Centers for the access to justice in Argentina

IMPACTS AND OPPORTUNITIES TO BRIDGE THE GAP IN THE ACCESS TO JUSTICE

ACIJ por la igualdad y la justicia
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INTRODUCTION

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Introduction

Argentina is still affected by important challenges in the access to justice and the effective enjoyment of rights. Different situations of differentiation and segregation impose limits and obstacles for the exercise of social, political, cultural, and civil rights. Thus, inequality remains at the core of structural problems in our country and negatively impacts the quality of our democracy.

Although inequality is a historical problem in the country and the region, most social and economic indicators from previous years show a significant decline in the life conditions of the Argentine population. Social inequality has increased, while social protection, labor, and healthcare have weakened in some aspects –e.g. the levels of poverty and indigence in childhood, and extremely weakened in the context of the global pandemic.

To ensure that access to justice is developed by promoting conditions of equality, it is necessary to have institutions and mechanisms that contemplate those structural aspects which create unequal living conditions in our society. Acknowledging the specific forms of vulnerability, and the way in which differential effects intersect with one another, is the starting point to instrumentalize effective mechanisms for the access to rights, in general, and to justice, in particular.

The complexity of developing a nation-wide public policy for the access to justice in a federal country must be added to this equation. Although the research for this project was focused on a single policy at the federal level, the presence of these devices in all forums and venues requires taking into account the specific challenge imposed by the multiplicity of municipal and provincial offices and bodies with overlapping purposes and services. This means that articulation and cooperation among all of these state and non-state actors is fundamental to allocate resources more rationally, and to prevent the existence of vacant needs and services.

Generally, there are few public policies and territorial and administrative devices, as well as devices to access information on rights and public resources, which have sought to secure an effective access to justice. One of them is the Center for the Access to Justice

(CAJ) policy implemented by the Ministry of Justice and Human Rights (MJHR). Although in different formats according to each Administration, the policy has been implemented by different government authorities, thus constituting now a federal network of primary legal services.

The CAJs are territorial devices which seek to expand legal aid services and improve access to justice of underprivileged communities. Although it is one of the core policies for the decentralization and federalization of the access to justice, there no current studies assessing its effectivity and scope, or analyzing its strengths and challenges. Thus, this report aims at describing and assessing the performance, impact, achievements and pending issues of the CAJ policy. Consequently, the substantial contribution of this research is given by the systematized information, and the analytical and propositional dimensions.

We carried a quali-quantitative, descriptive, cross-study, triangulating methods and primary and secondary sources. We characterize and describe the information available about the CAJs, against a normative standard, comparing the level of fulfilment of the aims established in the resolution which created them to the level of implementation of these aims (ex-post external assessment).

The policy will be analyzed from a historical point of view, addressing the different intervention schemes throughout time, with a detailed description of its organizational structure, articulation and derivation dynamics with other government organs; as well as analyzing the demands of the communities and the responses given to these demands. Moreover, there will be a series of recommendations and proposals to advance a comprehensive policy for the access to justice, which includes specific intervention mechanisms on structural inequalities faced by the most vulnerable communities.

Finally, attentive to the type of proposed objectives, the report is aimed at two potential audiences. On the one hand, it can be read at an international level by those people who pretend to develop these type of policies aimed at guaranteeing the right of access to justice and providing legal empowerment to communities. The chapters on the development of the policy and the way in which the consultations are approached allow a general diagnosis of its implementation. On the other hand, the study also has specific chapters on the institutional organization, the way in which the CAJs respond and recommendations that can be read by those people who at the local level can make decisions about the future of policy and its eventual articulation within the framework of a desirable “national system of access to justice” in Argentina.

02

PRELIMINARY CONSIDERATIONS

02

Preliminary Considerations

— a. Background

Ensuring legal equality for all citizens is a core principle and a promise of democracy. However, it is an indisputable fact that, in practice, access to justice is not a right that is equally ensured, given that many members of society must face a series of obstacles and barriers to exercise this right effectively. Likewise, the legal and social issues raised by this are not randomly distributed among the population; they rather tend to concentrate on individuals and social groups in vulnerable situations.[1] This correlation between the diverse forms of vulnerability and the experiencing of legal issues has been detected in several studies conducted throughout the world, regardless of their methodological and conceptual differences.

These historical and structural deficits of our democracies force us to reintroduce a debate around the specific ways in which States propose to ensure the realization of rights, and not just the mere fact of individuals being right-holders. This is why a comprehensive policy for the access to justice should include specific programs and mechanisms, given that "the effect that structural barriers cause on different population segments requires them to be compensated by instruments aimed specifically at each type of necessity" (Programa de las Naciones Unidas para el Desarrollo [PNUD], 2005, p. 20). This is of key importance, given the high impact that these problems have on the life prospects and trajectories of the individuals who experience them. In the Unmet Legal Needs Survey published by the Ministry of Justice and Human Rights in 2017 and 2019, 7.,4% of the population expressed

1 "Vulnerable people are defined here as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognised to them by law." (Brasilia Regulations Regarding Access to Justice for Vulnerable People, 2.1).

that their legal issues affected them in different ways.[2] In this sense, legal issues impose strong conditionings on daily life, having economic, social, and legal implications; and even affecting physical, mental, and emotional health. Additionally, it must be noted that negative effects may not only be individually experience but can also affect family and group members, thus having a collective dimension.

Apart from this, legal issues and legal needs tend to cluster[3] and deepen one another; thus, experiencing one can lead to immediately and directly experiencing the other. They can also be simultaneous, given that "some problem types arise from similar sets of circumstances or are associated with the same demographic factors." (Pleasence, 2019, p. 33), because of the links between justiciable problems and wider social, economic and health problems" (p. 125). This is why a public policy aiming to act on this circle, which reinforces, multiplies, and deepens the experiencing of problems by the most neglected communities, must be designed to intervene where appropriate, in order to avoid conflict escalation and reproducing inequality

On the other hand, these historical failures in ensuring an effective realization of equal rights is partially reflected by the legitimacy crisis of traditional democratic institutions in the last decades. In this sense, the judiciary is one of the institutions with the lowest approval rating and social trust in Argentina. For example, data from the 2017 National Survey on Unmet Legal Needs (ULNS/ENJI) showed that 64.8% of the individuals who were surveyed answered "very little" or "not at all" to the following question: "Do you believe the judiciary is set to solve the real problems of people like you?". They also rated at 4 points (out of 10) the performance of judges in matters such as their availability to solve the problems of individuals (regardless of the social and economic differences among those who turn to them), their willingness to investigate corruption cases and other crimes, their sensitivity towards people's problems, or their respect for rights and freedoms.[4] This process of delegitimation of the judiciary in its role of managing social conflicts poses

2 This numbers increase in the case of two vulnerable groups: 77.4% of individuals in structural poverty situation, and 90.8% of persons with disabilities (ENJI, 2017).

3 "The impact of justiciable problems also contributes to the phenomenon of problem clustering; which is the increased tendency of particular justiciable problems to co-occur when more than one problem type is experienced" (Pleasence, 2019, p. 34). See Pleasence et. al., 2014 on the additive effects of legal problems.

4 Unfortunately, the module for questions related to perceptions was not repeated in the 2019 ULNS/ENJI. About this issue, see also: ACIJ (2013a) "general perceptions on the functioning of the Judiciary were negative. Two thirds agreed that the periods for the resolution of judicial cases are too long. At the same time, four out of five agreed that wealth and power condition the results of judicial cases –leaving poor people at a disadvantage-, and that courts protect either very little or nothing at all the rights of the population."

specific challenges. One example is the greater inaction by the population when facing a problem, or the population solving problems directly and individually, or even turning to family and friends for help. The objective and subjective costs of going to court are becoming greater, while their responses are becoming less satisfactory and effective.

Thus, as part of the practical challenges and conceptual debates of the last decades, the development of instruments and programs necessary to promote an effective enjoyment of the right to access to justice is an obligation of the State which does not involve the Judiciary exclusively. Of course, this does not mean that judicial reforms are necessary to strengthen the capacity, resources, and accessibility of all organs and processes which take part in the administration of justice, even though they are insufficient. A comprehensive policy on the access to justice must not be circumscribed to improving professional legal advice or public defenders, decongesting court dockets, or effective conflict solving in courts. It must, however, broaden its horizon and include a whole range of mechanisms (legal, administrative, or other) aimed at preventing and solving the legal problems affecting people's lives.

Implementing a comprehensive policy for the access to justice (not focused exclusively on legal dynamics, devices, and actors) is much more relevant in increasingly complex and challenging social, economic, political (and even sanitary) contexts such as the current ones. In other words, it implies articulating different instances, such as coordinating with civil society organizations, strengthening citizen empowerment and self-management, and articulating with legal and administrative management areas; thus reducing or eliminating the obstacles to the effective enjoyment of rights by the population. Similarly, it requires intrastate articulation mechanisms which promote cooperation among different federal, provincial, and municipal bodies and devices. This requires a constant pondering of strategies, institutional designs and mechanisms, and the answers provided by the Government to reduce access to justice gaps. Ultimately, the complexity (but also the transforming potential) of the CAJ policy lays in its deployment as a specific public service, as well as a mechanism designed to intervene on the increasing social inequalities of the Argentine society.

— b. State of the Art: Studies and Research

Except for the studies that will be briefly mentioned in this section, legal needs and policies for the access to justice have been scarcely explored in our country. In fact, until 2017 systematic research was mostly developed by civil society organizations as opposed to the Government.

The first study on the issue was "Legal Aid Services in the City of Buenos Aires", published in 2001 by CELS and the Office of the Ombudsman of the Autonomous City of Buenos Aires. Within the context of the decline in economic and social indicators, the study was aimed at a socio-anthropologic analysis of the performance and the organization of the legal aid services in the City of Buenos Aires, based on a series of qualitative and quantitative interviews conducted in five legal aid offices in the City of Buenos Aires which provided legal advice and court representation as a public service. One of the conclusions of the study claim that: "The Constitution of the City of Buenos Aires ensures access to justice for all its citizens without any economic or financial restriction. Nevertheless, it cannot be claimed that this right is ensured in explicit policies. This service is rather provided by different offices of the different branches of the Government, as well as universities and bar associations. As they are not part of a specific unified policy, each service depends on the institution providing it. This, in turn, results in imprecisions and a lack of clarity in the criteria employed to determine the scope of beneficiaries of the services; that is to say, in which circumstances could this right be claimed. These services were historically conceived as a tool to ensure the access to justice for individuals without financial resources; however, "poverty" is a relative category, the scope of which varies among different socio-economic times." (Defensoría del Pueblo de la Ciudad, p.79-80) [Unofficial transalation].

The second study on the issue was "Necesidades jurídicas insatisfechas: Un estudio en el Partido de Moreno" ("Unmet Legal Needs: A Study in Moreno District") published in 2004 with the support of the Center for the Implementation of Public Policies for Equality and Development (CIPPEC). Based on a mixed methodology (quantitative and qualitative survey), this study aimed at "identifying the amount and type of legal problems of the population in Moreno District, Province of Buenos Aires, the answers given to these problems, the relationship with their lawyers, and which are the obstacles preventing the access to institutional justice mechanisms to prevent and solve conflicts." (Bohmer et al, 2004, p.1). From a quantitative approach, a survey on 200 families (family unit of analysis, as opposed to individual) was conducted based on a questionnaire of 145 questions which included matters related to the problems of two vulnerable social groups: migrants and population in "prisons, police stations, psychiatric institutions, institutions for minors, reformatory schools, or nursing homes." Among these, a group of people was selected for semi-structured interviews (qualitative approach). Some of its key findings were:

- Surveyed families had an average of 11.37 legal problems.
- 69% of the families did not access the services of a lawyer, even though they considered their problems to be serious.
- 98.55% of legal needs were unmet. That is, only 1.45% of individuals with legal problems were able to access the legal services of a lawyer.

- The main barriers for low-income sectors are: "the lack of financial resources to afford hiring a lawyer, ignorance of the laws, lack of information on pro bono legal services, not seeing legal channels as a means to address some of their problems, the lack of trust in judicial processes as problem-solving mechanisms, among others." (Bohmer et al. 2004 p. 3).

A third study is *"Sectores populares, derechos y acceso a la justicia. Un estudio de necesidades jurídicas insatisfechas"* ("Low-income Sectors, Rights and Access to Justice") published in 2013 by the Civil Association for Equality and Justice (ACIJ). The study consisted in 603 in-person surveys to populations in areas with a high level of unmet legal needs (ULN) in four urban centers (City of Buenos Aires, Greater Buenos Aires, Neuquén, and Santiago del Estero). The aim was to register and analyze perceptions and experiences related to what was termed "Significant Legal Events".[5] Some of the key findings were:

- More than 80% of surveyed individuals claimed not having experienced a legal problem in the last 3 years, while "only 50% answered not having experienced any situation 'where their rights could have been affected'", which "shows a broader recognition of issues involving rights which are not linked in all cases to a legal component."" (ACIJ, 2013:45).
- With regard to the issues or problems experienced, 48% of surveyed individuals claimed having difficulties in the access to public services, 32% to healthcare services, and 21% had employment-related problems.
- With regard to the level of impact, 4 out of 5 individuals claimed having been affected by the identified issue.
- Finally, a high level of inaction was registered: more than 43% of surveyed individuals answered not doing anything to try and solve the problem.

The fourth study is "Estudio exploratorio sobre acceso a la justicia en la localidad de Sanagasta (provincia de La Rioja)" ("Exploratory Study on the Access to Justice in Sanagasta Town (La Rioja Province)") published in 2016 by the Institute for Comparative Studies in Criminal and Social Sciences (INECIP). This study aimed to build "a diagnosis of conflicts in the town of Sanagasta, in order to determine the problematic situations faced by the community, the institutions which provide services, and the community justice leaders

5 These were defined as "situations in which the rights of one individual, or a negative legal situation related to him/her, has been or could be modified by interacting with other people or public institutions; and, as a possible consequence, the enjoyment of those rights, or the relevant legal situation, could improve or worsen as a result of that interaction." (ACIJ, 2013a p. 5) [translation].

present in that area." (INECIP, 2016, p. 4). The study aimed at producing data to contribute to the design and the implementation of a device termed "House of Justice" that will satisfy specific needs and demands of that population. For that aim, a needs survey was applied to a sample of the town's population, and public institutions offering advice and support for the exercise of rights were analyzed. Justice operators within those institutions were also interviewed. Among the key findings of the study, the following are worth mentioning:

- The vast majority of problems that arose were in the following areas: housing, health, security, habitat, family, education, and employment.
- There is a high level of inaction: 38% of the surveyed individuals who claimed to have experienced a legal need did nothing to try and fulfill it.
- 70% of the surveyed individuals affirmed this had a high or medium impact.

Even though these studies were made on a diverse definition of universes, scopes, and aims, it is notable that each one of them shows the pertinence and permanence of obstacles which hamper the effective exercise of the right to access to justice. Additionally, they allow us to observe that the main problems faced by the population have not changed throughout a decade. This confirms that, despite the policies already implemented, there is still much work to do to strengthen this policy and maximize its impact.

Finally, in 2017 and 2019, the Federal Government published two Unmet Legal Needs Surveys, drafted by the National Direction for the Promotion and Strengthening of the Access to Justice (NDPSAJ/DNPFAJ) within the Ministry of Justice and Human Rights, in collaboration with the University of Buenos Aires Law School. The central goal was to build "data that will serve as a basis for designing policies and programs which can contribute to the improvement of the access to justice of the general population, and of the most vulnerable groups, in particular." (MJHR, 2019, p. 7). The first one consisted of a survey applied to 2800 individuals over 16 years old, residing in all Provinces and the Autonomous City of Buenos Aires, which included 3 subsamples of specific population segments (individuals in structural poverty situations, individuals with disabilities, and indigenous populations). For the second survey, the general population segment was marginally extended, including 3000 individuals, replicating the size of the subsamples of the first edition. Even though the detailed analysis of the surveys will be addressed in Chapter IV, it is worth noting here that this kind of research had numerous predecessors across the globe (in the United States, the United Kingdom, Australia, Canada, New Zealand, Venezuela, and Chile, among others). On a regional scale, it is worth mentioning the case of Colombia, based on the study developed by the National Planning Department (2016), and that of Chile, based on the study developed for the Ministry of Justice of the Government (2015).

Additionally, in 2019, the Ministry of Justice and Human Rights, together with the Argentine Social Debt Observatory of the Catholic University of Argentina (MJHR & UCA, 2019) carried out a study linking the different dimensions of the access to justice with a set of indicators accounting for social inequalities and poverty. A survey was conducted on 5722 homes located in three conglomerates across the country. The survey inquired into the experiences of the population when facing a legal challenge or need, their access to information, adequate assistance, and institutional resources to solve or meet them. The study also contains a specific analysis of the situations faced by victims of crimes and, specifically, victims of gender-based violence. Among the key findings, the following are notable (2019, p. 5-9):

- 19.9% of surveyed individuals answered that someone in their family or themselves had faced a legal problem;
- Women are more exposed to family problems or conflicts, and to problems in the area of social rights;
- Almost 70% of surveyed individuals sought help or turned to an institution to try and solve the problem, 22% did nothing, and almost 8% tried to solve the problem on their own;
- 69.8% of surveyed individuals who had a problem that was difficult to solve and that may lead to legal problems sought help or turn to an institution;
- 61.8% of surveyed individuals claimed to be unsatisfied or highly unsatisfied with the results (this included those who managed to obtain some sort of advice).

As can be observed, the antecedents of this research are fundamental to analyze the different legal problems and needs faced by the Argentine population, the prevalence of the issues they refer to, the common responses they received, and the results obtained. Although these studies set the foundation for a complete picture about this type of legal needs, there are still some challenges to improve the impact of their conclusions which will be analyzed in the following chapters.

In order to understand and assess the policy for the access to justice, it is necessary to have not just a baseline on the existence of legal problems and needs, but also to be able to articulate this diagnosis with the Government responses throughout time, as well as to incorporate into the analysis their impact on the demands of the population.

This would be the only way to design reforms sustained by a comprehensive view of the access to justice and unmet needs situation; and, especially to intervene on the barriers and obstacles faced by the most vulnerable sectors of the population.

— c. Preliminary Definitions

As mentioned in the previous section, some key concepts of this analysis have received different definitions. They are, like many other cases in the field of social and legal sciences, terms without a unique meaning, and which have received a different treatment in related literature. However, even if they are concepts with "elusive" and "contested" definitions, there is no doubt of the great level of consensus in their operationalization in empirical research (Pleasence, 2016). Even though this is a new disciplinary field, with ongoing theoretical and methodological debates, we will address the main disputes around some of its definitions, and clarify which proposals and meanings will be used for this study.

i. Legal Problem

Although the different research and studies on legal needs have not employed the same definition on what constitutes a legal problem, they generally agree on three key components. First, they do not exclusively refer to those problems requiring legal advice from a lawyer or the access to judicial circuits or procedures. Second, although related to the previous point, legal problems impact rights and affect life quality. Third, that those individuals who experience them do not always conceptualize them as legal problems (this is why the surveys on unmet legal needs have deployed a series of methodological strategies in order to identify them).[6]

In this sense, the term "legal" problem and "justiciable" problem, as described by Genn (1999), are used interchangeably; they are "problems that give rise to legal issues, whether or not they are perceived to do so by those facing them, and whether or not they lead to the use of legal services or legal processes" (Pleasence et al., 2014; 2015; Pleasence, 2016). Legal problems have been defined in the research and studies mentioned above as:

> (...) experiencing a 'legal problem' or a 'situation in which they felt their rights could be affected in some way'. (ACIJ, 2013a, p.11).

6 Starting from this wider approach, the aim is to identify situations which could potentially lead to legal consequences or solutions, but which are not necessarily identify as "legal problems" by the surveyed population. Some specialists claim that one of the main issues that must be taken into account by the methodologies of these approaches is to avoid over-legalizing the problems and to analytically separate the perceptions of the population form the secondary categorization of "legal needs or problems." (Interview to G.D.).

> (…) a situation which hampers or risks the effectiveness [of a right]. If this is the case, a legal problem exists. (Bohmer et al., 2004, p. 9).
>
> (…) situations or circumstances which affect rights or generate responsibility based on existent laws and regulations, regardless of whether they require the professional intervention of a lawyer. (MJHR, 2017, p. 4).

Ultimately, a legal or justiciable problem can be defined as a situation affecting a right; that is to say, a situation which hampers, prevents, or risks the effectiveness of a right, and whose solution could be linked to a State obligation in accordance with applicable law.

ii. Legal Need

In general terms, a problem becomes a need when there is "a dispute with another party which, at some point, will require the intervention of a third party" (INECIP, 2016, p.7). Thus, two additional elements to the definition of legal problem can be identified in this case: the fulfillment of the right causes some kind of conflict (whether related to the effective identification of the right-holder or its effective realization), and the person facing the problem requires the intervention of a third party (i.e., the person cannot solve the problem by herself).

With regard to the first element, in a study on the access to justice in Colombia, the Center for Law, Justice and Society (Centro de Estudios de Derecho, Justicia y Sociedad) pointed that: "the problem must involve a conflict –a contentious situation between two or more parties- around holding the right or a circumstance which affects the enjoyment of the right" (La Rota et al., 2014, p. 10)[7]. In other words, "it is about a specific situation affecting (individual or group) interests or expectations that other individuals deem as 'illegal' or 'unfair' and for which they blame the other person(s)" (p. 11). On the other hand, with regard to the second issue, Pleasence states that a "legal need arises when citizens (or businesses) require support from legal services (broadly defined) in order to resolve problems which have a legal dimension" (2016, p.1). In this sense, it must be clarified that, in order to be considered a legal need, it is not necessary for a problem to have started a specific action towards reaching a solution by the person experiencing it. Moreover, it does not require seeking legal services, procedures, or access to the judiciary, nor a response or action towards its fulfillment. In fact, although inaction or unwillingness to channel the

7 In the same sense, "Not all legal problems imply legal conflicts, but the need to resolve a conflict is a kind of legal need in which there is opposition, clash or confrontation between one and the other party to the conflict" (p.250). [Translation]

claim (by whatever means) might be linked to the existence of barriers or obstacles of different kinds, this does not necessarily trigger dissatisfaction.

iii. Unmet Legal Need

Regardless of the mechanisms employed to fulfill it, if the individuals facing a legal need do not properly channel it; that is to say, if they do not access the required services of a third party, or if they do not address it efficiently, it would become an unmet legal need. In other words, "... [a] legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice." (Pleasence, 2019, p.24).

Unmet legal needs have also been defined as follows:

> (...) an unmet legal need is satisfied when the individual receives adequate legal services which enables her to access to justice, even though she must later face additional challenges, such as the distance to courts or the financial costs of the proceedings (...) only when the individual does not receive appropriate legal advice do we consider the existence of an unmet legal need. Thus, the existence of unmet legal needs means that individuals do not obtain adequate legal services (...) (Bohmer et al., 2004, p. 9-10) [Translation]
>
> When we speak of 'unmet need' we are concerned about instances where a citizen is unaware that he has a legal right, or where he would prefer to assert or defend a right but fails to do so for want of legal services of adequate quality or supply' (Pleasence, 2016, p. 1).

