



A Necessary Pre-Condition

Libraries, Information and Access to Justice

- Access to justice is a key pillar of the rule of law, recognised in the Sustainable Development Goals
- Information is essential to making this a reality, both for legal professionals who need it in order to be able to work, and for individual people who need it to understand their rights and how to enforce them
- Libraries – both specialised law libraries and public libraries – can, through providing meaningful access to information, make the bridge between people and law, and so help deliver on the SDGs

The idea of a rights-based approach to development lies at the heart of the United Nations 2030 Agenda. Rather than treating economies and societies as units and measuring overall performance, it argues that each individual should have a set of rights – to be free of poverty, to enough food, to education, and all the other themes set out in the Sustainable Development Goals (SDGs). Until these rights are guaranteed, the 2030 Agenda as a whole cannot be declared a success.

As a result, for all that the 2030 Agenda – and any international or national law – offers rights, these can only be as effective as the means in place for enforcing them. If people are cheated of their land, suffer the consequences of illegal pollution, or are wrongfully dismissed from their jobs, they need the practical possibility to seek and receive redress.

This is why access to justice is an issue in the SDGs. It features clearly in Sustainable Development Goal 16: *Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*, and again in 16.3: *Promote the rule of law at the national and international levels and ensure equal access to justice for all*¹.

In other words, with effective access to justice, people have a means of making a reality of the promises made in the 2030 Agenda, and indeed any text that offers them rights.

There are of course many efforts already to promote access to justice, often led by associations of lawyers and judges alongside other NGOs. They work to help people to realise their rights across a variety of situations, providing advice, representation in court, and other essential tools.

Yet to be able to realise a right, it is important first to know that you have it, and then how to access the channels available for enforcement. This is where access to information – and libraries – come into the picture.

This briefing draws on papers submitted and presented at World Library and Information Congresses in recent years in order to bring together examples of the actions that libraries around the world are already taking.

It starts with a deeper exploration of the role of access to information in access to justice, before looking at how libraries are working both to enable the legal profession, and to reach out into communities, before bringing together recommendations.

¹ United Nations: <https://sustainabledevelopment.un.org/sdg16>

Information as the Foundation of Justice

Despite the law usually being associated with judges, police and jailors, arguably it is information that should come first. As suggested by Marc Galanter, 'law usually works not by exercise of force but by information transfer, by communication of what's expected, what forbidden, what allowable, what are the consequences of acting in certain ways'².

It follows that those best able to understand how to achieve their goals and enforce their rights will often be the ones best able to thrive in a society subject to the rule of law. For a society to be equitable, it is necessary to ensure that everyone has the possibility to understand to benefit from the law and legal system³.

In turn, this can be a factor in building the legitimacy of legal and political systems as a whole⁴, allowing for the transparency, accessibility and accountability necessary for good governance⁵. The contribution of information to this virtuous circle was indeed made clear by the Open Society Foundation in its letter, alongside Namati, to those negotiating the UN 2030 Agenda in the run up to its agreement in 2015⁶.

Access to legal information is not concentrated on any one field of law – rather, it is important anywhere where there are rights to be defended or enforced. Knowledge or lack of knowledge of commercial, criminal, environmental, housing and family law, as well as of the rules around bankruptcy, probate, wills, debt, and neighbourhood disputes – to name just a small selection – can all have a determining influence on lives. Without the tools to navigate the system, people are at risk of harm.

Furthermore, it has been argued, access to legal information can also reduce pressure on the legal system itself by ensuring that people are more skilled users⁷. At a time of rapid change in economies and societies, the need to help is as high as ever⁸.

One core element of achieving this is free access to law itself, yet as will be explored in this briefing, this is not enough. As established in IFLA's Development and Access to Information report, meaningful access to information depends not just on the physical possibility of access, but also on whether the user has the right and skills to use it fully⁹.

² Peruginelli et al (2019) *Access and knowledge of the law: supporting migrants in understanding law*, <http://library.ifla.org/id/eprint/2445> (p4)

³ Anderson, Brian D. (2016) *Meaningful Access to Information as a Critical Element of the Rule of Law: How Law Libraries and Public Libraries Can Work Together to Promote Access*, <http://library.ifla.org/id/eprint/1376> (p3)

⁴ Peruginelli et al (2019) (p3)

⁵ Anderson (2016) (p1)

⁶ Kanis, Liesbeth (2014) *Global Online Access to Law (GOAL) to Further Sustainable Development*, <http://library.ifla.org/id/eprint/1045> (p4). See also the work of the Global Legal Empowerment Network: <https://namati.org/network/>.

