approach to justice delivery is therefore an absolute necessity.

A People –centered approach to justice is the new normal. It puts the justice user at the center of justice to ensure that the future is fairer and more resilient for everyone. PCJ has the potential to contribute to improved relationships, healthier lives, economic benefits and better outcomes. No one sums it up better: *'The writings are on the wall, without people-centered justice, there is no sustainable peace, development or recovery! People Centered justice should be the central tenet: a guiding beacon that shows us the way to advance the common agenda and ensure justice for all.'*²⁵

END

²⁴ UN Secretary General, *Our Common Agenda*, Speech at the UN 75 anniversary, 2021.

²⁵ Task force on Justice, *Justice for All-Final Report* (New York: Center on International Cooperation, 2019), available at <https://www.justice.sdg16.plus/>