Ultimately, it implies "a gap between experiencing a legal problem and its satisfactory solution". Including those "which are not solved because the individuals are not aware of their rights or because they are limited to enforce them." (MJHR, 2017, p. 4).

iv. Legal Services

Although, as mentioned above, not all legal problems require the intervention of a third party, it is clear that the effective fulfillment of the right to access to justice is directly linked to the possibility of accessing adequate legal services by those who require them. In this sense, "(...)this does not mean that use of legal services is necessary to ensure access to justice, only that appropriate services are available for those who are unable to achieve otherwise appropriate solutions to justiciable problems" (Pleasence, 2019, p. 24). Moreover, it must be noted that this does not necessarily or exclusively imply legal counseling or representation by a lawyer or attorney; by "primary legal services" we mean

all those mechanisms aimed at neutralizing the objective and subjective barriers faced by an individual in the fulfillment of a legal need. These services may not just imply strictly legal circuits, advice, or tools, but also administrative, psychological, or other. Additionally, including alternative mechanisms for the resolution of conflicts, such as mediation, constitutes a fundamental service to promote instances of conflict management which are not centered on access to courts. In other words, "Legal services are here intended to include lawyers, paralegals and other sources of formal help (including remote and online services) that utilise law and/or formal dispute resolution processes operating within a legal framework to assist citizens (or businesses) to resolve problems which have a legal dimension" (Pleasence, 2016, p. 27).

This is particularly relevant in social and economic contexts marked by historical and structural postponements of large parts of the population. Thus, the fulfillment of some needs which have a great impact on the daily life of many individuals may be linked to primary deficits, such as lack of personal documents, certifications, appointments, which are problems that can be solved by low-complexity administrative services. This is why when referring to public legal services, we do not only refer to those implemented by administrative bodies, but we also include those rendered by community and civil society organizations. In this sense, it is necessary to know their scope and limitations, their structures, goals, coverage, format, and specializations, etc.[8]

Specialized literature points that, in order to maximize their impact, public legal services and devices must fulfill five conditions (Pleasence et al., 2014):

» *Be focused on the most vulnerable sectors of the population*. The very need to create public legal services arises from a market "failure", which means that a group or individuals cannot access legal advice and representation through private legal services.

» *Expand its scope to be able to mitigate physical and geographic barriers*, taking into account the fact that although technological innovations may help, they do not replace the need of in-person legal services, particularly in non-central areas. In this sense, public legal service providers should strive to proactively contact possible users instead of waiting for the individuals to come to them.

8 "Within the broad range of legal services available to the public, there are also broad ranges of forms and levels of service. Some sources of legal help can provide assistance across many areas of law; others with only a narrow set of legal issues. Some are aimed at the general public; others limited to defined groups. Some aim to relieve clients of the burden of dealing with issues personally; others aim to empower clients to deal with issues personally. Some offer comprehensive assistance; others offer unbundled or limited assistance. Some involve payment (with some more and some less expensive); others are free at the point of delivery." (Pleasence et al., 2015, p. 88).

» *Articulate with other public bodies and services.* Given that the existence of legal problems is linked to vulnerability and the experiences of other needs, an increasing collaboration and cooperation between legal services, and between those and other type of service must be encouraged. Not only for resource and time efficiency reasons, but also because addressing a set of related problems leads to better results.

» *Timely intervention* to prevent problems from happening or escalating. Starting from the fact that legal problems may create other new problems, or exacerbate each other (thus reinforcing initial vulnerability), public legal services should intervene as early as possible to prevent or mitigate negative consequences and the increase in costs and time to solve them.

» *Adapt to possibilities and capabilities of the population.* There is not a unique way of rendering legal services that will adapt to every individual; thus, their design should consider the characteristics and needs of the target population group.

v. Legal Service Networks

According to what has been said above, a legal service network should not only include[9] actors which render pro bono legal advice or court representation, but also everyone who has "been established with the aim of facilitating the realization of rights for citizens" (UNDP, 2005, p. 34), including those who provide administrative solutions. These bodies, which act as legal service providers, have different organic affiliations, functions, capacities, and compositions, which complicates even more when the Federal level is added to those who act in the provincial and municipal levels. In this sense, a first distinction could be made in the institutional sphere in which they act, allowing us to differentiate, on the one hand, Government bodies; and, on the other hand, civil society organizations and community institutions.

Another distinction is that the Government, as opposed to other actors who render public services, is obliged to take all necessary steps to ensure the right to access to justice, which includes different level and areas of the state. Some examples in the literature include courts, tribunals, executive powers, mediation and conciliation programs, or specific programs for the access to justice, employment ministries or secretariats,

9 As pointed by the Handbook "Public Policies for the Access to Justice", drafted by UNDP (2005), a network implies, first and foremost, mapping the plurality of actors (from different institutional areas) which provide legal services; and, second, to define scopes for acting, derivation criteria, specialization, and anything which may imply acting systemically and coordinately.

programs aimed at preventing gender-based violence, or protecting children and adolescents, police corps, public defense, Justice of the Peace courts, among others. In this list we have included autonomous bodies which render access to justice services, such as Ombusdpersons.

A second group of actors is composed of human rights bodies, organizations for the defense of rights and against violence, grassroots organizations, churches, and indigenous people's justice systems,[10] among others. In many cases, universities also provide pro bono legal counseling, with the double purpose of strengthening the training of students and providing a public service to the community. In the same way, bar associations foster pro bono legal advice and court representation with varying degrees of obligation (in some countries, this is a public duty).

The plurality of actors and public legal services is a positive trait which allows to expand the offer and thus reduce the possibility for legal needs of the population to remain unmet. However, it should also be considered that these bodies often have different organizational criteria, management goals, competencies, operating guidelines, and systems for receiving and remanding cases, etc. In this sense, in order to maximize the impact of these multiple actors, it is necessary to establish common guidelines and acting criteria, as well as clarifying and institutionalizing coordination and articulation mechanisms, which will enable building a federal network or system of legal services. The combination of different services with a multi-agency and interdisciplinary approach is essential to build a more effective, comprehensive, and coherent response.

vi. Access to Justice

1. Concept

Access to justice can be understood as the factual possibilities to claim for the protection of a legal right by an individual or the capacity to "enforce their rights before the judiciary, this being understood as the exercise of the State's jurisdictional functions, which also includes the intervention of administrative authorities which are competent to solve legal

10 Even though there is an extensive normative framework recognizing the rights of indigenous peoples to administer their own justice, and which obliges the States to respect this specific right when imparting ordinary justice to them; the truth is that, in many cases, government authorities not only do not generate instances for articulation, but are also unaware or ignorant of indigenous judicial systems.

problems (…)" (La Rota et al., 2014, p.27). In this sense, it involves all devices, programs, and mechanisms aimed at promoting the fulfillment of legal needs, whether formal or informal, developed by private actors –including civil society and community devices- or by public bodies. Similarly, it refers to the provision of services to address them, as well as building and strengthening the capacity of the population to solve them by themselves.

Similar to the other concepts described in this section, the definition of access to justice has been disputed. Generally, a strict approach and a comprehensive approach could be identified. The first one, (of a judicial nature) circumscribes the concept to the access to courts, tribunals, and judicial circuits; this is, "reaching the judiciary, thus limiting justice to its judicial aspect" (Estévez et al, 2018, p. 1). According to this viewpoint, the right to access to justice could be said to be fulfilled only when a claim is channeled through a judicial mechanism and has reached a solution within the bodies in charge of delivering justice. As opposed to this, a more comprehensive approach requires knowing and acknowledging "the existence of challenges, obstacles, barriers, conditioning factors, distortions, and/or discretions which place certain people or social sectors unequally with regard to the effective protection of their rights" (2018, p. 2). In this sense, as indicated by contemporary specialized literature, it implies "creating or strengthening all instances, whether government or community, centralized or decentralized, which help to ensure the exercise of rights and that is capable of providing an answer impartially and with integrity, to the demands of the people (…) (PNUD, 2005, p. 16). This implies including all administrative and judicial instances which are necessary for the resolution of conflicts and the fulfillment of legal needs.

Thus, given the fact that access to justice can be defined as the possibilities for all individuals to access the necessary proceedings to exercise all rights recognized by a legal framework, sectoral policies must be incorporated with the aim of compensating or neutralizing "structural economic, social, or cultural obstacles faced by the most underprivileged groups of the population" (PNUD, 2005, p. 14). In sum, access to justice is a concept which refers to "the possibilities for individuals to obtain a satisfactory answer to their legal needs and whose material scope of application is delimited by analyzing the rights of the population and assessing the nature and scope of the public activity, as well as the mechanisms and legal instruments which are necessary for their realization." (INECIP, 2016, p. 6).

2. Access to Justice in International Human Rights Law

There are different international standards on the access to justice deriving from different international instruments. These standards act as a minimum floor, not as a cap, on what

access to justice should be; and they must guide judicial and legislative decisions, as well as government acts. Failure to comply with these standards triggers the international responsibility of the State (Burgos & Ordóñez, in press).

The antecedents of the access to justice in international law are to be found in several international human rights treaties, such as, Articles 8 and 10 of the Universal Declaration of Human Rights; Article XVIII of the American Declaration of the Rights and Duties of Man; Articles 2, 13, and 15 of the International Covenant on Civil and Political Rights; and Articles 8 and 25 of the American Convention on Human Rights, all with a similar definition and scope.

For Judge Cançado Trindade (2013) the direct access to international justice by individuals, as well as the intangibility of the compulsory jurisdiction of international courts, are entrenchment clauses for the protection of international human rights; given the fact that human rights are inherent to the condition of being a human and, as such, are above and previous to the State.

Access to justice in these international instruments appears as effective judicial protection, effective judicial remedy, and due process. Linked at first to criminal law and criminal proceedings, it was later extended to other areas, such as civil and administrative law.

In fact, in the Universal Declaration of Human Rights (10/12/1948), access to justices appears as the right to an effective remedy before competent national courts against acts which violate fundamental rights recognized by the constitution or law (Art. 8), and as the right to be fairly and publicly heard by an independent and impartial court, in criminal matters (Art. 10).

In the American Declaration on the Rights and Duties of Man (Art. XVIII), access to justice appears as a right to justice, circumscribed to the right to claim before courts and tribunals, and as the right to access to simple and brief proceedings against government acts which violate fundamental rights.

In the International Covenant on Civil and Political Rights (Art. 2.3(a), 13, 14 and 15), access to justice appears as the right to an effective judicial remedy against human rights violations.

In the American Convention on Human Rights (Arts. 8 y 25), access to justice is circumscribed to judicial safeguards for accused individuals in criminal proceedings, including the right of appeal.

The Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) have identified four priority topics related to the access to justice and economic, social, and cultural rights: 1) the obligation to remove financial barriers to ensure the access to courts; 2) the elements of due process in administrative proceedings

related to social rights; 3) the elements of due process in judicial proceedings related to social rights; and 4) the elements of an effective judicial protection of individual and collective social rights.

In this sense, the Inter-American System of Human Rights (IASHR) has begun to identify situations of structural inequality which restrict the access to justice for certain segments of society. "In these cases, the IACHR has underscored the obligation of the State to provide free legal services and to strengthen community mechanisms for this purpose, in order to enable these groups that suffer disadvantage and inequality to access the judicial protective bodies and information about the rights they possess and the judicial resources available to protect them." (IACHR, 2007)[11]

The Inter-American Court has established that the real inequality between the parties to a process determines the State's duty to adopt all those measures that make it possible to reduce the deficiencies that make it impossible to effectively safeguard one's own interests. The Inter-American Commission has also noted that the particular circumstances of a case may determine the need for additional guarantees to those explicitly prescribed in human rights instruments, in order to ensure a fair trial. For the IACHR, this includes warning and repairing any real disadvantage that the parties to a dispute may face, thus safeguarding the principle of equality before the law and the prohibition of discrimination (IACHR, 2007).

Additionally, the IACHR understands access to justice as deeply connected to democracy; thus, access to justice appears as a "key to democratic governance."[12]

Moreover, the Bill of Rights for Persons before Justice in the Ibero-American Judicial Area (Ibero-American Summit of Presidents of Supreme Courts and Tribunals of Justice /Ibero-American Judicial Summit) specifically refers to the concept of access to justice.

In this summit, access to justice appeared as related to jurisdictional activities, and effective judicial protection. Access to justice was defined as:

> The right of every individual to access and promote the activity of the bodies in charge of rendering the public service of justice administration, with the aim of obtaining judicial protection of their rights through a prompt, comprehensive and impartial solution
>
> (...) We reaffirm that the right to access to justice is a fundamental right of all individuals and an

11 Inter-American Commission on Human Rights (2007) OEA/Ser.L/V/II.129. Doc.4; Access to Justice as a Guarantee of Economic, Social, and Cultural Rights. A Review of the Standards Adopted by the Inter-American System of Human Rights. Executive Summary. para. 9

12 Comisión Interamericana de Derechos Humanos (junio 2007), OEA/Ser.L/V/II. Doc 68; Acceso a la justicia: llave para la gobernabilidad democrática, OEA Secretaría General, Washington DC

> essential instrumental safeguard to obtain prompt and effective justice.
>
> (…) Access to justice implies the existence of a wide range of legal, administrative, and cultural instruments, as well as a political and institutional organization offering a wide range of options to realize the rights of every individual.
>
> (…) Access to justice is realized by jurisdictional bodies and other alternative means for the resolution of conflicts." (Bill of Rights, Cancun, 2002, p.2).

The Ibero-American Summit of Brasilia, 2008 is another milestone in delineating the scope of access to justice. There, the 100 rules for the access to justice were consolidated under the document: "Brasilia Regulations regarding Access to Justice for Vulnerable People", in which States are called to promote legislative amendments and to implement public policies with the aim of ensuring the effective protection of the rights of vulnerable individuals, who are the ones facing the greatest challenges in exercising their rights (Brasilia Regulations regarding Access to Justice for Vulnerable People, 2008).

Brasilia Regulations have been incorporated into our domestic legal order by Resolution of the Supreme Court No. 5 (Acordada de la CSJN N° 5), 24 February 2009. Our highest court adhered to the Rules approved by the Assembly of the XIV Ibero-American Judicial Summit.[13] These rules were later restated and extended in 2018.[14]

With regard to legal aid, the first international instrument that mentioned it was the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187). There, the minimum rules for the right to legal aid where established, being this an element of the right to access to justice (UN, 2012).

In this sense, the Human Rights Committee General Comment N° 32 on Article 14 states: "Access to administration of justice must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice."

The Sustainable Development Goals (SDGs) call for the construction of solid and reliable institutions that guarantee peace and access to justice for all. In particular, the adoption of SDG 16.3 recognizes the link between access to justice, poverty reduction and development. There is growing evidence regarding the link between unequal access to justice

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13 In September 2007, by Resolution No. 37/07, the Supreme Court of Justice created the Commission on the Access to Justice, with the aim of promoting the access to justice through alternative means for the resolution of conflicts, reducing litigiousness, and optimizing the administration of justice service. Available at: http://www.cnaj.gob.ar/cnaj/docs/cuadro.jsp

14 Brasilia Regulations Regarding Access to Justice for Vulnerable People (Update approved by the Plenary Assembly of the XIX Ibero-American Judicial Summit, April 2018, Quito- Ecuador). Available at: http://www.cumbrejudicial.org/novedades/item/626-presenacion-informe-reglas-de-brasilia

and other inequalities. The inability to access justice is both a cause and a result of the situations of vulnerability faced by a large part of the population (OECD, 2019).

Based on this, the "Working Group on Justice"[15], made up of member states of the United Nations, international organizations, civil societies and the private sector, developed a series of proposals on how to accelerate compliance with the SDG 16. In addition to working on an action plan for their fulfillment, some of the group's country members adopted two declarations in 2019 on access to justice. By signing the Hague Declaration on Equal Access to Justice for All in 2030, a number of countries around the world established guidelines to advance towards equal access to justice. Subsequently, eight Latin American countries also accepted the Declaration of Buenos Aires on equal access to justice for all in 2030. Both declarations establish that in order to guarantee access to justice for the population, it is necessary to: i) place people and their legal needs at the center of legal systems; ii) solve the problems of justice; iii) improve the quality of people's paths to justice; iv) use justice as prevention; and v) provide people with the means to access services and opportunities.

Access to justice as a human right has been recognized in a number of international human rights instruments, as well as by international bodies and agencies. According to the Inter-American Institute of Human Rights (IIHR), access to justice is "the possibility for any individual, regardless of status, to access justice systems if they so desire (...) access to systems, mechanisms and instances to determine rights and solve conflicts." (IIHR, 2014, p. 167).

The United Nations Development Program (2005) has given a definition of access to justice which implies the exercise of a right and the gaining of satisfactory answers to legal needs without discrimination. It is connected to the factual possibilities for individuals to obtain a satisfactory answer to their legal needs, whether they are fulfilled by judicial or extrajudicial means. Thus, it expresses: "the right of individuals, without distinctions of sex, race, gender identity, political opinion, or religious belief to obtain a satisfactory answer to their legal needs." (UNDP, 20005, p. 7).

Access to justice has been identified here as a "priority element to ensure development, and as a fundamental intervention area to address the issue of poverty (...) intervening on the factors which create or perpetuate poverty" (UNDP, 2005). Thus, this definition of access to justice encompasses more than access to courts.

3. Case-law on Access to Justice

15 https://www.justice.sdg16.plus/report

The discourse on the access to justice is reflected by early judicial decisions. In this sense, Ahumada (2017) considers that, even though the interest in access to justice is relatively new, most of the innovations around the topic came from academic as well as judicial backgrounds. Some of the leading cases on access to justice are from the Argentine Supreme Court: "Ramiro Pelaez c/SA La Superiora" (CSJN, Fallos: 97:135, 1942), "Fernández Arias c/Poggio" (CSJN, Fallos: 19/09/1960, Siri, Angel S (CSJN, Fallos: 239:459, 1957). In these cases, access to justice was linked to the possibility of accessing a judicial body, even before the right was included in the constitution or its scope debated in classic constitutionalism (Burgos & Ordóñez, in press).

In fact, two key moments were identified as the normative reception of the concept of access to justice. One is Argentina's ratification of the International Covenant on Civil and Political Rights in 1986 and of the American Convention on Human Rights in 1983; the other is the constitutional amendment in 1994 with the incorporation of international human rights treaties, according to Article 75.22.

In 2007, the concept gained a strong momentum after the Inter-American Commission on Human Rights published the report Access to Justice as a Guarantee of Economic, Social, and Cultural Rights[16]. This report systematizes normative and judicial standards on the access to justice, and had a great repercussion in the federal as well as provincial levels. In judicial precedents, access to justice appears primarily linked to an effective judicial protection, to ensuring timely and appropriate channels for guaranteeing rights, and to the debate around gratuitousness of justice and the need to incorporate alternative means for the resolution of conflicts into judicial proceedings. With strategic litigation on access to justice, the right becomes more tied to structural or systemic failures, thus arising the social, economic, and political faces of the right.

— d. Social Context. Structural Problems and Crisis

The sanitary emergency triggered by the COVID-19 pandemic generated a global economic slowdown, which in our country not only made visible, but also deepened structural socioeconomic deficits. Before the COVID-19 impact, the National Institute of Statistics and Censuses (INDEC) stated the activity rate at 47.1%, the employment rate at 42.2%, and the unemployment rate at 10.4% (INDEC, 2019; 2020), Additionally, it stressed the persistence of

16 OEA/Ser. L/V/II.129 Doc. 4, 7 September 2007.

high levels of poverty which, in the second semester of 2019 was at 35.5% (more than half of Argentina's children and adolescents in Argentina are poor) and an increase indigence [17].

The cycle of intensification of the crisis which began in 2018 has presented corrosive effects, especially for the productive sector of minor companies, and for the social and informal economy, coupled with a consumption retraction associated to a deterioration in purchasing power for the whole population. This scenario was coupled with a massive debt-taking policy in 2019 and the consequent debt renegotiation agenda carried by the Government in parallel to managing the effects of the pandemic.

As can be seen, Argentina already faces great challenges linked to economic development and structural inequalities. Forecasts, even before the COVID-19 crisis, anticipated a greater recession, and a generalized loss of economic capacity. However, its effects were not minor: the high proportion of low-skilled informal or temporary employment caused vast sectors of the population to be excluded from the protection of a formal employment relation, and had to face an unprecedented sanitary crisis in a context where their income were already deeply affected; thus sending new groups of the population into poverty. This scenario evinced the importance of having a Government that would intensively intervene, creating a healthcare system capable of managing the sanitary consequences of a global pandemic, as well as designing and implementing prompt and effective policies to mitigate social and economic damages.

On the other hand, even though this is a global crisis, its impact on the population was not homogeneous. Certain conditions of vulnerability caused by a lack of access to essential rights, such as adequate housing, fresh water, formal education or employment, among others, impacts the most on certain groups of the population. For example, inadequate housing makes it impossible to comply with safe physical distance recommendations within cohabiting family units; the lack of access to basic utilities (such as fresh water) and to cleaning and disinfection products makes it difficult to comply with the required hygiene and sanitation recommendations; restricted access to healthcare service and the great impact on financial resources, combined with the presence of serious health indicators and the prevalence of underlying diseases, increase the probability of a negative prognosis for those who might get infected.

Additionally, we should mention other factors which express inequalities and constitute obstacles against the effective enjoyment of rights. The digital gap is one of them (both

17 According to data of the Argentine Social Debt Observatory of the Catholic University of Argentina (OSDA-UCA), in the third trimester of 2019, the rate of indigence reached the highest level of the decade.

in terms of access to technological devices as well as limited connectivity capacity). This has a severe impact on the possibility for older individuals to adapt to the diverse forms of remote work, and for children and adolescents to continue with their education remotely from their homes.

Even though the Argentine Government responded promptly to the sanitary crisis with a package of programs and benefits aimed at mitigating the impact caused by the pandemic and the lockdowns on the most vulnerable socioeconomic groups, their effects proved to be only palliative. The most dramatic expression of this accelerated precariousness were the social processes of land occupation in different places throughout the country, with the consequent increase in social tension, the escalation of conflicts, and repressive police responses.

Thus, in spite of preventive intervention measures taken by the Government, there is a clear deepening of structural social and economic inequalities for great population sectors. Recovery would require "(…) multidimensional and coordinated responses leading to recovery, with an emphasis on sustainable development and the protection of rights, aimed at the most vulnerable population." (UN, 2020, p. 3).

Ultimately, government presence in a post-pandemic scenario, where the CAJs could play a relevant role, will be key to manage conflicts in such a way as to deter escalation and to provide a response to the negative impacts caused on the most vulnerable populations.