⁷ Scarf, Philippa (2016) *Free, online and in your public library: delivering legal information to the community*, <http://library.ifla.org/id/eprint/1373> (p3)

⁸ Bačić, Edita (2018) *Neutrality versus Proactivity in Libraries During Turbulent Times*, <http://library.ifla.org/id/eprint/2209> (p4)

⁹ Garrido, Maria and Wyber, Stephen, (ed.s) (2017) *Development and Access to Information 2017*, IFLA <https://da2i.ifla.org>

This is as true for legal information as for any other type of information¹⁰ which needs to be made accessible in ways that work for people¹¹. It is also the case that legal practitioners themselves – those who write the laws, or who take part in the formal process of their enforcement – may not be the best placed to explain them in simple terms, for want of resources or skills, or simply through potential clients feeling unsure or unable to approach them¹². Others – and in particular libraries, as this article looks to demonstrate – therefore have a key role to play.

Conversely, programmes that aim to enable all citizens to benefit from laws in place risk failing to meet their objectives if they do not take the importance of meaningful information into account. This has been the experience, for example, in China, where in the past, the legal aid system already suffers from low resources, and has tended to focus rather on help for those who get to court, but not before¹³.

This situation can affect anyone, but is exacerbated when the law in place has been imposed from outside, and so risks diverging strongly from local traditions, or be written in a language or style that risks alienating many. This can be the case in countries operating with laws left over from colonial days, such as Uganda, where the legal system risks having little focus for local needs¹⁴. A similar risk of disconnect can affect migrants, who find themselves subject to laws and regulations that may be very foreign, and yet of vital importance to them¹⁵. Finally, prisoners, who already face unique additional restrictions on access to information, are likely to have particularly intense needs for this in order to prepare for hearings or appeals is greatest¹⁶.

In these cases, there is a pressing need to develop initiatives and tools to ensure that everyone can realise their right to legal information as a necessary pre-condition for access to justice.

Informing Today's Decisions, Educating Tomorrow's Professionals

Before looking at specific efforts to reach out to individuals, it is important not to forget the legal community of today and tomorrow, whose job is to make the legal system work. Where lawyers, judges, public defenders and others are not able to draw on the fullest possible information, from across the range of sources of applicable law, there is a risk of poor or inconsistent judgements and the weakening of the rule of law in general¹⁷. Governments too – often working with limited resources themselves – also need to be informed in order to take decisions that respect international law¹⁸.

¹⁰ Peruginelli et al (2019) (p3)

¹¹ Liu, Joan Lijun (2019) *Helping Legal Aid Providers and Vulnerable Communities Access Law in China through a Robust Legal Information Service System*, <http://library.ifla.org/id/eprint/2444> (p10)

¹² Applebaum, Beth and Bissett, Jan B. and Lalonde, Michelle M. and Samson, Michael and Thomas, Virginia C. (2016) *Bringing Law to the Community: Facilitating Access to Justice in Metropolitan Detroit*, <http://library.ifla.org/id/eprint/1369> (p3)

¹³ Liu (2019) (p2)

¹⁴ Jones, Yolanda and Ilako, Caroline (2015) *Dynamic Law Libraries: Access, Development and Transformation in Africa and the United States*, <http://library.ifla.org/id/eprint/1120> (p6)

¹⁵ Peruginelli et al (2019), p6

¹⁶ Jones et al (2015), (p2)

¹⁷ Jones et al (2015) (p2)

¹⁸ Kanis, Liesbeth (2014) *Global Online Access to Law (GOAL) to Further Sustainable Development*, <http://library.ifla.org/id/eprint/1045> (p1)

Libraries have long represented a key part of the infrastructure supporting the work of judges, lawyers, public defenders and others in the legal system. They also enable the education of future generations – a key point especially in the case of those working with students from communities which have traditionally been marginalised, and who in future will be able to make their own contributions to making a reality of access to justice¹⁹.

Law libraries themselves are in constant evolution, facing changing needs and audiences, and discovering new possibilities to fulfil their missions²⁰. Groups such as IFLA's Law Libraries Section, and the American Association of Law Librarians working to help members improve the way they provide services, and respond most effectively to changing needs and audiences.

In order to enhance the ability of individual law libraries to provide access to information, there are growing efforts – often with law librarians at their heart – to develop open legal information institutes (LIIs). Already in the early days of the internet, librarians and legal professionals worked to establish these, leading to the Montreal Declaration on Access to Legal Information in 2002²¹.

These have spread progressively from developed to developing countries, helping to bring order to an information offer that up to now has been spread across different websites and sources²², and to build pressure for open access to jurisprudence – rather than just legislation – and other texts²³. Nonetheless, there is far from universal coverage of such institutes, either in terms of geography, content in local languages or materials such as commentaries which can make a real difference to lawyers and clients²⁴.

Going further than individual national LIIs, a particularly interesting library-led initiative has been Global Online Access to Legal Information (GOALI), part of the Research4Life initiative, that brings together legal materials in order to allow for free access by researchers, students, librarians, policymakers, judges, and legal experts (through their institutions) in developing countries. This has had an impressive take-up, with hundreds of institutions accessing the platform even only within the first month²⁵.

GOALI has the advantage of providing access to a wide range of materials – from laws themselves to scholarly articles, grey literature, eBooks and other online resources – and is accompanied by training and advocacy programmes that have been shown to increase update

¹⁹ Patrice Jones, Yolanda (2018) *Florida A&M University College of Law – The Special Access to Justice Mission of an HBCU*, <http://library.ifla.org/id/eprint/2162> (p3)

²⁰ Chadha, Ravinder Kumar and Rai, Priya and Akash, Akash (2014) *Transformational Role of Law Libraries in Access to Justice in India: Time to Act Locally and Think Globally*, <http://library.ifla.org/id/eprint/1044> (p11)

²¹ Peruginelli et al (2019) (p5)

²² Narayan, Uma (2013) *Indian initiative to provide free access to authentic legal information*, <http://library.ifla.org/id/eprint/203> (p3)

²³ Hanh, Le Thi (2013) *Open access to official and authenticated legal information in Vietnam*, <http://library.ifla.org/id/eprint/201> (p9)

²⁴ Van Snellenberg, Richelle and Horváth, Edit (2017) *Global Online Access to Legal Information (GOALI) – A New Legal Training Resource for Developing Countries*, <http://library.ifla.org/id/eprint/1680> (p2-3)

²⁵ Scotese, Ariel A. E. and Sayward, Jacob and Scholtz, Nina E. (2019) *GOALI Goes to Johannesburg – Training and Outreach in South Africa for Research4Life's Global Online Access to Legal Information Program*, <http://library.ifla.org/id/eprint/2446> (p3)

and successful use of the platform²⁶. The international perspective it offers has also meant that it has been able to help explore issues such as differences between national laws²⁷, and to support in work to implement the OECD's Anti-Bribery Convention and the UN Convention Against Corruption²⁸.

Thanks to the work of individual law libraries, supported by infrastructures such as legal information institutes and global programmes such as GOALI, those involved in the legal profession today – and tomorrow – are better placed to deliver access to justice to the rest of the population.

However, as highlighted in the previous section, even getting to the stage of starting a legal process may be a step too far for individuals deprived of information. Even providing openly accessible legal information is no guarantee that it can be used²⁹. The next section looks at how libraries – both specialised law libraries and public libraries, often in partnership – are reaching further, connecting offer with the undoubtedly huge demand there is in the world.

The Next Step: Meaningful Access for All

As highlighted earlier in this article, a number of barriers can stand between those who need access justice, and justice system itself. On the side of legal professionals, this can include a lack of the skills necessary to make the law understandable for non-specialists, a lack of time or resources, or of incentives to promote access to legal information.

On the side of citizens, there may well be a lack of funds, of awareness of where to look, or of the internet connectivity needed to access information or fill in forms, alongside difficulties in understanding legal information – especially for those who are not fluent in the language used – and simply a sense of fear in engaging with the authorities. Some have suggested that while the internet may have led to a wider basic awareness of rights, this is not enough to engage properly in the justice system³⁰.