— e. Access to Justice Barriers in Argentina

As defined in Chapter III.iv, the right to access to justice does not only encompass the possibility of accessing courts for the solution of certain problems, but is also defined as the possibility for every individual to access to the proceedings necessary to realize all the rights recognized in a legal framework. Consequently, specific policies must be implemented to eliminate structural barriers which prevent certain groups from accessing institutionalized mechanisms for the resolution of conflicts and obtaining an effective response. Guaranteeing this right involves multiple devices, programs, and mechanisms aimed at promoting the fulfillment of legal needs, providing services to address them, and building and strengthening the population's capacity to address them by themselves.

Intersectionality must be taken into account when realizing the right to access to justice. This implies acknowledging the existence of intertwined forms of inequality which affect certain people and collectives in a differential manner. In this sense, the difficulties in accessing justice can be affected by multiple factors, such as gender, ethnicity, nationality, age, social and financial status, migration, health, etc. Institutions must acknowledge the differential impact on certain groups, and take specific measures in order to mitigate

that inequality; thus expanding access to justice to all the population. For this purpose, it is necessary to have a diagnosis on the incidence of legal problems and socioeconomic conditionings, as well as surrounding inequality factors.

There are multiple barriers for the realization of the right to access to justice in Argentina, which impacts in the possibility of realizing other rights and prevents the population from obtaining a satisfactory response to their legal needs. The Centers for the Access to Justice have been created as territorial and administrative devices for the access to information about rights and as public resources to solve legal problems, ensuring an effective access to justice for individuals in social and financial vulnerable situations.

This section will describe a series of approaches on the main barriers which prevent the access to justice. A diagnosis of these characteristics is necessary to think about the problems that must be taken into account by a policy for the access to justice.

In this sense, the chart below depicts a categorization of the barriers faced by individuals seeking to access to justice. This proposal takes into account different concepts, terms, and methods to operationalize the analysis dimensions arising from the different documents reviewed and the interviews conducted during the research stage.

Methodological proposal for an operational and conceptual definition of barriers to access to justice

Access to Justice Barriers	Conceptual Definition	Operational Definition
GEOGRAPHICAL AND PHYSICAL BARRIERS	Physical or geographical impediments which make it difficult for individuals who live in areas far from urban centers to access justice services or other formal management conflict mechanisms.	Measured in distance to courts, or centers for the access to justice, or process management administrative bodies. Existence of ramps or elevators. Impossibility to access by public transportation.
FINANCIAL BARRIERS	Financial or economic barriers which prevent access to justice services. Lack of a gratuitous justice approach,[1] exemption of court's fees, applications to proceed in forma pauperis, waiver of court experts' fees, travel and accommodation expenses to attend conflict resolution institutions.	Costs to access justice services. Direct expenses, including attorneys' fees, court fees, sealing fees, and indirect expenses (per diem, travel, employment leave day, etc.)

ADMINISTRATIVE, BUREAUCRATIC OR INSTITUTIONAL BARRIERS	Difficulties caused by the institution linked to the excessive time it takes to provide a response, excessive formalism, lack of articulation.	Administrative and formal barriers. Lack of articulation between bodies. Lack of longitudinal tracking of cases.
LANGUAGE, CULTURAL OR SYMBOLIC BARRIERS	Obstacles faced by certain groups for not knowing majority-cultural codes.	Lack of adapted content. Lack of a clear language. Lack of language-sign interpreters, and lack of indigenous languages translators and interpreters. Lack of social model of disability approach.
KNOWLEDGE/ INFORMATION BARRIERS	Difficulties in identifying rights, bodies, and legal instruments.	Lack of available information on rights. Lack of knowledge on the enforceability of rights. Lack of adapted content and information.
GENDER BARRIERS	Obstacles affecting women and the LGBTIQ+ community, who are usually victims of structural discrimination based on the sexual division of labor and socially assigned roles which are traditionally for men and women.	Organizational barriers based on a lack of gender perspective in the cycle of the public policies for the access to justice (creation, implementation, and supervision).
EFFECTIVENESS AND EFFICIENCY BARRIERS	Obstacles linked to how resources are managed and executed in order to maximize the delivery of products and services, incurring in the lowest possible costs. Obstacles which prevent complying with judgments or agreements.	Length of justice administration processes. Actual possibility of solving the conflict or legal problem. User perception on the effectiveness of the justice service in solving his/her conflicts.

1 A gratuitous conception of justice goes beyond ensuring that an individual can proceed in forma pauperis, exemption of court fees, and other expenses by court experts. It implies incurring in the costs of beginning, sustaining, and finalizing a process (for example, by incurring in travel and per diem expenses, loss of daily wage in the case of unregistered employees, costs of childcare or other dependents, access to ITs and internet connection, among others). (Echegoyemberry, 2020).

Source: *Our own drafting based on OCCA reports 2018, 2019. Our own operation proposal.*

i. Social, Cultural, and Economic/Financial Barriers

1. Geographical, Physical, and Accessibility Barriers

The centralization of courts and government agencies in urban centers is an obstacle for certain social groups. For rural and indigenous communities, distances become a strong conditioning for the judicialization of conflicts, as well as to access other government bodies to claim access to their rights. This physical distance, which sometimes is not even covered by public transportation services, is also an economic/financial barrier. Additionally, the large distances between courts and rural areas are translated into the fact that judges are not aware of the everyday realities of the affected communities.

Courts have limited operating hours which are incompatible with most of the population's work schedules. This impacts particularly on those who work under unreported employment conditions or mothers who are primary caretakers, as court's operating hours are usually incompatible with childcare hours at home.

According to the 2017 Unmet Needs Survey, more than 30% of surveyed individuals claimed being aware of which body they had to turn to, but did not know where its offices were located. Location affects the resolution of conflict for those who live in poor neighborhoods and indigenous or rural communities.

The Office of the Public Prosecutor (2016) found that 8.4% of surveyed individuals had faced a geographical or infrastructure challenge to access to justice.

An example of an element aimed at overcoming these geographical barriers was the creation of the CAJs -and similar community devices providing legal advice- in poor neighborhoods.

2. Economic/financial barriers

Addressing legal problems generates financial costs which are an obstacle to access to justice. Hiring a lawyer, travelling to the places where courts or government agencies are located (which, as already stated, are usually in urban centers far from those individuals who require their services), as well as court fees, are a huge financial burden which may impact sustaining claims over time.

Specialized legal aid services are necessary to overcome access to justice obstacles related to the need to hire a lawyer or attorney in order to bring claims to court. These are tools which have the potential to support affected individuals, contributing to sustain claims over time.

According to the 2017 Survey, 22% of surveyed individuals was not able to access legal advice because they "could not afford it". In 2019 the number was at 27%. There several other studies which have assessed people's perceptions on the costs to access to justice.

ACIJ (2013a) found that 3.07% of the population did nothing about their problems because they found that it was too expensive. Meanwhile, within those who sought but could not find legal advice, 22.5% claimed that even though they knew where to find legal advice, they could not afford it.

3. Language Barriers

Law operates through a different and unknown language. Legal language is excessively technical and intelligible for most people, particularly for non-Spanish speakers or members of indigenous or rural communities.

In fact, this is strongly evinced in the incapacity to embrace the linguistic diversity of indigenous peoples, and the deficient managing of different cultural codes in the case of rural communities. Thus, language and hegemonic cultural coding are still the main reference when drafting or implementing criminal and civil regulations. According to the 2017 Survey, more than half of the indigenous individuals who were surveyed claim understanding "very little" or "nothing at all" about the procedure in which they were involved when speaking to public officials. At the same time, 8% of surveyed individuals claimed that one of the reasons for not seeking legal advice was that they could not understand what lawyers were saying.

In order to face this difference in life meanings expressed by rural communities and the social representation on which the Western legal system is built, different international human rights instruments point to the need to adapt different regulations by, for example, providing mandatory interpreters in all processes where the parties speak a different non-official language.

According to the Diagnosis on Unmet Legal Needs and Access to Justice Levels by the Undersecretariat of Access to Justice of the Ministry of Justice and Human Rights, 8% of surveyed individuals claimed that the reason for not seeking legal advice was that they could not understand what was being said to them (MJHR, 2016, p. 38).

ii. Lack of Information about Rights and Government Resources Barriers

Like access to justice, the right to information is an autonomous right and an instrumental right which enables exercising other rights. In fact, access to information is closely linked to a properly-functioning democratic system and to the accountability of government

officials. Information is key for individuals to exercise democratic control over government acts. This right is also closely linked to participation, given that it "enables opening and intensifying mechanisms and spaces" for social participation (IPPDH, 2014, p. 83).

The lack of knowledge about rights and the possibility of accessing institutional enforceability mechanisms require an effective policy of public information production and dissemination campaigns. Additionally, data collected within government agencies must inform public policies so that they are closer to real needs: data must be collected systematically to obtain a clear picture on the issues related to access to justice and the rights claimed. In this sense, available information and registration methods are needed for an in-depth contextual approach to the problems by those who implement resolution strategies, as well as other actors.

Generally, the level of knowledge about rights and the possibility of accessing institutional enforceability mechanisms is not homogeneous among the population. According to recent studies, 65% of the population claimed not knowing where to seek legal aid. This number is even higher in the case of individuals in vulnerable situations (MJHR, 2017).

In the case of migrant women, on a provincial level, for example, the Observatory of Gender-based Violence of the Province of Buenos Aires provided advice and support, but few women knew about it. In general, they are not in contact with public defenders and provide little explanation on what steps must be taken when a gender-based violence case arises.

Something similar occurs with rural communities: among other factors, their location severely restricts access to information about their rights, or instances of legal advice and technical support. In fact, in many rural areas the only available media are radio stations, as there is no internet connection or cellphone services.

A similar barrier appears with regard to health-care services: confusion and lack of knowledge or information about medical treatments, medicines, or public healthcare programs are far too common. There is also a lack of knowledge as to which channels are appropriate to request health supplies, or about working hours and operating modalities of healthcare centers.

In this sense, other studies point that the lack of knowledge about rights and enforceability mechanisms or channels to make requests severely restrict the access to justice for poor populations in particular (ACIJ, 2013a; MJHR, 2016; OCCA, 2018; Echegoyemberry, et al., 2019).

iii. Judicial Action Barriers

The implementation of coordinated strategies, and the inter-institutional articulation and dialogue between the Judiciary and other government agencies are key to build capacity

and to create adequate approaches for the population they work for. At the same time, it is necessary to create contextual, practical, and strategic knowledge that will enable analyzing the specificity of each individual case, thus avoiding automation. Despite advances in terms of equality, the Judiciary is still plagued by discriminatory practices in terms of gender, indigenous or rural origin, and socioeconomic factors, among others. This shows the urgency to implement training strategies with gender and human rights approaches.

In the special case of migrant women, for example, re-victimizing practices by report-taking officials are clear barriers to access to justice. This is aggravated by the fact that security devices (such as panic buttons) are not available throughout the territory, or that police officers or security agents refuse to venture into certain neighborhoods. Medical reports also fail as they are not conducted according to established protocols, or doctors fail to inform the authorities, thus preventing their use as evidence in court.

There is a similar pattern with regard to rural and indigenous communities. The lack of knowledge by government agencies of production systems and habitat conservation strategies within the territory is problematic. This is compounded by the lack of specific tools within the justice administration systems and the scarcity of lawyers specialized in this particular field. The truth is that the legal system does not contemplate the way of life of rural communities or the required conditions of the territory so that the life projects of rural families are able to fully develop, such as the necessary land extension for sheepherding, or access to fresh water sources, etc.

iv. Barriers Related to Due Process

Many of due process rules and their implementation do not take into account the particularities of these social groups.

In the case of indigenous and rural communities, for instance, the lack of notice of court decisions in eviction cases is very common. This practice clearly hampers the right to a fair trial and due process, and translates into a barrier to access to justice for these communities.

The case of migrants is somewhat similar, particularly after Presidential Decree 70/17, which modified the conditions for the right to a legal defense during administrative and judicial deportation proceedings. The Decree changed the administrative appeal system, the notice system, and severely limited the possibility of claiming the right to family unity or reunification, as well as legal aid. The Decree does not contemplate the everyday realities of migrant individuals, and judicial officers do nothing to mitigate this inequality.

1. Discriminatory and Selective Intervention in Institutional Violence (IV) Cases

In matters of institutional violence, judicial interventions can be grouped around to axes: judicial response to institutional violence cases; particularly, those related to the police; and cases in which the judicial intervention itself constitutes an act of institutional violence.

With regard to the first case, it is important to note that most of these practices tend to be invisible for the Judiciary, which does not act unless there is a formal report. This implies a lack of knowledge of the vulnerable situation in which the victims of this kind of abuses (generally, young poor males) are; usually, at the hand of police officers with a clear capacity to condition the everyday life of these populations, the reluctance to report these kind of abuses because they are considered a "normal" event, or because the very judicial system deters them from reporting.

When there are reports on these situations, the evidentiary standard demanded by the judges is not parallel to the asymmetry of power between police officers and young poor males. Additionally, in those cases which are taken to court, the response is limited to classifying the act as a crime, but the wider context of power asymmetry and abuse of police power is neither investigated nor problematized.

2. Bureaucracy and Excessive Amount of Time to Solve Conflicts Barrier

The excessively lengthy processes of the judicial apparatus are contrary to the need of having a prompt response safeguarding urgent rights or limiting the risk of a possible violation, such as the case of housing or territory rights, which require fast reactions.

The administration of justice system has routines, circuits, and proceedings which unequally impact on the rights of those who seek their enforceability. A similar situation occurs with common judicial practices.

Proceedings tend to be longer in the case of certain groups, such as indigenous peoples who, in most cases, would require to appeal the case to the highest court to obtain a favorable judgment. This generates delay and increases costs which negatively affects them. In the case of these communities, they also continue to face pressures by those who want to take their territory or land throughout the process, thus being additionally affected by a lengthy process.

ACIJ (2013a) found that with regard to the perception of legal terms: 35.16% of individuals thought that judicial proceeding took too long; 32.67% claimed that "they took an eternity"; 16.92% did not know; 7.79% understood that some proceedings take too long but some others do not; and 6.97% thought that they take the necessary amount of time, while 0.50% did not know.

In this sense, a study by Ahumada y Manzano (2017) found that 30% of individuals who had a problem or conflict did not turn to an institution; of those, 17% did not turn to an institution because of lengthy proceedings.

In a study by the Office of the Prosecutor (2016) it was found that 24.4% of cases had faced a bureaucratic barrier; 24.8% had faced a procedural barrier to access to justice; 40% did not trust the judiciary, and 10% believed justice does not work/does not solve problems/ is too slow.

v. Inefficient/Defficient Institutional Mechanisms

1. Multiple Intervening Agencies

The fragmentation of conflicts into different judicial instances and administrative agencies is a barrier to the access to justice which affects every individual with legal needs, places the burden of monitoring and filing motions to move the case forward on the affected individuals, and implies obtaining uncoordinated responses for the same problem.

This is especially evinced in the case of women, trans, queer, and gender non-conforming individuals who report domestic violence. In these cases, multiple agencies and judicial forums would intervene demanding their participation several times and asking them to recall the facts over and over again. This intervention approach affects the possibility for the reported situation to be addressed comprehensively; and, consequently, they receive uncoordinated responses by the different intervening agencies and offices. For example, a report may be taken at the same time to a civil court, a criminal court, or a misdemeanor court, and all of them may give different responses to the same issue. The same dynamic tends to occur in other cases, such as eviction cases which affect the right to adequate housing. Here, different government agencies and judicial offices would intervene to try to solve the conflict and would give uncoordinated responses to the same issue.

Consequently, fragmented state interventions generate excessive time and money expenditures, and emotional stress which leads to abandoning the procedures and the claim.

2. Problems to Access Legal Advice

Legal aid in Argentina takes different forms. Each institution will establish the different requisites and the scope to access aid, such as the kind of individuals, the matters or the cases that they will take. This is done with different levels of coordination and articulation with other government bodies. In some cases, they explicitly or implicitly determine who,

how, which processes and at what time do people have the right to access legal aid. This information is not always accessible or properly organized, which means that individuals must run around, or "peregrinate",[18] through several different bodies and institutions without knowing, understanding, or using the available resources adequately.

It must be noted that, in Argentina, legal aid (whether legal advice or court representation) is provided by several government bodies[19]: Centers for the Access to Justice (CAJ) under the Federal Ministry of Justice and Human Rights; "ATAJO" offices of the Office of the Prosecutor; Public Defender Offices; Offices of the Ombudsmperson; Citizen Advice Offices (Oficinas de Atención al Habitante, OOH) available only in the Autonomous City of Buenos Aires; Bar Associations (pro bono practice); University Clinics (student pro bono practice).

Even though there is a series of bodies which provide legal aid, this is not equally guaranteed throughout the whole country or in all court instances, forums and venues; and, as previously mentioned, not all existent devices give a satisfactory response to all needs and claims. This problem is aggravated when legal aid is provided only as court representation, excluding the possibility of having legal advice and support for proceedings other than court, and thus contributing to guarantee the access to rights by a great percentage of the population.

3. Criminal Law as the First/Only Answer

There is a great tendency to conduct the resolution of social conflicts within the realms of Criminal Law. Territorial disputes related to indigenous or rural communities are one of these cases. Here, the owners of the land for the purposes of registration, but who are not in actual possession of the land, tend to report land usurpation. In contrast, the police forces and judicial officers refuse to initiate proceedings when these communities report that their lands are being usurped. Additionally, when they are successful in reporting, they usually face delays in the proceedings. There is no specific court to address the particular problems of these sectors of the population.

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18 Fleury (2013) refers to a peregrination around public (health) services, thus describing the individual strategies employed by users in face of discriminatory situations, which, in some cases, reinforce discrimination and inequality accentuated by structural factors such as service precariousness.

19 These bodies are inserted in the context of a federal system, which determines the existence of a double judicial regime, one for federal matters, and the other for ordinary (local) matters, as well as provincial, CABA judiciaries, and the Federal Judiciary.

03

MEASURING “UNMET LEGAL NEEDS” IN ARGENTINA

03

Measuring "Unmet Legal Needs" in Argentina

As mentioned in Chapter II.b, there are several studies in our country related to access to justice and the needs of the population. Efforts by civil society organizations and, more recently, by Government bodies to produce empirical data on these issues are a key step in advancing public debate and enhancing the resources available to decision-makers for designing public policies related to the effective enjoyment of rights by the population.

Notwithstanding, the official and civil-society-generated data has not been articulated in a unified and regular data production strategy.

There are still many challenges of a different nature which will require implementing further research lines for the measurement and assessment of these issues[1] .One of the main aspects to consider is, precisely, how to increase the use of this data.

The next sections will delve into some precedents on the measuring of victimization, which shares some common aspects with the measuring of unmet legal needs. Additionally, the Unmet Legal Needs Surveys undertook by the Ministry of Justice in 2016 and 2019 will be analyzed.

— a. From Victimization to ULN Surveys

In Argentina, the statistical production of data related to justice issues by the Ministry of Justice dates back to 25 years, although for a very long time the focus was only on criminal conflicts. This non-linear trajectory contextualizes the current unmet legal needs measuring tools within a much longer process. By mid-90s, and under the promotion

1 There are at least three challenges for future research lines: one is political (what to do with the information produced, who produces it, and for whom); the second is methodological (what type of methodological designed is being used to produce evidence); and the third one is substantial (against which conceptual framework is data being analyzed). (Echegoyemberry, 2019).

of international agendas on the matter,2 the application of victimization surveys on the population began. These surveys provided new data and perspectives to a field of public policy in which data was mainly produced by the judiciary and the police. The National Direction for Criminal Policy (Dirección Nacional de Política Criminal), created in 1991 under the Ministry of Justice, used to conduct empirical studies on criminality based exclusively on court records and judgments. With victimization surveys, the spectrum was broadened towards the production of data with other methodologies, intended to answer different questions (Interview to Hernán Olaeta). New research strategies were incorporated, which focused less on criminal justice and more on the concept of "victimization event". This enabled a focus on the amount of events effectively reported and the perceptions of crime, which would become a central issue in the public debate during those years. Data showed that a there was a high amount of crimes not processed by the judiciary. Victimization surveys, for instance, were "the first study to highlight the fact that 70% of crimes go unreported." (Interview to Hernán Olaeta). In one way or another, this set of ignored phenomena (which were unregistered, unarticulated in terms of crime, unreported, misidentified, or dismissed once admitted) consolidated a field of issues –and "hidden figures"- which would become of interest to several data production agendas.

Since 2010, the National Direction of Criminal Policy stopped applying victimization surveys[3] and focused on other criminal policy issues. It began to implement other administrative records information systems, such as prison statistics. Specific studies on violence against women (which had three specific applications) and trafficking were also carried.

In 2012, the first survey on access to justice[4] was developed by the same technical teams who had previously implemented victimization surveys. The study was conducted in the metropolitan area of Buenos Aires and delved into the following issues: effective access to justice, the variants and reasons surrounding reported and unreported crimes. The survey kept the section of victimization questions from the previous surveys, and added a supplementary interest in the measurement of claims and cases brought to the judiciary. This was the first time that the population was surveyed on the knowledge and use of the

2 This perspective is further developed in the section "Genesis and Development of the Legal Aid Policy" based on the public construction of access to justice issues.

3 The National System on Criminal Data (SNIC) was transferred to the recently-created Ministry of Security, whose scope was previously covered by the Ministry of Justice and Human Rights.

4 Informe Final del Estudio sobre Acceso a la Justicia y Seguimiento de Causas Judiciales, Dirección Nacional de Política Criminal en Materia de Justicia y Legislación Penal, MJHR, June 2013.

CAJ service. In 2017, a new survey was conducted nation-wide, which was aimed at the population's perceptions on the Judiciary[5].

— b. Characteristics and Results of the Unmet Legal Needs Surveys

In 2017, the Report "Diagnosis on Unmet Legal Needs and Access to Justice Levels" was published summarizing the main results of the Unmet Legal Needs Survey carried by the Undersecretariat of Access to Justice, Secretariat of Justice, Federal Ministry of Justice and Human Rights, together with the University of Buenos Aires Law School, under a technical assistant agreement. The main goal was "to produce an objective diagnosis on the state of the social protection of rights, the level of unmet basic legal needs, and the possibilities of timely access to formal and informal instances for the effective enforcement of rights." (ULNS/ENJI, 2017, p. 5).

The questionnaire was applied by telephone, except for individuals from indigenous peoples and population under structural poverty who were interviewed in person, between October and December 2016 over a sample of 2800 "individuals over 16 years old, residing in one of the 103 towns distributed in 6 regions, covering all Provinces and the Autonomous City of Buenos Aires" (ULNS/ENJI, 2017, p. 1) of which 600 belong to three specific groups or sub-samples: individuals in structural poverty conditions, individuals with disabilities, and individuals from indigenous communities.