Finally, information itself can be structured in ways that are helpful for people, for example when it is scattered across websites³¹, or is not necessarily complete or reliable³².

In each of these cases, libraries of all sorts can provide solutions or act as mediators, helping make the connection between people and legal systems, while of course staying clear of offering official legal advice (something that will need to be left to professionals)³³.

To start with, law libraries themselves – either those attached to courts or to law schools in universities – can have a role in working with people outside of the immediate academic or

²⁶ Van Snellenberg et al (2017) (p4)

²⁷ Scotese et al (2019) (p4)

²⁸ Van Snellenberg et al (2017) (p7)

²⁹ Musemburi (2016) *"Information literacy for all": Interfacing academic and public librarians in developing a legal information literate society in Zimbabwe*, <http://library.ifla.org/id/eprint/1383> (p3)

³⁰ Applebaum et al (2016) (p3)

³¹ Jones et al (2015) (p4)

³² Liu (2019) (p9)

³³ A point made by Mancini (2016) (p4) who underlines the need to manage expectations of users.



school community. For example, the library of Florida A&M University College of Law, traditionally focused on black students, serves not only students, but also the local legal community and general public. Support ranges from providing access to relevant forms to more detailed legal research into rules and jurisprudence, with students on circulation desks available to help visitors. Crucially, the library also receives people referred by courts themselves, or helps those involved in cases understand the information provided to them³⁴.

The same goes for the Arthur Neef Law Library at the Wayne State University Law School in Detroit, United States, which – in the absence of a dedicated law library – has taken on this role to the benefit of the local population. They welcome people referred by court clerks' offices, and indeed 71% of requests received are from non-affiliated patrons, and 45% from members of the community, covering everything from criminal and family law to probate, bankruptcy, small business and landlord/tenant disputes, and providing services from helping users fill in forms to providing access to more in-depth legal sources³⁵.

Law libraries are, however, not always the first place to which individual people will turn for information. In many times, they need to prioritise access by affiliated users such as students. Public libraries offer an alternative. They are already familiar to people as places to seek useful and reliable information, usually offer access to the internet, which are often closer and open for longer hours than law libraries, and which have personnel trained in responding to the needs of a wide range of users, and so have the potential to fill the gap³⁶.

Indeed, as set out in the IFLA-UNESCO Public Library Manifesto, public libraries have a key mission to make the bridge between legal information and people³⁷, be it in the US, Pakistan³⁸ or Zimbabwe³⁹, or even in China where they have a legal obligation do so do⁴⁰.

Finally, there are also examples of wider partnerships, such as the Michigan Solutions on Self Help Task Force, which brings together law and public librarians with judges, courts, lawyers, legal aid programs, bar associations, self-help centres, and social service agencies⁴¹. Similarly, the LegalAve initiative in Alberta, Canada, was the result of cooperation between librarians, social workers, police, women's shelter staff, lawyers (legal aid and private), judges, court workers, and legal clinic staff⁴².

A particularly long-standing example has been the Legal Advice and Information Centre run by the State Library of New South Wales in Australia, which is almost 30 years old. This went from providing ten public libraries with specialised collections to a combined online presence and

³⁴ Patrice Jones (2018)

³⁵ Applebaum et al (2015)

³⁶ Mancini, Laura (2016) *The Michigan Legal Help Project and the Role Libraries Played in Approving Access to Justice*, <http://library.ifla.org/id/eprint/1407> (p2)

³⁷ Musemburi (2016) (p1)

³⁸ Anderson (2016) (p4)

³⁹ Musemburi (2016) (p1)

⁴⁰ Liu (2019) (p6)

⁴¹ Ibid (p2)

⁴² Aippersbach, Carole and Moore, Katy (2015) *Reaching the diverse public of Alberta, Canada: How law librarians helped fill a gap in legal information delivery and access to justice through an innovative and collaborative new website*, <http://library.ifla.org/id/eprint/1250> (p9)

training offer for public librarians, with 89% of public libraries having signed service agreements by 2016⁴³.

Recognising both the needs of people looking for access to justice, and the public librarians who would be expected to help, there has been a strong focus on maintaining relationships over time and using feedback to improve materials, and everything from merchandise to events to build a sense of belonging.