The instrument was drafted by an interdisciplinary team of researchers from the Undersecretariat and the University of Buenos Aires Law School, taking as main reference the international research line marked by "Path to Justice" studies. It was structured in 4 modules:

- Identification and characterization: survey of the "legal problems which affect or affected some of the family members in the last 3 years", based on a list of 82 legal problems grouped into 15 categories.
- Strategies for the resolution: survey of the "way in which they tried to solve the problems, the services sought and those to which they effectively accessed."
- Solution and Results: inquiry as to whether the problem "continues or has ended, the duration, the results obtained, time, costs and their perceptions over these aspects."
- Perceptions about the judicial system: knowledge of legal aid services, how were they treated, level of trust, and perceptions of the role of the judges.

5 Estudio nacional sobre percepción y acceso a la justicia, MJHR, SAIJ, 2019. Fieldwork for this survey was conducted in 2017.

The main findings were built based on these sections. With regard to legal problems and unmet legal needs, almost 7 out of 10 surveyed individuals claimed to have had at least one legal problem in the last three years; 51.4% did not think to be able to solve it based on their own knowledge or abilities (according to the definitions applied here, this implied that the problems became a legal need); almost 20% of individuals were not satisfied with the response/result obtained (that is, they had unmet legal needs). Additionally, the main factors of incidence were: age, education, employment, being a beneficiary of a government subsidy, socioeconomic level, disabilities. It was also pointed out that no correlation was found between gender and experiencing legal problems,[6] but a slight decrease was observed around older groups (particularly above 50 years of age). Most of the problems were about crimes, consumer rights, healthcare, employment, housing, and family. With regard to the actions taken in face of a legal problem, 23.4% did nothing; 22.9% turn to a government agency or office. The results proved to be quite discouraging; more than half of the surveyed individuals claimed that the problem was not solved. Finally, 7 out of 10 individuals did not know offices or institutions which provide legal aid (only 18.4% knew about the CAJs). And almost 65% believed that the judiciary is "very little or not at all" aimed at solving the problems of the population.

The "Second Study on Unmet Legal Needs" was carried and published in 2019, with the aim of updating the data of the first report and "providing information for the design of policies and programs that would contribute to improve access to justice by the population in general, and by the most vulnerable groups, in particular." (ULNS/ENJI, 2019, p.7).

The questionnaire was also applied by telephone, except for individuals from indigenous peoples and population under structural poverty who were interviewed in person, between May and June 2019, over a sample of 3,000 individuals of 16 years old and above, residing in 130 towns distributed in 6 regions which covered all Provinces and the Autonomous City of Buenos Aires. Among these, 600 belonged to specific sub-groups or subsamples: population under structural poverty conditions, individuals with disabilities, and indigenous peoples.

The instrument was structured around the same four modules of the 2017 studies, although some questions were modified. The identification of prevalence implied surveying legal problems which were experienced in the last two years, based on a list of 70 legal problems grouped into 14 categories. During the validation period of this report, it was claimed that the list of problem types must be reviewed to avoid any future bias while reading of the data.

6 66,5% of surveyed males and 56.9% of surveyed females claimed to have experienced a legal problem; 51.7% and 56.2%, respectively, claimed to have legal needs, and 19.7% claimed to have unmet legal needs.

The main findings of the study were: 44.1% of surveyed individuals claimed to have experienced at least one legal problem in the last 2 years; 36.3% had legal needs (again, this implies that the individual felt incapable of solving the issue using his/her own knowledge and abilities); and 16.3% faced unmet legal needs. Additionally, in terms of gender, there is a slight prevalence in the case of women. In terms of age, the peak is at 30-44 years old. Moreover, according to the study, conditioning factors for experiencing legal problems are: "education, employment, housing, being the beneficiary of a government subsidy, disabilities, socioeconomic level, family relations, money and debts, and the culture of contentious legalism." (ULNS/ENJI, 2019, p. 15). Most of the problems were about employment, consumer rights, healthcare, family, money and debts, and housing. With regard to the strategies of the populations, only 14.4% claimed to have turn to a government agency or office. Additionally, with regard to the results, 48.5% of surveyed individuals claimed that their problem was not solved. Finally, the last module addressed perceptions and expectations about the problem being solved by the judiciary: almost 3 out of 10 claimed to not trust the judiciary to solve their problems.

— c. Comparability and Consistency

From the review of available reports and databases, we identified that some characteristics of the of ULN surveys application condition the possibility of a consistent profiling of their results. Our remarks are made with the aim of being considered for the implementation of these surveys in the future.

The first issue is related to the periods covered by the surveys. For example, the prevalence of legal problems is measured in one case during a period of three years, while in the other case the period is of two years.

Another issue is the existence of methodological differences in the construction of group sub-samples which are not properly documented. This suggest a limitation to the comparability of the 2016 survey against the 2019 survey.

Additionally, there are marked increases and falls in the case of the legal needs and problems variables (which reach over twenty points, in some cases); as well as an unlevelled measurement by sub-samples and regions, all of which forces us to conduct a careful reading of the results.

With regard to a desirable period of time between surveys, some key actors have noted the short distance between the first and the second survey. They considered that the cycle was too short to enable the proper measurements of relevant phenomena, and to

differentiate the level of impact of certain policies (Interviews to Gabriela Delamata y a Leandro Rodríguez Pons). In this sense, we consider that a reasonable period would be between three to four years.

Another important issue to be considered is the institutional design of the surveys, which were created and applied within the framework of an inter-institutional agreement with actors of indisputable trajectory. Nevertheless, the main challenge is to ensure that the Government agencies in charge of national statistics and with experience in surveys (particularly, INDEC) are the ones to have a link with them, in order to enable the construction of longitudinal series and ensure a Government memory of these processes.

— d. Challenges in the Production of Data on the Access to Justice

The measurement of unmet legal needs is an interesting approach to the general problems which are dealt by the public devices analyzed in this report. As a source of information, they contribute to diagnose a field of problems and to identify access barriers. In this sense, it is more helpful as a general diagnosis tool than as a tool to assess the performance of the CAJs. According to a recent document by OECD and Open Society Foundations,[7] these instruments are more effective in monitoring great change processes, but are less suited to assess the specific impact of localized services. At the same time, they should supplement, rather than replace, the relevant databases of the justice system (whether administrative, judicial, or statistical).

It would be interesting to integrate data production on access to justice by incorporating new methodological perspectives on legal needs to older developments, such as victimization surveys, in order to articulate the existent technical capacity of the different government agencies, to establish a dialogue with other information systems, and to move towards more consolidated formats to diagnose, follow, and assess problems and policies.

7 OECD & Open Society Foundations (2019), Legal Needs Surveys and Access to Justice, OECD Publishing, Paris. https://doi.org/10.1787/g2g9a36c-en....

04

GENESIS AND DEVELOPMENT OF THE LEGAL AID POLICY

04

Genesis and development of the legal aid policy

— a. The context of access to justice as a public problem and a new right

In Argentina, the notion that judicial bureaucracy and other institutions should provide legal services that would facilitate using the system, aimed at those individuals with no access to other means because of a lack of resources, is previous to the international agenda on the "access to justice". In our country, it started to become part of public policies in the 90s.

It should be noted that many institutions "worked on access to justice but did not know they were doing that" (Josefina Martínez interview). Here, we refer to traditional spaces providing legal advice and court representation that were present in different forums and venues (public defenders, bar associations' pro bono practice, law school clinics, ministries of employment), which have different scopes and admissibility criteria, and which are usually located near court buildings. In the 90s, the concept of access to justice started to penetrate into the discourse of local experts from the influence of international projects and approaches. The Office of the Ombudsman of the City of Buenos Aires together with the Center for Legal and Social Studies (CELS) identified institutions which were already providing legal services and which could fall under this emergent concept: legal clinics of the University of Buenos Aires (UBA) Law School, the Office of the Attorney General of the City of Buenos Aires, the pro bono practice of the Buenos Aires Bar Association (CPACF), the "Asistir" Program of the Ministry of Employment, the Office of the Public Defender and the four public defender's offices for the national civil-law courts –currently, the official public defender's offices. This means that there were important experiences of access to rights and the judiciary, but they were not consistently accumulated under the term 'access to justice' and were not even conceived this way (Josefina Martínez Interview). For example, UBA's legal clinics were an important gateway to justice, but were not introduced as such. "Until de end of the 20th Century, judicial or para-judicial bureaucracies had

the imprint of government bodies aimed at providing services to access to justice, but did not have a justice to access discourse. In contrast, the 'external preachers' (experts in criminal policy and criminal justice) were the ones promoting policy reforms in this sense" (Josefina Martínez Interview).

It is important to describe the 90s local scenario which set up a fertile ground for the concept of access to justice driven by international bodies. We have identified several trajectories with no causal link but which coexisted and became part of institutional trajectories, policies and bureaucracies prior to the implementation of the Justice Houses, as the main policy on access to justice in the country.

i. The Modernizing Imprint and the Institutional Balance of the Reforms

Less than 10 years after the end of the dictatorship period (1976-1983), Argentina went through several normative and criminal procedural reforms, and in 1993 headed towards a constitutional reform which came in 1994. The constitutional reform, among other transcendental reforms, included new rights in the Constitution and granted constitutional hierarchy to eleven international human rights instruments, as well as incorporating a mechanism to grant the same constitutional hierarchy to other international treaties in the future. It also recognized rights to indigenous peoples, children, women, older adults, and individuals with incapacities, to be guaranteed through a series of positive actions. This extension of rights required new institutions to become effective. Thus, the reform process left a pending agenda of normative reforms and the creation of new mechanisms to access these rights as an outstanding balance. Additionally, with regard to the groups of individuals involved in the process, the constitutional debate had activated several actors, ties, and articulations around a reformist agenda for the expansion of rights. The new constitutional text, the institutional reform agenda on rights expansion and enforceability, and the balance of political and legal advocacy are elements that must be taken into account in order to understand the background in which the access to justice agenda emerged and later became part of.

The constitutional reform is the cornerstone in a series of other reformist and modernizing processes of the times, such as the criminal procedure reforms, the implementation of oral criminal trials, and the creation of district prosecutors' offices and specialized prosecutors' offices on specific issues. This modernizing environment was seen as a trend by some sectors of the Judiciary as well as by the newly-created Ministry of Justice, which was introduced at that time as a bureaucracy of modern democracies. Several young lawyers who had participated in the reform processes joined into it.

A change that can be identified around this time is that the reform perspectives, although with different political views (and sometimes even opposite), began to include an idea of "the citizens" or "the public", which implied moving away from approaches centered in institutional design and analyses centered on the justice system. One example is the district public prosecutor's offices, as a project to "bring the prosecutors down to the territories", such as public prosecutors offices of Pompeya, Saavedra, and La Boca towns. The main idea was to take the judiciary into the towns and seek to contact the population. They appealed to actors and demands which were clearly different to those which were later involved in the CAJs: "One thing is the 'sensitive citizen', the neighbor, the police officer of the Early Warning and Response System, that go and make a report; another one is the idea of access to justice in those places, where people cannot access for different reasons: difficulties of interpretation, access, in the code (…) both are founded in the same idea (of expanding and approaching), but the citizen they target is quite different." (interview to Hernán Olaeta). The profile of public officers is also quite different to those later modeled by the CAJs, but there is still a precedent of the government seeking to bring the judicial bureaucracies closer to the people.

ii. Strategic Legal Advocacy as an Answer to the Neoliberal Structural Adjustment Policies

Argentina was marked in the 90s by processes aimed at downsizing the state and privatizing of the main government-owned companies which provided public services (telephone, electricity, oil and gas, among many others). These processes implied massive layoffs and the creation of an "unemployed movement" in the whole country. There were structural transformations in the labor market, with regressive effects in terms of labor rights, protection institutions, and assembly. There was a massive rights restrictions scenario and the situation became increasingly pressing by the end of the century. The urgencies of this socioeconomic situation led to multiple collective claims for the access to food, social benefits, healthcare, and others.

Even though these demand were generally channeled through political means by the intensification of different forms of social protest, the judicialization of the access to rights was also a trademark of these times. This judicial channel was leveraged by the mechanisms enabled by the recent reforms and driven by actors oriented to the strategic litigation of structural cases, which sought to enforce and expand the enforceability of the new rights recognized by the Constitution. This dynamic legal activism in the City of Buenos Aries is a relevant precedent, given that the lawyers involved in these strategies went on to work for the government in access to justice matters. Their trajectory of legal-territorial

interventions was well known by the social leaders of the poor neighborhoods of the City of Buenos Aires and set a precedent for the following decades.

Given the weakness of the political institutional spaces to absorb these social collective demands, the activist sectors saw the Judiciary as an appropriate place to channel them. The obligation of the State to ensure access to justice was thus incipiently crystalized case by case; although its consolidation was limited by a lack of specific procedural regulations and forms of justice organization that were able to solve these kind of claims. The activism of several social and institutional actors had the imprint of rights expansion: from the constitutional reforms that regulated procedures such as the *"amparo"* action (action for the protection of constitutional rights), class action, *habeas data* and *habeas corpus* actions, these actors sought and galvanized responses to the increasing demands of the population linked to the processes of structural adjustment and the downsizing of the state. There were also emerging claims for the recognition of collective rights, not related to political disputes such as the women movements, the LGBTIQ+ movements, children's movements, territorial claims by indigenous communities, claims by mental healthcare service users, and the migrant population. Judicial claims extended to issues related to the access and protection of the rights to housing, healthcare, social security, and education, as well as to the recognition of specific rights for vulnerable groups.

iii. The Efficient Justice Agenda Enabled Mechanisms Outside the Traditional Administration

Around this time, different international bodies identified justice systems as inefficient bureaucracies, which neither addressed the realities of crime nor gave sufficient and timely responses. They promoted plans for public policies which contributed to reduce the amount of cases processed by the system, shorten times, and increase the amount of judgements delivered. "There was a whole thing into analyzing how many new cases were registered in the docket, how many were out; it was a matter of productivity and modernization understood as system efficiency." (interview to María José Sarrabayrouse). Apart from measures such as computerization, plea bargaining, and other procedural mechanisms to accelerate the delivering of judgements, these programs also contemplated supplementary out-of-court measures, such as mediation processes, which would allow "unclogging" the system. In fact, the Mediation Direction and the mediators' registry was a great stake of the Ministry of Justice in that context.

The issue of efficiency still permeates current debates. From a contemporary viewpoint on the access to justice, it may be noted that the emphasis on efficiency, concentrated on decreasing the amount of cases taken to court, and increasing the amount of judgments,

was too focused on the intra-institutional functioning and underestimated structural aspects, such as the obstacles and barriers to access legal services and courts by a wide sector of the population, mainly for social and economic reasons.

iv. The "Victimization" Perspective Redefined the Universe of Crimes and Conflicts over which The Government Must Intervene

Spearheaded by the international agenda, the "victimization" concept and work agenda arose, and was presented as truly innovative within the Ministry of Justice, and unprecedented in Latin America. Based on UN recommendations, Argentina started conducting victimization surveys. The first ones were carried in the City of Buenos Aires and several towns of the Greater Buenos Aires. They implied a change of perspective, because the universe of facts they tried to address was no longer focused on judicial system or police statistics; they were studies based on surveys to the population about their victimization experiences, their perceptions and opinions about crime. For this purpose, interdisciplinary groups were created with professionals from the sociological and psychological fields.

After that, they found data which showed that a huge percentage of crimes were not processed by the justice system "This is the first scientific study to show that 70% of crimes are not being reported." (Interview to Hernán Olaeta). This revealed that previous studies were ignoring a "hidden amount" of crimes, which constituted a distortion in the assessment of public policies on security, police and judicial action.

This redefinition is a key precedent to understand the problems on which the CAJs would later intervene: a universe of crimes and conflict situations which, for many reasons, were not being processed, measured, or known by traditional justice administration institutions.

v. Changes in the Production of Official Data on Crime and the Concept of Access to Public Information

Around the same time, there is a change in the normative framework governing the formulation of official statistics in criminal matters. Together with this change in the way in which official information is produced, the public appears as a subject, and official information began to be treated as "public information" to which access must be guaranteed. Even though at first glance, the notion of access to public information appears to be loosely linked to the access to justice agenda, it is worth noting as a moment of transformation of the criminal policy, the methods to measure crime, and to interact with the demand for public policy aimed at accessibility.

Even though it is possible to draw a line in the genealogy of the access to justice within the Judiciary and another within the Executive –especially in the Ministry of Justice-, in the following years there were many actors of the judicial reform which took office in the areas of justice and security. Thus, the idea of being close to the population and accessibility were trademarks of the different public policy programs of that time, immediately prior to the creation of the CAJs.

This is the scenario in which the access to justice agenda arrived to Argentina. Until that moment, the perspective of the reformist actors –energized by the judicial, criminal procedure, and constitutional reforms- was more concentrated on "modernizing justice" and reforming the system. Until then, the focused was not on the experiences of the population, let alone on the territory as a conflict arena. Parallel to the idea of having a more efficient judiciary, the idea that the universe of victimization is not covered by the traditional justice administration system gained momentum. This occurred against a critical socioeconomic background with renewed expectations on judicialization as a means to enforce rights, enabled by the constitutional reform and energized by the legal activism of several actors. This is the ground where the exported notions of "access to justice" helped to shape a problem with new characteristics and, incipiently, a new right.

— b. Stages in the Formalization and Institutionalization of Access to Justice

i. Stage I (1990-2003)

Since 1990, successive Federal Governments have sustained legal aid policies with different characteristics in each Administration until the adoption of the current "Center for the Access to Justice" (CAJ) policy. The CAJs are distributed throughout the country and are currently under the authority of the National Direction for the Promotion and Strengthening of the Access to Justice (NDPSAJ/DNPFAJ) of the Ministry of Justice and Human Rights.

The first precedent of the current CAJs in the institutional organization chart is the "Social Program for Legal Services and Community Legal Training" *("Programa Social de Servicio Jurídico y Formación Jurídica Comunitaria"*), created in 1990 by Resolution 192/90 of the then Secretariat of Justice. Within this program, the first "Legal Assistance Centers" ("Centros de Atención Jurídica") were created in the towns of La Boca and Villa Crespo in the City of Buenos Aires. Then, another centers were created in the city: between 1992 and

1995 five centers were created in San Telmo, Liniers, Flores Sur, Villa Urquiza, and Once, and a year later another one was opened in Villa Lugano. During the first stage, legal aid services were institutionalized into the organizational structure of the Ministry of Justice; the planning, execution and supervision of the program was under the authority of the General Division of Legislative Policy and Community Legal Assistance (*Dirección General de Política Legislativa y Atención Jurídica Comunitaria*).

The final years of the century were marked by an accelerated drop in socioeconomic indicators culminating in the extreme political, economic, and social crisis of 2001 in Argentina. This was a turning point in history. One of its main characteristics was the legitimacy crisis of democratic institutions, summed up in the spontaneous popular claim *"¡Que se vayan todos!"* ("Everyone out! (of the Government)"), referring to a complete lack of trust in public officials and Government representatives by the whole society. The Judiciary was one of the central targets of criticism. This criticism against justice administration institutions showed a confluence of several social actors: the system was not able to articulate responses or access to rights for those sectors excluded from the labor market, nor was offering clear and immediate responses to middle-income sectors whose savings had been confiscated by their banks. This "everyone out" demand sustained during 2002 included the Judiciary, whose zeal for efficiency had not contributed to improve its public image but rather depicted it as instrumental to the interests of the powerful sectors.

Under the Menem Administration, the Supreme Court was extended to nine judges and their operation in favor of the government was labeled by the press as "the automatic majority", as their decisions were seen as favorable to a government with a clear neoliberal approach. The very little legitimacy it had vanished in the 2001-2002 context, and its transformation became a condition for any credible institutional reforms. That same year, a coalition of constituent organizations created a proposal plan which included the institutional reform of the Supreme Court.[1]

In 2003, the presidential elections were won by the *Frente para la Victoria* party, a government coalition with Néstor Kirchner as the President, and the first to become President by popular vote after the 2001 crisis and the transitional government of Eduardo Duhalde. One of the first government actions was the Executive Order/Presidential Decree No. 222/03, establishing the procedure to appoint Magistrates to the Supreme Court. This renovation

1 Reformulating the process to designate Judges for the Federal Supreme Court of Justice, mainly by a self-limitation on the part of the President in the candidate nomination process and in fixing the selection criteria. The importance of modifying the process in the Senate was also pointed out (https://www.cels.org.ar/web/2015/12/una-corte-para-la-democracia-grave-retroceso-institucional/).

of the rules, as well as the new composition of the Court, were a milestone in the justice system and the end point of a deterioration process which lasted over a decade.

ii. Stage II (2003-2009)

Together with the reform of the Supreme Court of Justice, the new Administration undertook a series of transformations in different areas, such as the diversification of institutions for the access to rights.

Since 2004, the Federal Public Defender's Office began several processes to transform its institutional structures, with the aim of extending its capabilities, ensuring a greater access to justice, and to articulate with the different offices of the public defender in criminal and civil matters throughout the country. This was possible because of the creation of specialized commissions or groups, such as the prison commission, the gender commission and the commission for the protection of migrants and refugees. In the following decade, several commissions were created in the area of economic, social, and cultural rights, as well as a pilot project to provide legal aid to gender-based violence victims.

From 2005, the Ministry of Justice developed several public policies aimed at promoting, facilitating and giving hierarchy to access to justice rights. Unlike the previous programs which depended on the Undersecretariat of Justice, the Executive Order/Presidential Decree created the National Direction for the Promotion of Participatory Justice Methods ("*Dirección Nacional de Promoción de Métodos Participativos de Justicia*") under the Secretariat of Justice. The promotion of activities related to legal and social community outreach programs, and particularly, the creation and organization of a group of conflict resolution experts in topics of interest for the Federal Government. Particularly, the Ministry was required to "implement Social Plans for Community Legal Assistance, as well as all the other plans which are part of them." It was also entrusted with directing, developing, and promoting participatory methods for conflict management, as well as executing the competences of the Ministry of Justice related to mediation and conciliation.

In 2006, under the authority of this National Direction, the Center for Assistance and Derivation (Centro de Orientación y Derivación) was created, popularly known as the "Multi-entrance Lavalle Office" ("Oficina Multipuertas Lavalle"). This was a joint initiative by the Ministry of Justice and Human Rights and the Federal Appeal Court in Civil Matters, and is repeatedly cited as a precedent for the CAJs policy in all of the interviews. This office is currently functioning and is in charge of providing the following services for legal and social problems: advice, direction, and derivation to the different institutions providing legal aid in the City of Buenos Aires. In fact, together with the Citizen Attention and Orientation

Office (in charge of channeling the needs for information and legal advice, and receiving claims, reports and requests submitted by the population) they were part, since 2007, of the program "Access to Justice for Everyone", also under the Secretariat of Justice. One of its main goals[2] was ensuring access to justice and constitutional rights and, particularly, providing assistance and institutional derivation to legal and social problems.