Another example comes from Croatia, where a Centre for Inter-Library Cooperation and Development of Local Practice was set up thanks to collaboration between public, university and law libraries. This not only looked to help citizens and businesses who lacked information, but also tourists visiting the country, and builds on a strong sense of the uncertainty people face in changing times⁴⁴.

Across the different type of library offering support, a number of particular types of service appear to be relatively common.

A basic step is providing help to fill in forms, including providing automated forms where appropriate, or access to non-automated ones⁴⁵. Increasingly, with government functions going online, access to public computer terminals also makes a difference, with some projects boosting the offer of public internet access points⁴⁶.

A number of collaborations have led to the development of handbooks and other materials designed to share knowledge and facilitate access. Given the breadth of different resources available, simply bringing information together into a one-stop-shop can prove valuable⁴⁷. Particular tools include legal research handbooks for non-lawyers, dedicated websites for self-represented litigants⁴⁸, or for immigrants⁴⁹, glossaries⁵⁰, bite-size and mobile friendly materials which are easy for users to understand⁵¹, information sheets on administrative procedures⁵², tutorials and outreach⁵³. Nonetheless, it appears clear that technology alone cannot solve everything, and there is always value in having a ‘human’ option⁵⁴.

Collaboration between different actors – and in particular between different types of librarian – can also make it possible to develop training on how to use information (both among users and staff⁵⁵), as is the case for example in the GOALI initiative⁵⁶. This can be particularly true when trying to use legal databases which can seem overwhelming for newcomers⁵⁷, including public

⁴³ Scarf, Philippa (2016)

⁴⁴ Bačić (2016)

⁴⁵ Jones et al (2015) (p4)

⁴⁶ Peruginelli (2019) (p8)

⁴⁷ Jones et al (2015) (p4)

⁴⁸ Mancini (2016) (p3)

⁴⁹ Peruginelli (2019) (p8)

⁵⁰ Ibid (p11)

⁵¹ Aippersbach et al (2015) (p7)

⁵² Peruginelli et al (2019) (p8)

⁵³ Anderson (2016) (p6-7)

⁵⁴ Liu (2019) (p9)

⁵⁵ Mancini (2016) (p5)

⁵⁶ Kanis (2014) (p3)

⁵⁷ Jones et al (2015) (p7)



librarians who may not always otherwise benefit from much support otherwise⁵⁸. This training can also cover issues like how to help clients in distress,

In some cases, pathways for information seekers have been set up, adapted to typical users approaching services for support but allowing for a holistic approach engaging other partners as necessary⁵⁹. Meanwhile, the Arthur Neef Library in Detroit has developed a protocol according to which information seekers are invited for an interview in order to understand better what they need⁶⁰. The same library has also established links with medical librarians in order to help when care-givers are seeking information.

Conclusion: Accelerating Access

Looking across examples involving different types of libraries, in different parts of the world, the potential of libraries to contribute to access to justice through access to information seems clear. The examples shared come only from papers presented at IFLA's World Library and Information Congress, and many other efforts are taking place. There is plenty to build on, and – hopefully – realise ever more fully the promise of libraries and information in promoting the rule of law.

A number of lessons on how to design efforts in this direction, providing access to information as a pre-condition for access to justice, have already emerged from the examples provided above.

An initial priority will always be to maintain a sense of realism – libraries cannot substitute for lawyers or judges, but can help ensure that the latter are better able to do their jobs.

A focus on partnerships seems key, drawing on the different strengths of each institution involved, and based on ongoing support and sharing of expertise and feedback. This can, in particular, help deliver training that overcomes concerns or discomfort among public librarians, as well as making clear what is and is not possible. In turn, the examples shared underline what can be gained for the legal system as a whole by investing time and effort into working with and through libraries.

Resourcing is also important, and is an issue repeatedly raised by those who have run and studied access to law programmes. Clearly once resources are present, innovative approaches can make them go further, but cannot be a substitute for the support needed for staff and adapted resources in the first place, or to pay for libraries to have strong enough internet connections or to be accessible.

Further effort to promote free and open access to legal information, from laws to commentaries⁶¹, is also important in order to keep costs down for public libraries, as well as to support the legal profession itself. Linked to this are questions about copyright and consumer laws which can – if properly drafted and applied – allow for affordable access and free up resources for outreach work⁶².