In December 2007 Cristina Fernández de Kirchner was sworn in as the President under the same government coalition, the Frente para la Victoria party. A year later, she created, by Executive Order/Presidential Decree No. 1755/2008, the National Direction for the Promotion and Strengthening of the Access to Justice (NDPSAJ/DNPFAJ) under the Secretariat of Justice. This division is still in operation and all offices and CAJs were transferred to it. Among its main goals is the promotion, facilitation, and strengthening of the access to justice in response to the demands of the population, as well as carrying out activities related to social and legal programs of community outreach and assistance. For this purposes, it has a series of duties with regard to the administration of these services and the execution of legal aid plans[3]. Thus, the CAJs were integrated into the Ministry of Justice; and, with a marked presence in poor neighborhoods, they provided legal advice and court representation as a public service in a number of matters, and continued the work on community mediation which was previously rendered by mediation centers.

iii. Stage III (2010-2015)

From 2010, the CAJs had a new image, with interdisciplinary teams aimed at providing comprehensive responses and advice to the population. Within the Access to Justice Program, a psychosocial area was created with psychologists and social workers who joined a team which was, until then, composed only of lawyers.

In 2011 Cristina Fernández was reelected as President which gave certain stability and continuity to these policies. That year, under an agreement with the Lawyers' Association of Buenos Aires (ABBA), pro bono service was offered in the Province of Buenos Aires, the

2 In detail: (i) Bringing justice closer to citizens, ensuring access to justice and effective judicial protection of rights; (ii) Take all necessary steps to make constitutional rights effective; (iii) Contributing efficiently to the aims of institutional quality and social peace; (iv) Provide direction and derivations to legal and social problems.

3 According to Executive Order/Presidential Decree No. 1755/08 their duties are: (i) Organizing, coordinating, and managing the services through which the Ministry promotes, facilitates, and strengthens the access to justice; (ii) take part in the execution of social plan for providing legal aid to the community and the plans within; (iii) stimulate a coordinated response by the centers for the access to justice; (iv) provide direction and orientation to legal and social problems.

area with the biggest population in the country. A "multi-agency" approach was implemented creating agreements, coordination, and articulation with many public institutions, such as ministries, universities, public defenders' offices, etc. The CAJs intensified their profile as assistance centers in their response to problems such as family relations, criminal law, violence, health issues, housing, employment, and education, among others. With the purpose of adopting comprehensive approaches, the CAJs strived to monitor cases, coordinate with other agencies, facilitate access to social benefits and programs, meet the affected individuals, and offer them legal and psychosocial support.

The alleged goal was to "bring justice closer to the population, revert a dynamic of state intervention, and, in many cases, a logic of institutionalized exclusion." This idea of bringing justice closer to the people implies facilitating their access to the bureaucratic mechanisms of the Judiciary and the Government in general, but it also implies a closeness in a literal and a territorial sense. This is the basis for the location of the CAJs. On the one hand, the need to federalize the scope of the provision of legal services throughout the whole territory, under the mode of fixed premises or itinerant centers. On the other, the possibility of providing assistance in poor neighborhoods such as slums, informal settlements, and shanty towns, where the population face a greater situation of vulnerability and a number of unresolved issued which are not being adequately managed by the government. The poor location and deficient urbanization that many of these towns face create greater difficulties for their population to reach the urban centers where most of the government agencies capable of providing information or, eventually, some response, are located.

In 2013, within the strategic plan 2012-2015 of the Secretariat of Strategic Planning under the Ministry of Justice and Human Rights two new goals were set for the next two years. On the one hand, the creation of new itinerant and fixed CAJs. Increasing the amount of CAJs in the Province of Buenos Aires was a top priority, given its extension, demographic indexes, and the clear difficulties for the most vulnerable sectors to travel to existent CAJs. On the other hand, a unified database of consultations was created to enable a better management and monitoring of the cases, but could not be employed during that period.

That same year, under the Attorney General Office, specialized units were created, such as *Procuraduría de Violencia Institucional* (PROCUVIN), a unit specialized in institutional violence, and the Program Community Access to Justice (ATAJO) which promotes access to justice in the whole territory. Additionally, in 2013, by initiative of the Federal Court of Appeals in Criminal Matters, the Coordinating and Monitoring System for Judicial Control of Prison Units (*Sistema de Coordinación y Seguimiento de Control Judicial de Unidades Carcelarias*) was created.

This diverse set of public policies for the access to justice showed the potential for a combination of an individual case-by-case approach with a collective perspective. It followed

the tradition of the socio-political history of the territory linked to strategic litigation of the previous stages. This institutional and territorial picture does not imply the fact that these diverse agencies managed optimal levels of coordination in every stage, nor that their overlapping was free of tensions, but it is rather an expression of social, institutional, and territorial qualities.

iv. Stage IV (2016-2019)

In October 2015, the coalition party *Cambiemos* won the national elections, which implied a change in the ruling party as from December 2015. The policy on the access to justice had to deal with a number of tensions under the new Administration.

On the one hand, the new political officers had to face an initial distrust environment among the working teams. The new Federal Government was generally composed of individuals from a different background and political traditions to the CAJS teams. Thus, a lot of time and effort had to go into creating minimum frameworks for a coordinated work.[4] This effort was undermined in 2018, within the context of state downsizing and adjustment policies which implied massive layoffs and contract terminations, including within the Ministry of Justice.

A second issue was related to the managing and the reaching of a balance among what can be described as extremely heterogeneous CAJs throughout the country, which not only answered to the diversity of problems brought to them, but also to a lack of a shared concept of what kind of services they were set to provide. Consequently, a series of discussions ensued among the CAJs aiming at identifying service specificities and common characteristics beyond territorial differences. This also implied attempts to build standardized methods of assistance, response, and description of the services. The managing officers point to the fact that many conversations were had so that those centers with extremely different practices could find common ground, share methodologies, and create a better articulation. Regional coordination had a relevant role in this dynamic.

A third issue is related to the points in which the new Administration tried to difference itself from previous Administrations. About this, it was pointed out that facing a clear articulation of the public policy agenda with the political partisan agenda, access practices

4 Nevertheless, it must be noted that the profile of the new Access to Justice area, in charge of Gustavo Maurino, had a long trajectory of strategic litigation for the defense of the rights of individuals in poor neighborhoods, especially in the City of Buenos Aires. This past trajectory set the foundations for a mutual acknowledgment.

were more focused on implementing programs of direct material assistance and rights extensions, and less on primary assistance and justice programs. According to the image of the new Administration, the focus was on providing tools for an autonomous exercise of rights seeking to gap the effects of legal exclusion (interview to G.M.). On the other hand, public officials pointed out to the effort to extend community participation in the CAJs decision-making processes and reflect on location criteria, training, and monitoring performance of the CAJs.

Within the framework of common guidelines for the operation of the CAJs network, the first version of the case-management computer system was implemented: the SICAJ. This is a management and registration tool with the aim of providing access to information, data statistics, and databases, among others. With this system, as part of a policy of "professionalization of the CAJs", new guidelines for measuring results were established through a process which defined goals, aims, planning, and assessment. Although it could be improved, the adoption of the SICAJ management tool was a significant improvement in the institutional management of the CAJs, and an opportunity to provide valuable information to the public as well as decision-makers on the service and the claims received.

As mentioned in sections II.a and II.b, in order to have information that would enable diagnoses on access to justice problems, two Unmet Legal Needs Surveys were conducted at the federal level by the Ministry of Justice together with the University of Buenos Aires Law School. The first one was published in 2017, and the second one in 2019. The surveys aimed at making a diagnosis on the protection of social rights, the levels of unmet basic legal needs, and the possibilities to access to formal and informal defense of rights.

New CAJs were open in this stage, especially in San Luis and Catamarca Provinces, which did not have this service before. At the same time, several CAJs were closed in some areas of the Province of Buenos Aires.[5] The demand for legal aid to solve legal conflicts in a judicial stage led to the creation of the Federal Network of Lawyers for Legal Aid, which works from the derivation by the CAJs of cases which require intervention by the judiciary. The network, composed of bar associations, universities, and civil society organizations was created in 2017 within the framework of the government's proposal "Justice 2020", which framed the public policies proposals for the reform of the judicial system by the Administration. Despite the limitations in its implementation, which will be addressed below, this network proved to be valuable in terms of coordination and institutional articulation to ensure the access to legal services for a specific set of cases.

5 This was done within a policy of geographical redistribution of the CAJs based on the need to establish objective location criteria.

The Federal Government launched a program for "social, production, and infrastructure development"[6] for ten Provinces in the Northern area of Argentina known as the Belgrano Plan. Against this background, it also launched the program termed "Sanitary and Legal Northern Corridor" with CAJs that provide itinerant rural services in six Provinces of the North, as well as the Province of Formosa under the current Administration.[7] With the aim of applying comprehensive approaches, the corridor operates in coordination with the Ministry of Justice, the Ministry of Health and the health ministries of each Province.

In the Once district, a Hospital of Rights was launched "as a public center offering free comprehensive legal advice to any legal need of the population (information, direction, advice, support, mediation, and court representation). The services of the "Multi-entrance Lavalle Office" were also strengthened by incorporating other functions in order to adopt a greater scope than just providing orientation.

In sum, the key features of this period are the application of unmet legal needs surveys, the creation and implementation of the CAJs, the Hospital of Rights in Once neighborhood, and the Legal and Sanitary Corridor in the Northern Area (referred to in Chapter VI.e).

v. Stage V (2020 - now)

In December 2019, a new coalition won the national elections: Frente de Todos party. The NDPSAJ/DNPFAJ, although with some differences, reassumed the political ideas of the period 2011-2015, now amidst the COVID-19 pandemic.

Even though the research for this report extends to 2019, it is possible to highlight some point which seemed to differentiate this period form previous Administrations. According to the current public officers in charge, the main goal is to deepen the collective dimension of the cases arriving at the CAJs. This is an approach that no other Administration applied before, and aims specifically at the intervention in community problems, which are currently linked to housing, land, income, employment, and gender. The challenge is significant: executing an effective public policy in a medium to long term process for the restitution of rights.

According to reports, priority groups in the CAJs for this stage are: individuals working under unreported conditions of employment or informal employment, sectors of the

6 https://ejapo.cancilleria.gob.ar/userfiles/6._Plan_Belgrano_Presentacion_ESP.pdf

7 In Formosa, the CAJ providing itinerant services based in the town of Ingeniero Juárez does not have a doctor. The team is composed of a lawyer, a social worker, and a driver/administrative staff.

popular economies, migrants, children and adults up to 25 years old, women from poor neighborhoods, individuals residing in towns registered in the RENABAP,[8] and individuals affected by the laws of family, rural and indigenous agriculture.

This community approach does not imply the CAJs losing the role of receiving claims and deriving them to the appropriate government agency or office; rather, the idea is to supplement its collective dimension. In other words, the idea is for the CAJs to settle as legal and psychosocial devices with the purpose of demanding compliance from the agencies and bodies which are competent in the execution of public policies within the Executive.

Under this perspective, the CAJs are considered a tool for the enforceability of rights through administrative channels with competencies to provide advice on the access to the judicial system. "The plus of the CAJs is that their agents are trained from the beginning with a comprehensive approach to the State, thinking about comprehensive interventions. Knowing that behind the request of an ID Card there may be other issues, that behind a migrant's application there might be other issues, an in general, the other devices do not look at this because they focus on solving the concrete issue." (Interview to Gabriela Carpineti). In fact, behind requests which at the surface appear as simple administrative paperwork or proceedings, there are greater structural issues with a community dimension. The claim for the access to food stamps, for example, might bring with it a claim for urbanization, access to adequate housing or essential services, which may surface later because they lack that first urgency.

Another challenge that was pointed out as central for the current NDPSAJ/DNPFAJ is the federalization of the location of the CAJs according to socioeconomic criteria and indicators. According to its authorities, the division is planning to build an index of priorities for the access to justice that will combine social and territorial emergencies of the devices of the formal justice system. This is the aim for the creation of CAJs in rural areas: assisting these communities with their specific problems.

The COVID-19 pandemic became a challenge which forced the CAJs to change their work priorities and concentrate on the urgencies caused by the social emergency deriving from the sanitary crisis. An assistance system by telephone was developed aimed at individuals form poor neighborhoods given the impossibility of traveling to the different territories. A special hotline was established to consult on the Executive Order/Presidential Decree

8 The National Registry for Poor Towns (RENABAP) is a national registry which gathers information on slums, shanty towns, and informal settlements. For more information, please visit: https://www.argentina.gob.ar/desarrollosocial/renabap

which prohibited evictions and automatically renewed rental agreements; as well as for consultations on eviction possibilities once the Order expired. The offices of the City of Buenos Aires were specifically adapted to provide support and assistance to renters in coordination with the National Direction for Mediations to provide pre-court mediation services for those facing evictions. Lastly, the CAJs incorporated into their work priorities the provision of advice related to the access to the Family Emergency Income (IFE), one of the main social protection policies adopted during the first year of the pandemic.

05

INSTITUTIONAL ORGANIZATION OF THE CAJS

05

Institutional Organization of the CAJs

The CAJ policy has been sustained for many years during different Administrations with the aim of promoting and enabling the access to justice for vulnerable sectors of the population by providing interdisciplinary community services which centralize the responses that may be given by the government to the different legal problems of the population. In the next sections, we will address the characteristics of the institutional organization of this public policy between 2016 and 2019.[1]

— a. Structure and Functions of the CAJs

As pointed out before, according to their website, the CAJs are "offices which provide services of primary legal assistance free of charge." At the same time, they advise "individuals so that they can face their everyday legal problems." These are territorial government devices which seek to extend legal assistance services, and improve the access to justice for the most underprivileged communities.

Gustavo Maurino referred to the basis of the policy which is linked to its justification and purpose:

> The purpose was to provide a network of community primary legal assistance services for the legal needs of the underprivileged communities. It was justified in an identified persistent and structural gap in the knowledge, use, and management of legal tools by the communities. That is to say it was basically a situation which we could broadly term as legal exclusion.

1 The collection of data for this section was based on a methodological triangulation of sources, such as semi-structured interviews to key informants, legislative review, and review of institutional documents and CAJs internal evaluation reports. Additionally, a series of inputs were obtained during the validation process with local actors carried during March 2021.

According to institutional documents, the CAJ policy has the following objectives:

1. "Provide comprehensive response services to the legal needs of the most vulnerable communities, which reduce subjective gaps in the knowledge, resources, and capabilities to manage everyday issues with legal implications."

2. "Provide effective experiences of personal and community legal empowerment which would enable knowing and using the law and the institutions to improve life conditions and realizing rights in general, and those related to social conditions for justice and equality, in particular."

3. "Strengthen the capacity of the institutional and judicial ecosystem to give adequate and effective responses to the legal needs of the most vulnerable communities."

In order to attain the objectives proposed, the CAJ policy was structured around a series of main goals: the federalization of its scope and territorial accessibility. Next, we will address the progress made in attaining those goals up to December 2019.

i. Policy Federalization

Throughout the years, new CAJs were opened in different locations in the country (MJHR, 2012). The criteria behind the opening of new CAJs was "the need to federalize the scope of this policy, with the aim to have an impact in the whole territory, expanding and maximizing the scope of our actions and beneficiaries" (MJHR, 2013, p. 83). Similarly, during the 2015-2019 Administration, "(…) the goal was to ensure at least one in every district" (interview to Gustavo Maurino). In 2017, with the opening of a CAJ in San Luis Province,[2] the goal of having at least one CAJ in each Province and the City of Buenos Aires was attained. Notwithstanding this goal, it is necessary to analyze the criteria in deciding the presence and the number of CAJs located in each Province.

Between 2012 and 2015 the amount of CAJs grew significantly, and then kept stable from 2015 to 2019[3] (MJHR, 2012). Even though the amount of CAJs was the same between 2015 and 2019, their location did change. As can be observed from the chart below, during this period the amount of centers in the Provinces of Buenos Aires and Santa Fe had decreased, while new centers were opened in Catamarca, San Luis, Jujuy, La Rioja, Tucumán, Tierra del Fuego, San Juan, and the City of Buenos Aires.

2 https://www.argentina.gob.ar/noticias/los-centros-de-acceso-justicia-estan-en-todo-el-pais

3 The amount of CAJs for the year 2015 can be checked on the list provided by the Ministry of Justice an Human Rights, available at: https://www.argentina.gob.ar/justicia/afianzar/caj/listado

Chart 1. *CAJ distribution per province in 2012, 2015, and 2019*

Province	CAJs in 2012	CAJs in 2015[1]	CAJs in 2019[2]
BUENOS AIRES	2	46	34
CABA	15	17	16
CATAMARCA	0	0	2
CHACO	0	3	3
CHUBUT	0	1	1
CÓRDOBA	1	2	3
CORRIENTES	0	1	1
ENTRE RÍOS	0	2	2
FORMOSA	0	2	3
JUJUY	2	3	4
LA PAMPA	0	1	1
LA RIOJA	0	1	2
MENDOZA	0	2	2
MISIONES	0	2	2
NEUQUÉN	0	1	1
RÍO NEGRO	0	2	2
SALTA	0	1	2
SAN JUAN	0	2	2
SAN LUIS	0	0	1
SANTA CRUZ	1	0	1
SANTA FE	2	3	2
SANTIAGO DEL ESTERO	0	2	2
TIERRA DEL FUEGO	0	0	2
TUCUMÁN	0	1	3
Total amount	**23**	**95**	**94**

1 The information about the amount of CAJs in 2015 in the City of Buenos Aires and the provinces of Córdoba, San Juan, Santa Cruz and Tierra del Fuego was provided by Gustavo Maurino, former Director of the NDP-SAJ/DNPFAJ, during the validation process.

2 The information about the amount of CAJs in 2019 in the provinces of Formosa and Salta was provided by Gustavo Maurino, former Director of the NDP-SAJ/DNPFAJ, during the validation process.

The federal Ministry of Justice and Human Rights informed that in December 2019 there were 94 CAJs in the country.[4] The criteria to determine their location during the 2015-2019 period was related to the goal of locating one office per province, and to provide services in the big urban centers and the districts of the metropolitan area of Buenos Aires, as well as the priority in terms of amount of population and unmet legal needs (interview to Gustavo Maurino).

4 CAJs list available at: https://www.argentina.gob.ar/justicia/afianzar/caj/listado

The following chart depicts the distribution of the CAJs per province, population, percentage of unmet legal needs according to INDEC, the ratio of CAJs to 100 thousand inhabitants, and the mount of ULN population per amount of CAJs in December 2019.

Chart 2. *CAJ distribution per province, population, percentage of unmet legal needs and ULN population per CAJs.*

Province	Amount of CAJs	Population	Percentage of ULN population (INDEC)	ULN population per CAjs
BUENOS AIRES	34	15.625.084,00	11,20	51.471
CATAMARCA	2	367.828,00	14,06	25.858
CABA	16[1]	2.890.151,00	7,00	12.644
CÓRDOBA	3	3.308.876,00	8,70	95.957
CORRIENTES	1	992.595,00	19,70	195.541
CHACO	3	1.055.259,00	23,10	81.255
CHUBUT	1	509.108,00	10,70	54.475
ENTRE RÍOS	2	1.235.994,00	11,60	71.688
FORMOSA	3	530.162,00	25,02	44.216
JUJUY	4	673.307,00	18,10	30.467
LA PAMPA	1	318.951,00	5,70	18.180
LA RIOJA	2	333.642,00	15,50	25.857
MENDOZA	2	1.738.929,00	10,30	89.555
MISIONES	2	1.101.593,00	19,10	105.202
NEUQUÉN	1	551.266,00	12,40	68.357
RÍO NEGRO	2	638.645,00	11,70	37.361
SALTA	2	1.214.441,00	23,70	143.911
SAN JUAN	2	681.055,00	14,00	47.674
SAN LUIS	1	432.310,00	10,70	46.257
SANTA CRUZ	1	273.964,00	9,70	26.575
SANTA FE	2	3.194.537,00	9,50	151.741
SANTIAGO DEL ESTERO	2	874.006,00	22,70	99.200
TIERRA DEL FUEGO, Antártida e Islas del Atlántico Sur	2	127.205,00	14,50	9.222
TUCUMÁN	3	1.448.188,00	16,40	79.168

1. This number includes the CAJs which also receive consultations form individuals from the Province of Buenos Aires, because of their location.

Source: *Our own elaboration based on information published by the Ministry of Justice and INDEC*

Chart 2 above, identifies only some of the variables that could be relevant when assessing the distribution criteria of the CAJs in the whole country. Based on these data, it is possible to conclude that the provinces with the larger ratio of CAJ amount to ULN population are: Corrientes, Misiones, Salta, and Santa Fe. Said result could be pondered when determining the opening of new CAJs in those provinces.

According to the results of the validation process of this report, the opening of new CAJs must also consider the very dynamics of a federal country and the political aspects of each jurisdiction. Several interviewees referred to an overlapping between a socio-demographic and institutional rationale for the decision to open and locate a CAJ, and a political rationale linked to internal struggles for the allocation of resources and official appointments. Additionally, the interviewees who were in charge of the CAJs during the different periods agreed on this tension and provided different accounts on the distribution of the CAJs on each stage. Those in charge during the last two Administrations agreed on the need to set different parameters based on available data to support the decision of opening new offices. Finally, the data on the amount of population or ULN population could be supplemented by other data which would allow to have objective parameters for the location of the CAJs. In this sense, as stated during the validation process, the NDPSAJ/DNPFAJ is working on an index which would assess government presence in order to identify the possible location of another center.[5]

ii. Territorial Accessibility and the Administrative Decentralization Process

The policy was conceived as a direct government intervention to be located in the place where the most vulnerable populations live, with the aim of eliminating economic/financial, social, and cultural barriers which may restrict access to justice:

> "(...) CAJs were specifically located in those geographical areas, such as slums, informal settlements, ad shanty towns, where the population is in an extreme vulnerability situation, facing a wide range of unresolved problems, great difficulties to travel in search of information or solutions, and where the presence of the government was clearly insufficient. As we have seen, in many cases, the CAJs are the only instance present in those territories (...)." (MJHR, 2012, p. 89).

Territorial accessibility and the process of administrative decentralization could be analyzed around two issues. First, the location of the CAJs outside of urban areas and in

5 Leandro Rodriguez Pons, interviewed during the validation process stated that, at the moment of drafting this report, the NDPSAJ/DNPFAJ is working on creating an index with the Ministry of the Interior that will enable identifying a lack or scarce government presence in different locations in the country.

towns were the most vulnerable people live. Second, the provision of itinerant services. This second issue will be addressed above, given that there is a pending analysis on the exact location of the offices so as to allow an assessment of the fulfillment of this goal.

Itinerant CAJs aim at expanding CAJ services and strengthening cooperation with other institutions. Itinerant CAJs move regularly throughout the territory (MJHR, 2019:125). CAJs are not obliged to move but any CAJ can become itinerant. According to internal evaluation documents available,[6] 71% of the CAJs had done some itinerant work by October 2019. According to the guidelines in the NDPSAJ/DNPFAJ's handbook, starting itinerant work may be necessary:

1. "When there are vulnerable communities located in areas far from the CAJ office or where the CAJ has little to no visibility (...);
2. When the level of demands in the CAJ offices decreases for climatic reasons or season (vacations, holidays, festivities, etc.);
3. When the CAJ identifies an institutional or organizational space within the territory which regularly summons an exceptional amount of individuals, whose particular vulnerability is of interest to the CAJ in terms of strategic reasons for the access to justice;
4. When the CAJ identifies that a sector of the vulnerable population does not attend the place where the CAJ operates for security reasons, or because of social/cultural barriers;
5. When a community or institutional actor requests its presence and, after internal evaluation, the CAJ decides to carry itinerant work;
6. When emergency situations require special assistance to the vulnerable population of the place for a period of time;
7. When the CAJ receives a few consultations in its office, or has a surplus work capacity which could be used by the community in its area of influence, because of geographical reasons, population density, or CAJ location (...)." (MJHR, 2019b:126-127).

Thanks to the available information in assessment documents it was possible to identify the reasons why many of the teams decided to stop an itinerant work that had already

6 We were only able to access 79 internal evaluation reports drafted by the CAJs employees during September and October 2019.

been started.[7] [8] Among these reasons, they claim: receiving few consultations,[9] lack of minimum work conditions to provide adequate assistance,[10] conflicts with the individuals in charge of the place where the itinerant CAJ was located,[11] lack of staff,[12] attaining the proposed goal,[13] poor location,[14] difficulties in institutional articulation,[15] by a decision of the CAJs work team,[16] at the request of the population where the itinerant work was taking place.[17]

The very characteristics of itinerant work, as mentioned above, imply a dynamic process in pondering the opening or closing of based on a series of factors. In this sense, an

7 The reasons or criteria under which an itinerant service is decided to be commenced or suspended is not clear from the analyzed documents. Nevertheless, it must be stated that it seems to be linked to demand, strategic alliances, and available staff, among other factors.

8 During the validation process Gustavo Maurino, former Director of the NDPSAJ/DNPFAJ, claimed that the information in the internal evaluation reports may not be the best information to assess the way in which the itinerant services were provided.

9 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: Almirante Brown, Bahía Blanca, Dolores, La Plata Centro, Mercedes, Moreno, Pergamino, San Fernando, San Nicolás, Villa 15, Villa Soldati, Córdoba Cabildo, Barrio Maldonado, Santiago Del Estero, Gualeguaychú, Clorinda, Santa Fe.

10 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: Bahía Blanca, Villa 15, Villa 31, Villa Soldati, Rosario, Villa María, Clorinda.

11 This reason has been claimed in the internal evaluation report drafted between September and October 2019 from the team of the CAJ in Dolores.

12 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: Florencio Varela, Mercedes, Moreno, Córdoba Cabildo, Barrio Maldonado, 1 11 14.

13 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: La Plata Centro, La Plata Villa Elvira, Lomas De Zamora, Villa 31, Castelli.

14 This reason has been claimed in the internal evaluation report drafted between September and October 2019 from the team of the CAJ in La Plata Centro.

15 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: Lomas de Zamora, Pergamino, San Fernando, San Nicolás, Rosario.

16 This reason has been claimed in the internal evaluation reports drafted between September and October 2019 from the teams of the following CAJs: Santiago del Estero, Mendoza.

17 This reason has been claimed in the internal evaluation report drafted between September and October 2019 from the team of the CAJ in Formosa.

assessment on the implementation and development was not addressed in this section, given the difficulties to reach a clear conclusion given the limited information available.[18]

— b. Policy Supervision and Control

As was stated before, the Centers for the Access to Justice are under the coordination of the NDPSAJ/DNPFAJ, under the Secretariat for the Access to Justice of the Ministry of Justice and Human Rights. The competencies, responsibilities, and decisions are divided among the National Direction, the Regional Coordination Offices, which correspond to 8 areas of the country (NOA [North West], NOA Corridor, NEA [North East], Cuyo, Centro-Litoral, PBA [Province of Buenos Aires], CABA [City of Buenos Aires], and Patagonia) and the coordinators of the 92 CAJs distributed throughout all provinces. Based on a scaled supervision scheme, the soundness of this monitoring system and its dynamics have more or less fluctuated throughout history, requiring different institutional efforts. In this sense, each new administration has had to develop concrete legitimation strategies and opening dialogues with the employees of the centers to be able to fulfill each of the goals set the management.

i. The National Direction for the Promotion and Strengthening of the Access to Justice (NDPSAJ/DNPFAJ)

The NDPSAJ/DNPFAJ has the primary responsibility of promoting, enabling and strengthening the access to justice by the population; conducting and promoting activities related to social and legal community outreach and assistance, and attend to the demands of the population.[19] It must organize, coordinate, and manage the services through which the Ministry of Justice promotes, enables, and strengthens the access to justice; be involved in the execution of social plans for providing legal assistance to the community, and stimulate the coordinated work of the CAJs.[20]

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18 This was incorporated according to the results of the interview to Gustavo Maurino within the validation process.

19 Executive Order/Presidential Decree No.1486/11. Available at: http://servicios.infoleg.gob.ar/infolegInternet/anexos/185000-189999/187434/norma.htm

20 Executive Order/Presidential Decree No.1486/11. Available at: http://servicios.infoleg.gob.ar/infolegInternet/anexos/185000-189999/187434/norma.htm

The NDPSAJ/DNPFAJ sets the guidelines for the work of the CAJs and the goals for institutional development. The handbook has a special chapter on institutional goals (MJHR, 2019, p. 208).[21] According to the results of the interviews to public officials, the criteria for defining the goals changed based on successive assessments. One the first formulation began in 2016,[22] which sought to level the amount of cases addressed by the CAJs, establishing a minimum amount of cases per agent. It was also combined with requirements related to the type of consultations, with the aim of increases legal over administrative consultations. Other goals were related to the need for activities of community training, in order to strengthen the territorial insertion of the CAJs. Even though it was not possible to review in official documents the consequences of not fulfilling these goals, it follows from the results of the interviews that the mechanism employed was a "Strategic intervention", based on which a more intense and direct articulation and monitoring work carried between the Direction and the CAJs. Afterwards, these general and homogeneous goals and aims were replaced by specific definitions for each center.

ii. Regional Coordinators

According to the CAJ handbook, the main function of the regional coordinators consists in "guiding, facilitating, and supervising the implementation of the access to justice public policy in the Centers for the Access to Justice in the different regions of the country, in accordance with the guidelines established by the NDPSAJ/DNPFAJ." (MJHR, 2019b, p. 469). They are also in charge of supervising the work of the CAJs and being the institutional reference of the NDPSAJ/DNPFAJ in the territory by liaising with other government agencies and NGOs. In this sense, the Regional Coordinators are responsible before the CAJs, within their region, and before the NDPSAJ/DNPFAJ (MJHR, 2019b). Given the particularities of their role, the regional coordination offices may carry a comparative analysis of the dynamics of the different CAJs, understand their differences in terms of their work and in terms of their needs (Gustavo Maurino interview).

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21 Even though these are internal documents, we encourage their publication in the Direction's website, as they may provide valuable information for other civil-society actors.

22 This process was framed by ISO 9001 certification carried by the MJHR through the Argentine Institute for Normalization and Certification (IRAM). According to the official website, in 2017 "(…) the CAJs obtained the ISO 9001 certification after the IRAM's auditing process." Available at: https://www.argentina.gob.ar/noticias/certificacion-norma-internacional-iso-9001. And, in 2019, "The Ministry of Justice and Human Rights certified 86 Centers for the Access to Justice (CAJ)". Available at: https://www.argentina.gob.ar/noticias/el-ministerio-de-justicia-entrego-certificados-de-gestion-de-calidad

The NDPSAJ/DNPFAJ is in charge of defining the amount of Regional Coordinators and their distribution. According to available institutional documents, each Regional Coordinator is in charge of coordinating seven to ten CAJs (MJHR, 2019b). According to the information published by the Ministry of Justice, there currently eight Regional Coordination Offices: NOA, NOA Corridor, Cuyo, Centro-Litoral, PBA, CABA, and Patagonia.[23]

Based on the guidelines and the institutional development goals set by the NDPSAJ/DNPFAJ, the coordinators are directly responsibility for the CAJs complying with these guidelines and attaining these goals, with the aim of achieving an adequate access to justice service provision (MJHR, 2019b). In order to supervise the work of the CAJs, they must conduct periodic visits to each center and meet with their staff. At the same time, they must provide assistance to solve complex cases when the staff have difficulties.

Additionally, with regard to being responsible before the region, regional coordinators represent the public policy before federal, provincial, or municipal bodies, private institutions and NGOs.[24] (MJHR, 2019b).

Finally, with regard to the responsibilities before the National Direction, regional coordinators must ensure compliance with all procedures, handbooks, and protocols established by the Direction and are accountable for the performance of the CAJs in their region(MJHR, 2019b). For this purpose, regional coordinators must communicate regularly with each one of the Direction's areas.[25]

According to the 79 evaluation reports assessed, a great amount of CAJs have found the following main topics:

- A need for greater support in liaising with federal, provincial, and municipal bodies. In some cases, they even required formalizing these articulations through memorandums of understanding driven by the proper authorities.
- Providing a more fluent dialogue with the CAJs, and increasing the presence of authorities in the territories by visiting the centers personally. They also pointed at the excess bureaucratic processes for communicating directly with them.

23 DNPFAJ organizational chart, 2020. https://www.argentina.gob.ar/justicia/afianzar/caj/organigrama

24 It is still necessary to analyze how the representation tasks carried out by regional coordinators and those carried out by the CAJ themselves are divided.

25 It is still necessary to have more information on the fulfillment of their respective functions by the regional coordinators in order to perform a better diagnosis on the effects of the incorporation of this profile within the policy.

- » Strengthening and incrementing the amount of meeting spaces between the CAJs, with the aim of discussing and sharing experiences, knowledge, and abilities.
- » Clarifying and differentiating more clearly the functions and competencies of the National Direction and the Regional Coordinators. In some cases, even though they considered the role to be a positive one, they pointed to the lack of decision-making power and the overlapping of tasks with those of the Direction.
- » Creating federal coordination areas for professionals according to their field of expertise. Some CAJs request the reinstatement of the psychosocial approach coordination.
- » Making decisions taking more into account the specificities and the everyday reality of each CAJ.

iii. CAJ Coordinators

Finally, each CAJ has a coordinator with the responsibility of ensuring the strengthening of the center. Coordinating tasks require "a widely strategic vision of the territory, the services provided by the center, its insertion into the community, and in the local institutional environment, according to their particularities "(....) they must enable identifying problems, agencies, institutions, civil society actors, and any other relevant information in order to delineate the specific way of working in that CAJ." (MJHR, 2019b, p. 458). In the everyday practice, this role implies a constant dialogue with those in charge of the Regional Coordination Offices, for the monitoring of the management goals, as well as for the resolution of more administrative petitions and demands (such as supplies, for example).

— c. The Computer System

In 2016, the CAJs started to implement the case-management computer system (SICAJ) as a tool to register and manage the consultations received by the CAJs. Its main goals were:

1. To allow immediate access to information on the individuals and their consultations to raise the quality of assistance.
2. To generate a database that would allow identifying legal needs in the territories where the CAJs are located.
3. To register the tasks carried out by the agents in answering or assisting with the consultations, in their relations to the communities and to other government institutions.

4. To produce reliable statistics.
5. To reduce the use of paper (MJHR, 2019b).

The SICAJ registers consultations, as well as all the arrangements, paperwork, or proceedings carried out in order to solve them. This feature has a great potential for generating updated information on the legal problems of the population, as well as of the responses given by each CAJ to each case.

Notwithstanding the fact that the SICAJ data will be analyzed in the following chapter, it is necessary here to assess the manner in which it was used by the staff, as well as the positive aspects, and challenges for the users.

In the first place, the production and registration of information by the CAJ increased with the implementation of the system. The information included in the consultations database shows the scope of use of the tool.[26]

According to an assessment by the CAJs staff at the end of 2019, most of the teams agreed on the benefits of the system. Among other issues, they mentioned the importance of the tool to monitor cases and to identify those individuals who had already visited another CAJ in the past.[27]

For instance, the CAJ in Bahía Blanca mentioned that "the monitoring of cases was improved by the systematization of data and the socialization of the consultations with other CAJs, as well the knowledge of the cases among the working team members (…)" (Internal Evaluation Report, 2019, CAJ in Bahía Blanca). Similarly, the team of the CAJ in Campo Gallo expressed: "the SICAJ is a good tool as it enables us to have a legal-medical record of each individual that comes to the office (…)" (Internal Evaluation Report, 2019 CAJ in Campo Gallo).

26 http://datos.jus.gob.ar/dataset/consultas-efectuadas-en-los-centros-de-acceso-a-la-justicia. The information is available from 2016 to November 2019. It has not been updated since November 2019.

27 As it has been claimed by Gustavo Maurino during the validation process, the tool developed by the NDPSAJ/DNPFAJ has not been replicated by other justice services. Even though this research was not aimed at comparing the level of technological development against other agencies, this remark is worth noting. The greater availability of data from the SICAJ was also noticed.

Evaluation reports also suggest some pending challenges in the implementation.[28] First, a series of CAJs reported difficulties because of a lack of internet access in their locations.[29] Additionally, some expressed disagreement with some sensitive data being collected which may be stigmatizing.[30] Another difficulty was related to specific incorporations into the SICAJ in the "Hospital of Rights", especially with regard to a lack of access and data registration by some of the organizations and bodies working there (Guillermjna Greco interview).

Additionally, as will be shown in section VI, there are persistent challenges with regard to the categories employed by the system for data registration, which is important to reduce the possibility of having diverse interpretations. Also, training must be reinforced to effectively employ the SICAJ as a tool for data registration.

From the results of the interviews we found that the SICAJ was developed with limited human and economic resources. It was designed by the IT area of the MJHR, and over an initial proposal which required several amendments and improvements. Additionally, the employment of the system by other areas of the Ministry (such as the CENAVID) fostered an updating of the system with unclear, diverse, and overlapping goals.

Moreover, in spite of the potential for the use of the information provided, it was not possible not identify for the moment if the information produced by the CAJs has been generally used as an input in the decision-making processes around the public policies implemented by different agencies –apart from the Ministry of Justice; identifying, for example, collective patterns of economic, social, cultural, and environmental rights violations which may enable designing a preventive and promotional policy to anticipate an increase in social conflicts and judicialization.[31] The need to clearly define the categories

28 During the validation process, Gustavo Maurino and Facundo Ureta noted that before 2015 the situation of the computer system was hardly addressed. They also highlighted the progress made with the implementation of the SICAJ, as well as the fact that implementation difficulties were not considered properly, which is common to government dynamics.

29 This reason has been reported in the internal evaluation reports from the teams of the following CAJs: Chascomús/Dolores, San Pedro, Belén, Valle Viejo, Gualeguaychú, Paraná, Clorinda, Susques, Cipolletti, Bariloche, Santa Fe, Amaicha del Valle.

30 This reason has been reported in the internal evaluation reports from the teams of the following CAJs: Chascomús/Dolores, San Pedro, Belén, Valle Viejo, Gualeguaychú, Paraná, Clorinda, Susques, Cipolletti, Bariloche, Santa Fe, Amaicha del Valle.

31 According to the interview with Guillermina Greco, the Hospital of Rights employed SICAJ data to select the topics for specific derivation protocols: "In order to choose the critical paths (…), it follows from the SICAJ which ones were the most consulted about (…)." At the same time, during the validation process, Facundo Ureta commented on the usefulness of the SICAJ data when interacting with other areas of the government, such as the National Direction for Migratory Issues.

used by the system must be also added to this equation, as well as the need to avoid the under-registration of several categories of information related to consulting individuals, and the CAJ's intervention.

In this sense, although the creation and implementation of the system was a significant progress in terms of case management improvement, it is as a tool of great value for the production of data, which could be used more to assess and strengthen public policies.

— d. CAJ's Staff and Resources

The management of the CAJs and the way in which they assist with consultations are closely linked to amount of resources allocated to the policy, its distribution, and the staff hired to carry out their strategic functions. In this sense, in 2018, the cycle of macroeconomic indicators of the country sharply plunged, which had significant material impacts in the CAJ policy. Even though a nominal or material decrease of the budget could not be proved, the restrictions for recruiting new staff (see section ii) posed important challenges. Next, we will analyze their budget and staff.[32]

i. Budget

Governmental activity for the fulfillment of rights and the execution of public policies depend on government or public expenditure. Analyzing the budget allocated to the policy allows us to evaluate how resources are being used, how they are distributed, and if this favors implementation or not. Having sufficient resources is fundamental for the access to justice.

The NDPSAJ/DNPFAJ, like most of the Ministry of Justice and Human Rights, has a series of budget funds (allocated by law of the Federal Congress)[33], as well as out-of-budget funds for the implementation of public policies.

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32 For this aim, we turned to secondary sources of information, such as the public information available about the centers and the internal evaluation reports.

33 During the period 2012-2017, the programs with available budget for the policy on the access to justice are: No. 23 "Legal aid and relationships with the Judiciary", for activities No. 1 "Mediation and Access to Justice", and 4 "Legal Database Service"; and Program no. 32 "Protection for Victims of Violence". As from 2018, the activity "Mediation and Access to Justice, and "Protection for Victims of Violence" are within Program No. 43 "Consolidation of Justice as a Value", while the activity "Legal Database Service" is part of Program No. 42 "Strategic Planning and Community Relations."

For the purposes of assessing the amount of out-of-budget funds, we requested information to the Association of Automotive Dealers of the Argentine Republic (ACARA) on the resources from the Technical and Financial Cooperation Fund created within the framework of an agreement between the Ministry of Justice and Human Rights and ACARA,[34] and destined to the payment of contracts of the NDPSAJ/DNPFAJ,[35] as reported. Out-of-budget funds allocated to the policy were relatively stable (with inflation adjustments)[36] between 2013 and 2018, at 37 to 42 million pesos per year. There was a considerable increase in 2019.[37] Given the amount of funds needed to implement the policy, it is still important to continue inquiring into the amount of out-of-budget funds employed.

The amount of disaggregated data available in the databases published by the Government in official websites is not enough to determine the amount allocated and executed by the NDPSAJ/DNPFAJ. It would be valuable for future research to analyze with greater detail the funds spent on this policy –and its proportional relation to out-of-budget expenses-, as well as to assess more comprehensively its sufficiency with regards to the fulfilment of its goals.

ii. CAJ Staff

The Ministry of Justice reported that, in 2019, the amount of employees in the CAJs was 378 individuals,[38] with an average of 4.7 employees per center.

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34 Pursuant to Laws No. 23282 and No. 23412.

35 This information was obtained by an access to public information request, answered by the agency on 2 March 2021.

36 For accumulated inflation of 2012 to 2015 we employed *EPyCA Consultores* as a source. The inflation for the period 2016 to 2019 was measures bases on the Federal Consumer Price Index by INDEC.

37 Out-of-budget funds allocated to the payment of contracts and expenditures during 2019 was 266 million pesos, which were mainly allocated to the payment of agreements between the NDPSAJ/DNPFAJ with other bodies. Based on the information, it is not possible to determine if such an increase represents a global increase in the resources available for the policy or if it was supplemented by a reduce in the budget funds allocated to it.

38 The information on the amount of staff was obtained from the evaluations provided by the CAJs staff to the Ministry. The evaluations were carried during September and October and indicate the amount of employees in each CAJs as well as their profession. Nevertheless, according to the CAJs list available in the Ministry's website, there is no specific information on 12 CAJs which are currently operating. Thus, the number of total staff today may be more than what has been stated here.

Chart 3. CAJ staff per province

Province	Amount of CAJs	Total Staff	Average Staff
BUENOS AIRES	34	124	4,13
CATAMARCA	2	7	3,5
CABA	16	91	7,58
CÓRDOBA	3	15	5
CORRIENTES	1	4	4
CHACO	3	14	4,66
CHUBUT	1	2	2
ENTRE RÍOS	2	9	4,5
FORMOSA	3	10	3,33
JUJUY	4	12	4
LA PAMPA	1	4	4
LA RIOJA	2	9	4,5
MENDOZA	2	11	5,5
MISIONES	2	8	4
NEUQUÉN	1	3	3
RÍO NEGRO	2	7	3,5
SALTA	2	3[1]	1,5[2]
SAN JUAN	2	11	5,5
SAN LUIS	1	2	2
SANTA CRUZ	1	3	3
SANTA FE	2	8	4
SANTIAGO DEL ESTERO	2	13	6,5
TIERRA DEL FUEGO, Antártida e Islas del Atlántico Sur	2	No infomation	No infomation
TUCUMÁN	3	8	4
Total	94	378	4,02

1. There is no available information on the amount of employees for one the CAJs located in Salta.
2. There is no available information on the amount of employees for one the CAJs located Salta.

Source: *Our own elaboration based on information available in internal documents of the Ministry of Justice*

The average of staff distribution is between 2 and almost 8 employees per CAJ in each Province. The greatest amount of average staff is found in the City of Buenos Aires.

As in the case of location, it is not possible to conclude from existent institutional documents if there are specific and homogeneous criteria to determine the amount of staff per CAJ.

At the same time, one of the main work principles of the CAJs, as mentioned in several institutional documents (MJHR, 2012:84),[39] is interdisciplinary work. Work teams should have coordinators, lawyers, psychologists, community mediators, social workers, and administrative staff.[40]

The chart below shows the percentage of staff according to professions by December 2019.[41]

Table 4. Percentage of CAJ staff according to professional profile

Professional Profile	Amount	Percentage
Lawyer; mediator lawyer	131	34,66%
Administrative Staff	106	28,04%
Doctor (Only in rural itinerant CAJs)	4	1,06%
Mediator	5	1,32%
Unspecified	12	3,17%
Psychosocial operator	1	0,26%
Psychologist; mediator psychologist; social psychologist	60	15,87%
Social worker	56	14,81%
Mediator political scientist	1	0,26%
Technical staff in family and infancy	2	0,53%
Total	378	100%

Source: *Our own elaboration based on information available in internal documents of the Ministry of Justice*

39 From the Auditing Report No. 63/2015 and the list of staff provided by the MJHR for the year 2015.

40 Ministerio de Justicia y Derechos Humanos, "Manual de Trabajo de los Centros de Acceso a Justicia",2019, p. 449.

41 There is still a pending analysis on the type of recruitment employed to contract CAJ staff and the trainings provided to the them in connection to the tasks they must perform based on the information requested to the NDPSAJ/DNPFAJ.