⁵⁸ Musemburi et al (2016) (p5)

⁵⁹ Aippersbach et al (2015) (p10)

⁶⁰ Applebaum et al (2016) (p4)

⁶¹ Jones et al (2015) (p5)

⁶² Ibid (p8)



Libraries themselves need to communicate their offer. While they may already have connections into marginalised communities, all relevant extra efforts should be made to reach out to those whose need may be greatest. The same readiness to adapt to readers should continue to apply to wider service provision and even spaces.

With these in place, there is every reason to expect libraries to be able to fulfil their mission to promote literate, informed and participatory societies.

Bibliography

Aippersbach, Carole and Moore, Katy (2015) *Reaching the diverse public of Alberta, Canada: How law librarians helped fill a gap in legal information delivery and access to justice through an innovative and collaborative new website*

Anderson, Brian D. (2016) *Meaningful Access to Information as a Critical Element of the Rule of Law: How Law Libraries and Public Libraries Can Work Together to Promote Access*, <http://library.ifla.org/id/eprint/1376>

Applebaum, Beth and Bissett, Jan B. and Lalonde, Michelle M. and Samson, Michael and Thomas, Virginia C. (2016) *Bringing Law to the Community: Facilitating Access to Justice in Metropolitan Detroit*, <http://library.ifla.org/id/eprint/1369>

Bačić, Edita (2018) *Neutrality versus Proactivity in Libraries During Turbulent Times*, <http://library.ifla.org/id/eprint/2209>

Chadha, Ravinder Kumar and Rai, Priya and Akash, Akash (2014) *Transformational Role of Law Libraries in Access to Justice in India: Time to Act Locally and Think Globally*, <http://library.ifla.org/id/eprint/1044>

Garrido, Maria and Wyber, Stephen, (ed.s) (2017) *Development and Access to Information 2017*, IFLA <https://da2i.ifla.org>

Hanh, Le Thi (2013) *Open access to official and authenticated legal information in Vietnam*, <http://library.ifla.org/id/eprint/201>

Jones, Yolanda and Ilako, Caroline (2015) *Dynamic Law Libraries: Access, Development and Transformation in Africa and the United States*, <http://library.ifla.org/id/eprint/1120>

Kanis, Liesbeth (2014) *Global Online Access to Law (GOAL) to Further Sustainable Development*, <http://library.ifla.org/id/eprint/1045>

Liu, Joan Lijun (2019) *Helping Legal Aid Providers and Vulnerable Communities Access Law in China through a Robust Legal Information Service System*, <http://library.ifla.org/id/eprint/2444>



Mancini, Laura (2016) *The Michigan Legal Help Project and the Role Libraries Played in Approving Access to Justice*, <http://library.ifla.org/id/eprint/1407>

Musemburi, Darlington and Nhendo, Collen (2016) *“Information literacy for all”: Interfacing academic and public librarians in developing a legal information literate society in Zimbabwe*, <http://library.ifla.org/id/eprint/1383>

Narayan, Uma (2013) *Indian initiative to provide free access to authentic legal information*, <http://library.ifla.org/id/eprint/203>

Patrice Jones, Yolanda (2018) *Florida A&M University College of Law – The Special Access to Justice Mission of an HBCU*, <http://library.ifla.org/id/eprint/2162>

Peruginelli, Ginevra and Fioravanti, Chiara and Romano, Francesco and Conti, Sara (2019) *Access and knowledge of the law: supporting migrants in understanding law*, <http://library.ifla.org/id/eprint/2445>

Scarf, Philippa (2016) *Free, online and in your public library: delivering legal information to the community*, <http://library.ifla.org/id/eprint/1373>

Scotese, Ariel A. E. and Sayward, Jacob and Scholtz, Nina E. (2019) *GOALI Goes to Johannesburg – Training and Outreach in South Africa for Research4Life’s Global Online Access to Legal Information Program*, <http://library.ifla.org/id/eprint/2446>

Van Snellenberg, Richelle and Horváth, Edit (2017) *Global Online Access to Legal Information (GOALI) – A New Legal Training Resource for Developing Countries*, <http://library.ifla.org/id/eprint/1680>