According to the interviews with our key informants, there is a great disparity around the capacity of the CAJs' staff. In this sense, although some specific strategies were adopted, this policy shares the same challenges in terms of staff training and acknowledgment as the rest of the public administration. In this sense, it would be valuable to implement a systematized and constant training policy, which would set clear goals and common grounds for all the provinces, as well as to implement a system of entrance examinations, promotions, bonuses, or salary improvements[42] to incentivize staff professionalization. There is also a need to renew all employment contracts (at least annually), and very low salaries, which are an obstacle to establishing a permanent highly-trained payroll. In other words, the main challenge in terms of staff is to "maximize a common starting point and to balance the disparity among the CAJs in terms of trained staff. There is a great training disparity, and low salaries are not helpful in retaining professional staff. The delay in updating salaries, especially if you compete against the Judiciary or the public defender's and public prosecutor's offices, at least in the case of a lawyer, it is a clear problem." (Gabriela Carpineti interview).

Finally, the specific impact of Executive Order/Presidential Decree No. 632/2018 must be highlighted. This prohibited government agencies from "(…) recruiting and hiring new staff of any kind, from any source of financing, being budget or extra-budget, until December 2019." This Order did not only hamper the recruitment of new staff, but also severely hampered the possibility of hiring new staff to replace those employees who decided to terminate their contracts, retired, or requested a transfer to another government agency. This process was intensified by the scarce salary adjustments and a stop in employee categorization (Interview to Facundo Ureta).

42 From the interview to Facundo Ureta during the validation process it follows that: "In 2018 a system was implemented to acknowledge the CAJs with the best performance. This consisted in a special allowance to be applied to the improvement of work conditions (as selected by the teams)." It would be necessary to have more information in order to assess the implementation of this incentive.

06

CAJ PERFORMANCE ANALYSIS

06

CAJ Performance Analysis

In this section we will analyze the characteristics and extension of the services rendered by the CAJs, based on quantitative empirical data, as well as the level of use of these services by the population.

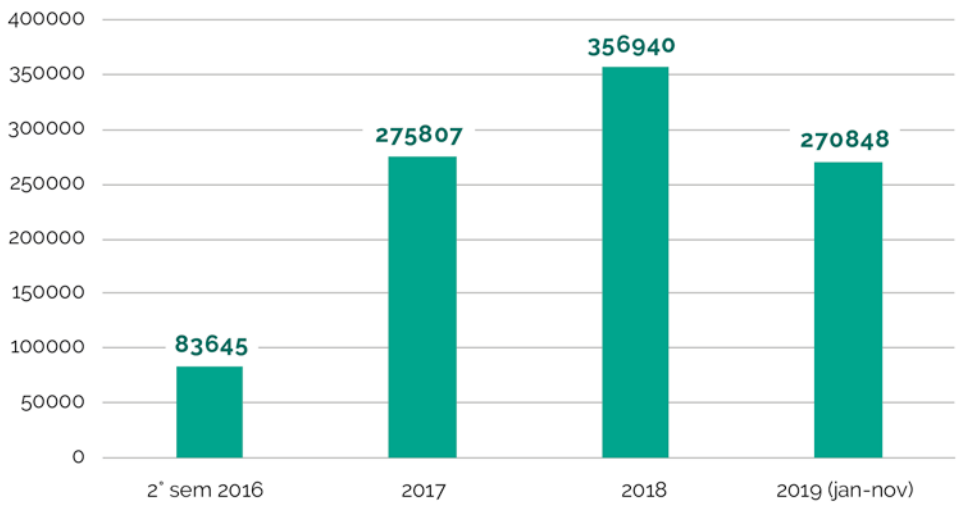
— a. Amount and type of consultations

In the CAJ handbook, a consultation is defined as "the problem, conflict or need that the individual brings to the CAJ and which activates the provision services." (MJHR, 2019:5). In this sense, since implementing the SICAJ (second semester 2016) up until November 2019, the centers[1] of the whole country had a total of 987,240 consultations. This means an average of 24,079 consultations per month, and 791 per day[2]

1 In addition to the CAJS, the system registered consultations for the following programs and hotlines: Citizen Assistance Area, House of Peace and Justice, Quilmes (*Área de Atención al Ciudadano, Casa de Paz y Justicia QUILMES*), National Center for the Assistance to Victims of Crime (*Centro Nacional de Asistencia a las Víctimas de Delitos, CENAVID*), Migrant Orientation Center (Centro de Orientación a Migrantes), Interdisciplinary Body, The Government in your Neighborhood, CAJ hotline (0800-222-3425), National Program to Rescue and Support Victims of Trafficking (*Programa Nacional de Rescate y Acompañamiento a las personas Damnificadas por el Delito de Trata*, PNR), PNR 145 hotline, Program for the Fight Against Impunity (PRONALCI), and the Program Victims Against Violence (PVCV). The consultations received by these programs and hotlines was 7.9% of the total amount registered by the SICAJ in 2019.

2 According to the incipient use of the SICAJ during 2016, the following paragraphs will use aggregated data for the period 2017-2019 (until November 2019). It is also worth noting that, unless otherwise specified, the data from the two CAJs created by the end of the period was not considered given the lack of information on its operation and the consultations received.

Graph 1. *Consultations per year*

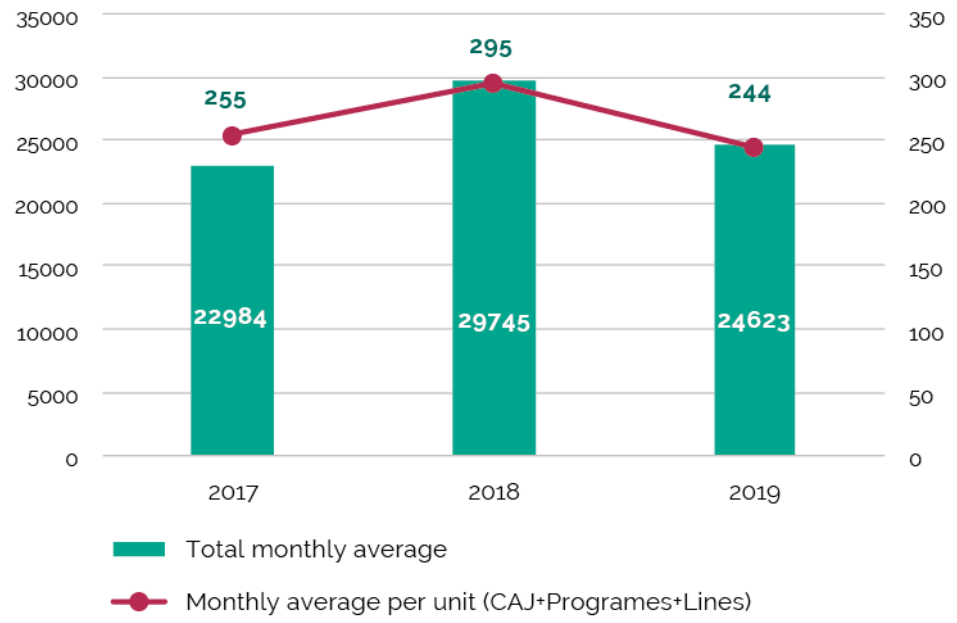


In terms of the evolution of consultations per year, a peak was registered in 2018, with a 30% increase compared to previous year (at the same time, 8 new CAJs began operating in 2018[3] and telephone consultations and those from subsidiary programs[4] started to be registered). Apart from the increase in the amount of cases, this increase could be related to the amount of units which registered consultations in the SICAJ. Conversely, a decrease can be observed for the 2019 period: the monthly average decreased 17.2% compared to the previous year. Additionally, during that year, each unit (CAJ, program, or hotline) had an average of 244 consultations per month, which is slightly lower than the 2017 average (255) even though 4 CAJs and 7 programs or hotlines were incorporated. This could be due to the impact of staff reduction which commenced mid-2018, as stated in section V.d. Additionally, in the validation interviews (identified as ID5 and ID6), the interviewees pointed that, after the Primary Elections (PASO) which announced a change in the ruling party at the Federal level, all CAJs faced severe difficulties in fulfilling their goals.

3 In Avellaneda and Chascomús (Province of Buenos Aires); in the Hospital of Rights and Lugano (CABA); and those of the North Andean Corrdidor: Belén (Catamarca); Amaicha del Valle (Tucumán); Los Robles (La Rioja); and Susques (Jujuy).

4 The SICAJ incorporated consultations registered by PNR, PRONALCI, PVCV, CENAVID, and the Government in your Town program.

Graph 2. Consultations: total monthly average and monthly average per unit



With regard to the type of consultation, between 2017 and 2019, more than 60% of consultations were administrative.[5] Most of them concentrated around 4 topics: access to documentation, consultations for agencies located in the CAJ,[6] social security, and family relations. Specifically, they referred to personal identification documents: ID Cards or birth certificates, criminal record certificates; access to social benefits or programs; SUBE cards for public transportation; migration status; and, finally, retirement plans and pensions.

Moreover, during the analyzed period only ¼ of the consultations were legal consultations.[7] Notwithstanding, administrative consultations have decreased every year, while legal

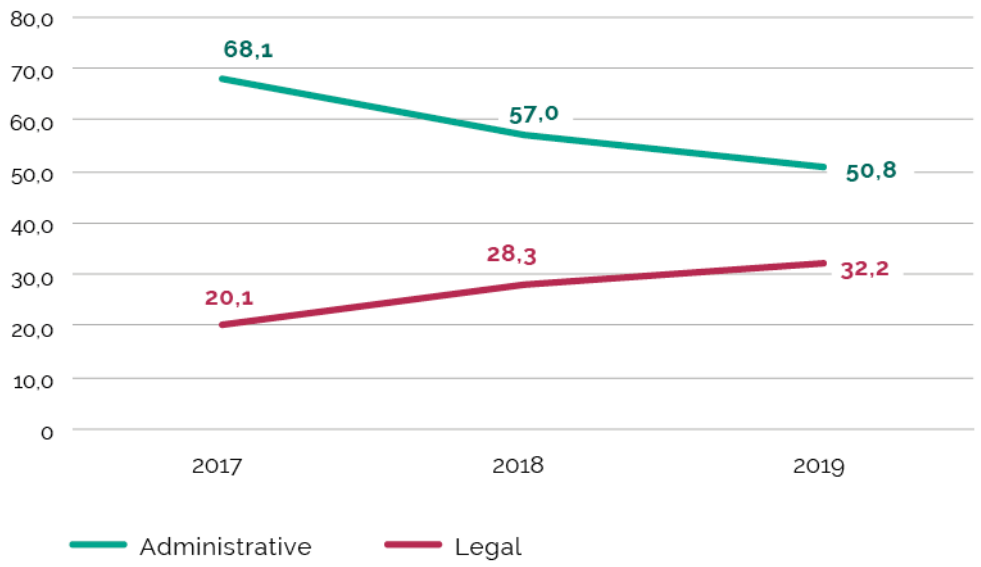
5 Internally, administrative consultations are defined as those which "are generated by difficulties in the access to social benefits, the understanding of the different steps and documents needed to complete the paperwork (…)". Information available at: https://www.argentina.gob.ar/justicia/afianzar/caj/justicia/afianzar/caj/politica-de-gobierno-abierto/atencion-consultantes (05/31/2020)

6 These are consultations which are presented directly to the external agencies which operate or are hosted by the same office where the CAJ operates; that is to say, they have staff within the CAJ's building which are not employed by the CAJ but by the external agency (e.g., ANSES, RENAPER, etc.)

7 According to institutional documents, legal consultations "arise from more complex situations, related to family issues, conflicts with criminal law, violence, health, housing, employment, and education problems, etc. (…)." The latter include legal support, and, in some cases, court representation.

consultations have increased, which may indicate a consolidation process of the CAJs as legal services spaces, in the strictest sense.

Graph 3. *Evolution of the amount of legal and administrative consultations*



Most legal consultations are concentrated around 3 topics:

- **Family** (40% of legal consultations are about family relations, which is almost equal to 100 thousand consultations);
- **Social Security** (almost 16% of legal consultations are about social security issues, which is almost 40 thousand consultations);
- **Housing** (almost 12% of legal consultations revolve around this topic, which amount to almost 30 thousand).

It is important to note that within legal consultations related to family issues, a great number could be categorized, given their characteristics,[8] as situations of gender-based violence, which may indicate an underestimation of this problem given that it is at the same time a specific sub-category in the SICAJ for its registration. Additionally, there are a number of issues with marginal quantitative weight, but which are prevalent in legal

8 We refer to subtopics such as violation of parental duties, child filiation, domestic violence, and problems related to child custody and visitation.

consultations. One example are the issues related to crime and reparations: in these cases, almost all consultations are –obviously- of a legal nature.

i. Consultation topics

Apart from the specific type of consultation, it is important to distinguish the topics within a consultation. The SICAJ offers a predetermined list of topics and subtopics that must be selected by the CAJ staff. These options were not defined in the handbook; therefore, it is unclear under which criteria consultations are categorized into one topic or subtopic. Even though there are 18 possible topics[9] in the system (MJHR, 2019:26), only two of them represent almost half of the consultations of the period:

- Access to personal documents and certificates: 239,371 cases (26,5%).
- Consultations for another agency located in the CAJ's building: 170,457 cases (18,9%).

The clear concentration of these topics is what generates a greater number of administrative consultations (almost 60%). The two other topics with significant qualitative weight are:

- Social security: 191,482 consultations (21,2%), most of which are administrative.
- Family relations: 117,102 consultations (13%), most of which are legal.

Finally, while these are the topics of almost half of the consultations, there are other fourteen topics,[10] which represent 1.5% of total consultations each.[11] Even though they do not use the same categories, it is interesting to note the differences between data from the SICAJ and data from the Unmet Legal Needs Surveys published by the MJHR in 2017 y 2019:[12]

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9 According to the guidelines in the CAJ Handbook, a consultation may be on one single topic or several other sub-topics. Topics and sub-topics are preset in the SICAJ system and the staff must select those which correspond to each consultation. However, there are no clear definitions for each category.

10 Housing, health, education, employment, acts by the government or government agents, collective conflicts of indigenous peoples, Torts and damages, consumer rights, debts (money issues), discrimination, criminal justice, crime victim, gender-based violence, human rights violations in Venezuela.

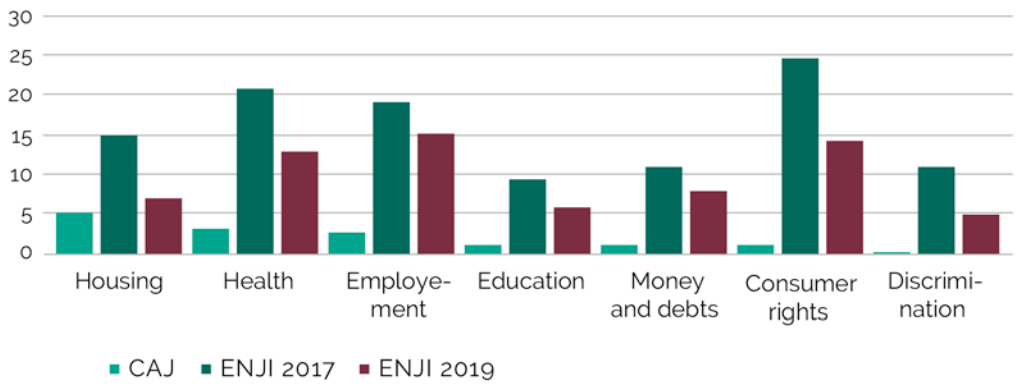
11 In many cases, the criteria for tagging consultations in the SICAJ are not clear. A clear example is the incorporation in 2019 of the topic "human rights violations in Venezuela", even though these consultations were marginal (only 59). According to a comment by Gustavo Maurino during the validation process, the incorporation of this topic was not suggested by the CAJs, but it was an external request related to the use of the same system by other programs and areas of the MJHR.

12 These differences do not always imply a negative or insufficient performance by the CAJs, as it may indicate that there are other legal needs being addressed by other agencies.

» Social security is the second most important consultation topic in the CAJ (20.8%), while in the ULNS/ENJI it represents only 8.5% (2017) and 3,8% (2019) of legal problems. This could be explained by the fact that certain topics are more consulted than others, as well as by the type of consultations which are more relevant to the specific groups of individuals who use the CAJs.

» Several topics which appear to be marginal in the case of the CAJs had quite elevated numbers in the ULNS/ENJI:

Graph 4. *Comparison of the amount of consultations of the CAJs and the results of ENJI*



In parallel, the increase in some of the problems observed can be related to the fact that the CAJs had to assist more consultations related to the general deterioration of socioeconomic indicators in Argentina and the region in the last years, which has negatively impacted the life conditions of the population. Some examples are:

» An increase in eviction consultations and individuals in street situation;

» Increase in consultations related to migration (most individuals from MERCOSUR countries);

» Increase in consultation related to problematic consumption of substances;

» Increase in consultation related to access to social programs;

» The amount of consultations related to unemployment and layoffs (which were 48%, 38% and 28% annually).

Other types of consultations which increased during this period are probably explained by a crescent knowledge, within several communities, of the CAJs and the services they provide, or because of specific dissemination campaigns. Two examples:

- Increase in consultations related to personal documents of individuals not registered at birth;
- Increase in consultations about disability certificates.

With regard to annual evolution, it is interesting to analyze the variation of the specific type of problems in each case:

Access to personal documents and certificates. This is the most consulted topic in aggregate terms. In 2018, it almost doubled its numbers (over 28%); and, although it decreased in 2019, in comparative terms, it is still increasing (representing 32% of all consultations of the year). This increase is mainly related to a greater volume in consultations related to migration status, residency, and citizenship proceedings (which quintupled between 2017 and 2019), paperwork related to ID Cards (which quintupled between 2017 and 2019, being almost half of the consultations within this topic), and those related to SUBE card for public transportation (multiplied by 8 in that same period). It is also worth noting in these period a clear decrease in requests related to criminal record certificates.

Social security. It is the second most consulted topic during the analyzed period. In 2018, it increased almost 50% but retracted in 2019 in real terms, although it kept its proportion within the total amount (more than one fifth of consultations in 2017 were related to this topic). With regard to the concrete issues consulted by the population, access to social programs represents half of all consultations. Additionally, access to retirement plans had a peak in 2018, which may be caused by the access to retroactive payments established by Law No. 27.269 (National Program for Historical Reparations to Retirees and Pensioners). The third subtopic of relevance is the access to pensions, which has maintained stable throughout the period, representing a 13% in aggregate terms.

Consultations for agencies located in the CAJ. This was the most consulted topic in 2017, but then it started to decrease. In 2018, it had a 56% decrease, while in 2019 it represented a sixth of its initial volume. Within this category, the agencies which decreased in consultations were ANSES (Federal Administration for the Social Security), DNM (National Direction for Migratory Issues), and RENAPER (National Registry of Persons). [13] The amount of consultations remanded to the Public Defender's Office is noteworthy. In 2018, it had 7 times more consultations than the previous year. In spite of this, it still has a rather marginal presence within this category (below 3% in the year with the greatest volume).

13 We excluded the proceedings for obtaining the SUBE card from this list, given that in 2018 there is a similar increase within the topic "Access to Documents and Certificates" in the sub-topic related to the SUBE card; thus, it seems that this was a re-categorization of the same type of consultation.

Family relations. It is the fourth topic in aggregate terms. Its initial volumes duplicated in 2018 and kept stable in 2019. This increase is related to two problems: the first one, issues related to parental responsibility (duplicated in 2018); and, the second one, related to child care (eight-fold increase in 2019). The third subtopic of relevance is related to divorce and separation proceedings, which increased 60% in 2018, and kept stable.

Housing is the fifth topic, which increased 50% in 2018 and slightly decreased in 2019. In this case, the distribution of cases by subtopic is more equitable. Although the numbers are quite stable in the 3-year period analyzed, there is an increase in problems related to property titles, multiplied by 8 in 2018, and in cases of individuals in street situations (actual or imminent), which quintupled in 2019.

Healthcare increased 34% in 2018 and decreased 17% in 2019 (although it still represents the same proportion). The most common problems were those related to mental health (almost half of consultations on healthcare) and access to public healthcare services (14%).

Employment. During the analyzed period, only 3 out of 100 consultations were related to this topic. In 2018 it had a 53% increase, and a 13% decrease in 2019 (although it still represents the same proportion within the total amount of topics). The most common consultations are related to: salary or registration (almost 25% during the whole period), unemployment (23.4%) and layoffs (20.3%). Both topics reached a peak in 2018, and slightly decreased in 2019.

The rest of the topics (11) do not amount to 2% of consultations between 2017 and 2019. Additionally, there is a high amount of cases tagged as "Other" in the SICAJ system, which make it difficult to analyze these cases more deeply.

Victims of crime. Even though this topic represents 1.5% in aggregate terms, its sustained increase is worth noting, being the second topic to increase the most in the analyzed period (it almost tripled between 2017 and 2919). The issues with the greatest increase in this category are sexual crimes (almost tripled); crimes against private property, such as theft, racket, or fraud (duplicated); and crimes against physical liberty, such as deprivation of liberty, trafficking with the purpose of sexual or economic exploitation, and sexual exploitation. Iin 2019 they increased 32 times compared to 2017, which may be due to the creation of the CENAVID by Law No. 27372, which also employed the SICAJ.

Gender-based violence. Increased 70% in 2018, and decreased 22% the following year (although it still represents the same proportion within the total amount of topics). The type of violence most registered is physical violence (almost half of the category). It is also worth noting an increase in cases of economic violence, which increased 10 times between 2017 and 2019.

Debts (money issues). It increased almost 37% in 2018, and kept stable in 2019. Within this category, consultations related to creditors almost tripled. The second subtopic of relevance is related to loans (25.5% in aggregate terms).

Education. It tripled in 2017, while it decreased 35% in 2019. Within this category, the subtopic "others" is the greatest. There are also consultations on topics related to student admissions and registration (both representing 33.2% of consultations related to education during this period).

Consumer/user rights. In this case the catch-all category "others" is the first subtopic. In 2018, it increased 58%, while it decreased 30% in 2019.

Criminal justice. Almost doubled in 2018, but decreased almost 40% in 2019. The first increase is related to consultation about the situation of individuals being investigated, indicted, or prosecuted, which multiplied by 10 in 2019 (this is the major subtopic: 41.1%).

Torts. Annual variations are marginal. Most consulted subtopics were those related to traffic injuries and damages for breaches of contract.

Government acts. The catch-all category "others" is the major subtopic. Even though it increases every year, the magnitude is insignificant. Within this topic, most fluctuant consultations were: voting rights in 2017 and 2019; and fines, infractions, closures, and penalties, among others (Multiplied 9 times in 2018).

Discrimination has a very low registration of cases which continues to decrease.

Indigenous peoples' collective conflicts. This is the least consulted topic in the 3-year period. The most relevant subtopics are territorial conflicts and lack of cultural adaptation of public policies; however, there were only 130 consultations about this specific topic. According to data from the interviews, one of the main expectations for the North Andean Corridor was to become a channel for the problems of indigenous populations, such as territory governance, environmental pollution, collective rights, participation rights, etc. Notwithstanding, the implementation of the program evinced a greater demand in private/personal topics, such as personal documentation, and food stamps, among others.

— b. Type of responses

As pointed out in the previous chapters, if access to justice is to be effective it is necessary to acknowledge the situation as an issue affecting rights, which can be framed within existing legislation. Second, the actor responsible for the situation must be identified (direct or indirect cause, by action or omission). Third, the problem cannot be solved by

the person experiencing it, who must identify it and be able to petition to the adequate agency or body in charge of assisting him/her (i.e., the problem now becomes a legal need). Finally, it is necessary to claim/petition and sustain the claim/petition throughout the whole administrative or judicial process until the final resolution or judgment is delivered (whether positive or negative, depending on the expectations of the individual).

It is clear that information and knowledge about rights is key to initiate this process; that is to say, to be able to identify a situation as a legal need. Additionally, it is important to know to which agency or body the petition must be submitted. In the 2017 ULNS/ENJI, 65.3% of surveyed individuals did not know which offices or institutions provided legal aid. In the 2019 ULNS/ENJI, 53% of surveyed individuals claimed to lack the necessary information to solve the problem. This picture shows the effects of the multiple barriers and obstacles faced by the population when trying to solve their legal problems, which can be related to the high numbers of inaction by the population in face of those problems.[14] In 2017, more than 2 out of 10 individuals did nothing to solve their issue (MJHR, 2017).

Thus, even though citizen initiative is still a key element of the process, a comprehensive policy on the access to justice cannot only depend on this initiative, but must include a constant strengthening and training of the population. In this sense, even though the core task of CAJs is focused on addressing the legal needs of the population who go and make a consultation (which in the scheme would be the final stage of the process), other alternatives and lines of action can be considered as responses: the itinerant center policy, and citizen training activities.

The first one is a mechanism to provide legal services proactively; that is to say, for them not to depend exclusively on the possibility that affected individuals would turn to a specific office with their claim or petition. According to institutional documents, "this is the regular provision of access to justice services within the territory of influence but in a different location to a CAJ office, where the population is in a vulnerable situation." (MJHR, 2019b, p. 124). Even though this is similar to the devices termed "operations" (such as those carried within the program "The government in your town"), which are mostly done in conjunction with other agencies, they differ in their periodicity (weekly or bi-weekly, depending on the case).[15]

According to the evaluation reports drafted by the CAJs, out of the total 79 CAJs, 78 of them did or do regular itinerant work in surrounding locations. This shows that the guideli-

14 Inaction does not necessarily have a negative impact in people's lives; rather, in some cases, it is a rational individual or collective decision which may be related to the low complexity of the issue.

15 We exclude the North Andean Corridor CAJs from this affirmation, given that mobility and itinerant services are a key element in these cases (as will be detailed below).

nes of the National Direction were well received and complied with (even though, as it was pointed out above, there are no clear criteria as to when it is necessary to start itinerant work). Notwithstanding, even though the fact that itinerant work implies a commitment to regularity and permanence, 72 of the CAJs had to decide the termination or suspension of these services.[16] As expressed above, even though the reasons vary in each case, most reasons for terminating itinerant work were: lack of consultations (46%), lack of adequate conditions, such as poor building conditions, or lack of articulation with the host agency, etc. (18%), lack of staff to be able to sustain the assistance (13%), and other causes such as remoteness, lack of security, etc. (18%).

The second alternative line of action is related to workshops, trainings, informative talks, which the CAJs provide to the community (in many cases, together with other agencies which are competent in the relevant topic). According to the CAJ work handbook (MJHR, 2019b, p. 3) "their purpose is to provide tools for the community to know their rights and exercise them accordingly," strengthening their territorial nature and community insertion. According to the evaluation reports, community legal empowerment activities were conducted in 71 CAJs. However, a great heterogeneity is observed in their formats, topics, amount, target audience, location, etc. With regard to the topic, the most addressed topic was gender-based violence, women rights, and gender diversity (47 out of 71 CAJs). In the second place, issues related to childhood and adolescence, their specific rights, grooming, etc. In the third place, family relations, parental responsibility, child care, etc. And finally, access to programs and public policies. Other topics that were addressed, but to a lesser extent, were: access to healthcare, problematic consumption of substances, labor/employment rights, institutional violence, human rights, among others. It is worth noting a very low incidence of topics related to vulnerable groups such as migrant population (4), persons with disabilities (6), and indigenous peoples (only one CAJ).

On another note, with regard to responses, we must analyze the different actions carried by the CAJs to address and support the fulfillment of the legal needs of the population. Generally, what has been observed correlates to the analysis of the consultations and their administrative nature; given that the responses provided by these devices are, mostly, of low or medium complexity. In the first place, the CAJ staff defines the way in which they will approach the consultation; that is to say the "strategy set to address it", which is

16 As previously mentioned, terminating itinerant services does not necessarily mean terminating the service altogether, given that this may be related to several factors such as low demand, or areas identified as a priority, among other reasons. Even though there are no homogenous criteria in the analyzed documents, during the validation process, Gustavo Maurino claimed that their definition assumed "an adaptive, experimental, and evolutionary character."

termed "intervention". Its complexity and temporal extension may vary significantly, but it is worth categorizing them according to complexity levels:

Low complexity. Directions (provision of general information) and advice (specific recommendations for the particular case). In this case, the role of the CAJ staff is limited to explaining steps and processes, which will then be carried out by the individual directly. Some of the most common "simple" responses are related to generating passwords, requesting appointments online, procedures to be incorporated into certain programs, consultations about due dates for allowances, pensions, etc. Almost 59% of consultations during this period received a low-complexity response.

Medium complexity. They are concrete actions taken by the CAJ staff personally before other agencies or agents in terms of assisting the individual. Generally, this implies drafting certain documents or filing forms. Within this group we can also find assisted derivation, which implies articulating with an external body or agency for a total or partial delegation of the case. In this case, the CAJ plays the role of an intermediary contacting the individual with the agency, but keeps a monitoring function. During the analyzed period, a bit more than 10% of consultations received this type of response.

High complexity. Actions which do not only require drafting documents or articulating with other agencies, but which also require a complex and sustained intervention by the CAJ and the participation of many other actors. Concretely, we refer to community mediation or court representation. Even though the first case might not involve a high level of conflict, it does imply starting specific procedures and a set of actions to be taken before and after the procedure. In the case of court representation, it implies addressing the issue in the judiciary, including a wide range of pre-judicial actions to initiate the proceedings, as well as those related to the execution of judgments. During the 3-year period analyzed, less than 10 thousand consultations received this type of response, which represented 1.1%.

Ultimately, 59 out of 100 consultations receive direction or assistance, 13 receive a medium-complex response such as derivation, 1 receives high-complexity assistance, while the other 27 receive a response which goes unregistered.

According to this, concrete tasks carried by the CAJ staff are mainly the initial interview/consultation, online procedures and queries, and the individual analysis of each case. These kind of activities amount to 37.5% of consultations registered (about 350 thousand). Conversely, medium-complexity tasks, such as drafting reports, reviewing court files, making telephone calls, sending emails, or articulating with other institutions, were the 8.7% of responses (80 thousand, approximately). Finally, in the case of complex tasks, such as interdisciplinary analyses, court hearings, visitations, or in-person surveys, these were 3% of the total responses, which represented a total of 25 thousand consultations that received this response in the 3-year period. In 2019, a total of more than 5 to 10 consultations received by the CAJ had a low-complexity response such as an interview or online proceeding. With regard to

complex interventions, community mediations were used mainly for family-related issues (almost 70%) and queries about housing (19%); while court representation[17] concentrated around the topics of family relations (34%) and social security (52%).

Even though the handbook has been a considerable improvement in terms of formalizing the answers provided by the CAJs, it does not prevent the fact that similar issues may have different responses, according to each CAJ. Even though it would be necessary to have certain flexibility because of territorial differences, institutional networks and available resources to each CAJ, adaptability could be better employed within a more systematized framework.

— c. Territorial Scope

Because of the centralization and concentration of public and private agencies and bodies offering legal aid within the main urban centers, territorial distances (and the costs in terms of time and resources for traveling to them) have been a historical barrier against the access to justice. Thus, analyzing the territorial scope or coverage of the CAJs becomes relevant. For this purpose, we will analyze three variables: geographical scope, population scope, and scope in terms of volume of conflicts. None of these criteria explain in absolute terms the criteria for the distribution of the centers employed by each Administration, nor does it imply a proposal for re-distribution. Nevertheless, they do offer valuable information which must be examined in order to analyze the scope of the policy.

In the first case, since the opening of the first CAJs until now, the policy has significantly extended its territorial scope: in 2012, there was one CAJ every 120,877 km2; nowadays, there is one every 29,579 km2.[18] This means that their coverage at the federal level has quadrupled in seven years.19 In terms of provincial scope, from 2015 there was at least one CAJ in 92% of them; form 2017 onwards, each province has one or more CAJs. Geo-

17 The service is provided internally or externally, as requested. The first one entails court representation by the CAJ staff. This service is not available in every CAJ, as it requires the presence of a lawyer who can act as an attorney (for instance, in many cases they also perform coordination tasks, which will imply extra workload). In the second case, court representation could be delegated to the Federal Network of Lawyers for Legal Aid; that is to say, a specific type of assisted derivation.

18 In this section, estimates were built considering the 94 existing CAJs in 2019 as a reference.

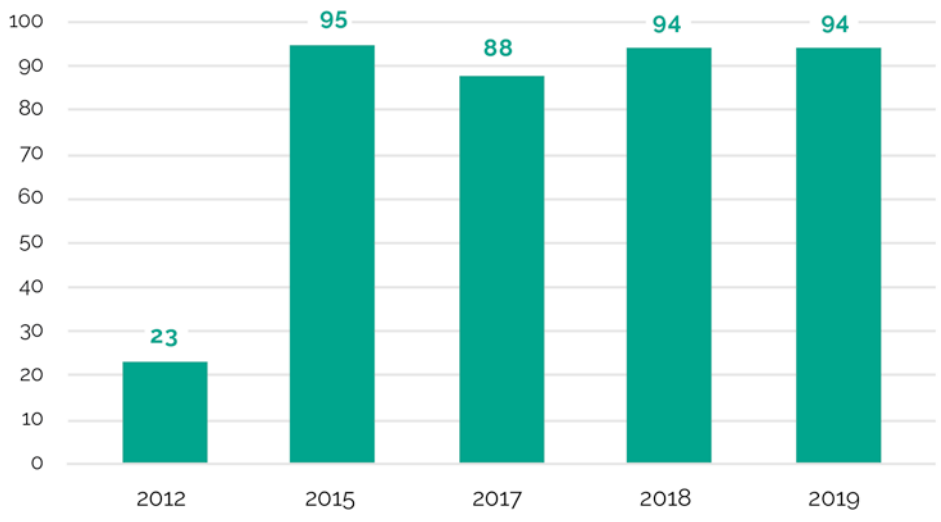
19 Even though it is true that, in a country with the geographical characteristics of Argentina, where large land extension scarcely populated coexist with overpopulated areas, homogeneous distribution per km2 is not to be expected, we consider the information to be relevant in comparative terms in order to understand the increase in territorial coverage.

graphical distances between centers must be analyzed together with other criteria such as population, ULN levels, among others (see Chapter VI.a.i.).

This peak in 2017 is related to a redistribution rather than an extension. In spite of being present in all provinces, the amount of centers decreased since 2015 going from 97 to 88 centers. Two provinces (Buenos Aires and Santa Fe) reduced their territorial coverage, while other five of them (CABA, Tucumán, San Juan, Catamarca y Tierra del Fuego) increased their presence. In 2018, this trend was reverted and the amount return to that of 2015.

At the same time, in terms of territorial extension, we can point out that between 2012 and 2019 a group of provinces has been constantly under the national average in km2 covered per center; that is to say, they had less CAJs than they should have if we apply a criteria based solely in the size of the covered territory: Córdoba, Mendoza, Chubut, Santiago del Estero, Salta, La Rioja, San Juan, Santa Cruz, La Pampa, Catamarca, Río Negro, Corrientes, Neuquén, and San Luis. Another group of provinces has also been under the average but relatively close to it: Chaco, Formosa, and Entre Ríos. A third group has had more CAJs per km2 than the rest; that is to say, they had a better territorial coverage: CABA, Tucumán, Jujuy, Misiones, and Tierra del Fuego.

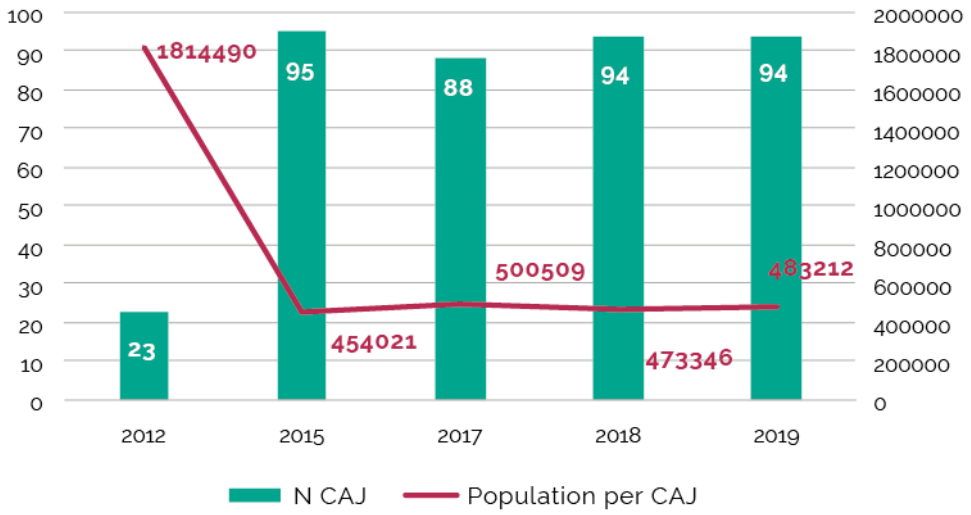
Graph 5. *Amount of CAJs per year*



With regard to population, it is interesting to note the evolution of the policy extension based on the population covered by each center. In this sense, while the amount of CAJs

has varied within a limited range since 2015, the same period saw a gradual population growth throughout the whole country, which explains why the amount of CAJs per individual shows a slight decreasing trend.

Graph 6. Amount of CAJs and population per CAJ



As can be observed in the graph above, the best coverage in terms of population was achieved in 2015, when there was one CAJ per 454,021 individuals. However, if analyzed from a provincial viewpoint, in 2015 there were two provinces without any CAJ (Catamarca and Tierra del Fuego), while 6 others had an amount of centers below the national average if compared to their population. In this sense, taking into account the scope of each province, the best coverage in terms of population was attained in 2017, when 13 provinces had a coverage above the national average; 7 of them were below but close to the average, and only 4 provinces had 1 or more centers below the national average: Córdoba, Santa Fe, and Corrientes. The province with the worst coverage in terms of population is Santa Fe, which should have more than two additional centers to reach the national average.[20]

Finally, coverage can be assessed in terms of the volume of conflicts in each province, based on the distribution of the consultations and official data in the ULNS/ENJI. In this sense, between 2017 and 2019, the City of Buenos Aires and the Province of Buenos Aires

20 In order to estimate demographic evolution, the annual population growth projections by INDEC were taken into account.

concentrated more than 73% of the consultations registered by the CAJs. Even if it is true that these jurisdictions also have the greatest amount of centers, the amount of consultations is not directly proportional to the amount of CAJs in each jurisdiction; given that, in aggregate terms they have more than 55% of all centers in the country. Additionally, according to the 2017 ULNS (the 2019 survey does not have data per province but per region), the Greater Buenos Aires had the greatest amount of legal needs (65.9%), similar to the City of Buenos Aires, with 65.8%.[21]

Moreover, between 2017 and 2018, other 3 provinces accumulated 5% and 2% of consultations (Córdoba, Santa Fe, and Formosa), while the other 19 did not reach 2%. In sum, out of 10 consultations, 5 are from the City of Buenos Aires, 2 from the Province of Buenos Aires, and the other 3 are distributed among the other 22 provinces.

According to this, a clear concentration can be observed in the consultations in two of the greatest urban centers of the country. This coincides with the data from the ULNS/ENJI carried by the MJHR, which registered a high percentage of legal problems in CABA and PBA (72.6% and 67.8% in 2019). The peak is reached in 2018 when the amount of consultations in both jurisdictions was almost 82% of the total (having 55% of the total existent CAJs).

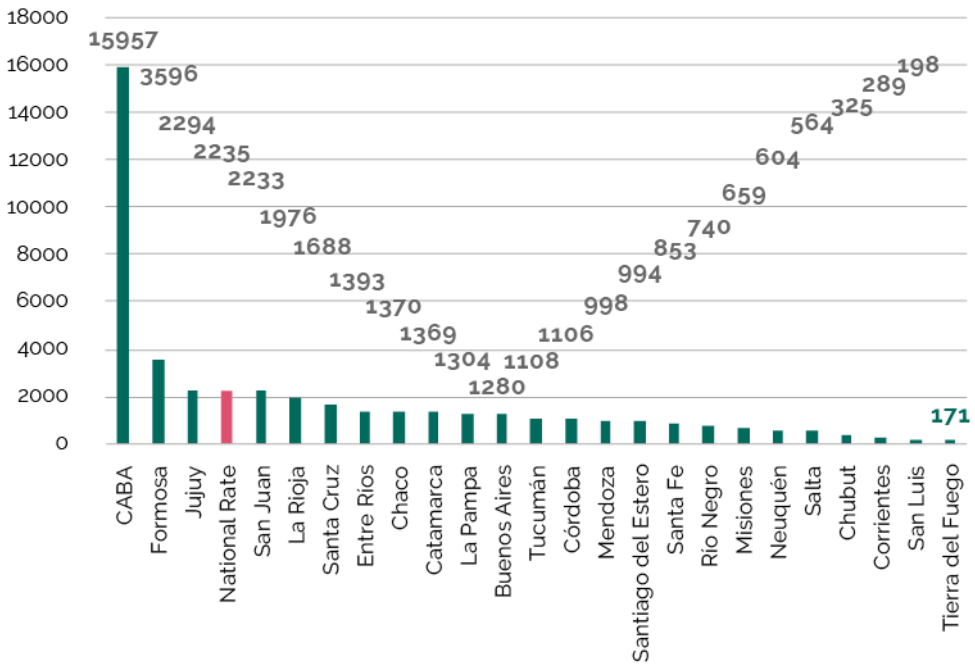
The following year, there is a decrease in both cases; that is to say, the consultations in both jurisdictions (61%) and the amount of centers in each began to represent a lower proportion to the rest of the country (54%). This may indicate that, from 2019, concentration begins to reduce; although it is too soon to assume that variation as a trend. Notwithstanding, it is worth noting that the amount of consultations received by the rest of the provinces was the highest amount in the past three years (39%).

Additionally, the 2017 ULNS/ENJI indicated that two provinces presented a proportion of legal needs that was similar to that of the urban centers: they were San Juan (66.3) and Salta (66.2). There are other four provinces which registered proportions higher to that of the population surveyed: Catamarca (62.3), Misiones (59.9), Río Negro (55.5), Jujuy (55.1).

On the other hand, in order to qualify the incidence of the population factor in the magnitudes expressed, it is interesting to note the differences registered around the rate of consultations per 100 thousand individuals. If we compare the country average with provincial rates, CABA is still the jurisdiction with the greatest concentration of cases, which is 7 times the national average (15,957). Only 3 other provinces have similar rates or above the national average: Formosa (3,596), Jujuy (2,294), San Juan (2,233). All other provinces are below the national average:

21 In terms of ULN, percentages are 25 and 16.5%, respectively.

Graph 7. *Rate of consultations per 100 thousand individuals (2017-2019)*



As can be observed in the graph above, outside CABA, the provinces with the highest population density are not among those with the highest rates of consultation. One example is the Province of Buenos Aires. Even though it is the second jurisdiction with the highest amount of consultations, in terms of rate per 100 thousand individuals it ranks in the 11th place. Similar are the high rates of Formosa (only surpassed by CABA) and Jujuy. However, it must be noted that, following a population criterion, both provinces have more CAJs than the national average (in the case of Jujuy, it triples the national coverage). Similarly, in terms of territorial coverage this province also has more centers than the national average (more than twice the amount of CAJs per km2).

According to the information given by the key informants, the strategy to federalize the policy combined different criteria in the last years. In the first place, it aimed at having a minimum amount of centers per jurisdictions (all provinces and CABA). In the second place, it sought to concentrate the greatest amount in those jurisdictions with the highest population in structural vulnerability situations. These guidelines, together with the exacerbated budgetary restrictions of 2018, strengthen the urban profile of the policy:

> (…) the services had to be present in all provinces, they were predominantly directed at urban populations; and, at the same time, we faced resource constrains. Therefore, we had to

> prioritize, and prioritizing meant ensuring services in the great urban centers in all provinces and the Metropolitan Area of Buenos Aires. Then there were definitions as to which amounts were optimal compared to the size of the cities. Basically assuming that, generally, the priority was in those areas with population with unmet basic needs. (Gustavo Maurino interview).

With regard to the exact location of the CAJs, the same official held that:

> (…) the criterion was that in the case of great cities which are extensive and where there is an isolation dynamic (…) of communities in poverty situations, the ideal was to not be in the city center, but to choose one area and do what we called itinerant work (…) In medium cities, (…) around 200 thousand residents in general (…) we could be located in the city centers because, basically, all supermarkets are in the center, and people are able to go there. In CABA, the priority was, of course, to be present in the poor neighborhoods, and those were the criteria for distribution and localization within the territory and in the cities. (Gustavo Maurino interview).

Another factor to be taken into account for the distribution of the centers, was related to the articulation that the National Direction was able to achieve with provincial and municipal agencies. Generally, thanks to that institutional cooperation, local authorities offered the premises to house the CAJ. In some cases, the lack of articulation was due to a disagreement in selecting the place, which would end up establishing a CAJ in buildings lend by other institutions (such as churches). According to the official above-quoted, the success or failure of that primary articulation was not dependent on partisan preferences:

> The experience of collaborating with local and provincial authorities was really interesting and diverse because it transcended political tensions. That is to say, there were excellent cooperative relations with provinces under the authority of political parties which were different to that of the authorities at the federal level, and that did not mean any kind of unwillingness to cooperate. But there were bad relations with some local authorities with which we shared similar political affiliations. Therefore, there were good and bad experiences with all the different political colors. (Gustavo Maurino interview).

Finally, the formalization of predetermined criteria regarding the location of the centers (via specific administrative acts, for instance) would be an extremely valuable part of the institutionalization process of the policy, so that the population can have access to the information related to the variables which are taken into account in each case, whether new openings, relocations, or closing of centers.

— d. Distribution by Social and Age groups[22]

Factors such as age, gender, physical and mental health, socioeconomic situation, being part of an ethnic or cultural group, are elements which increase vulnerability, and make it more difficult to access and exercise rights, including access to justice. In this sense, it is important to note that most of the consultations received by the CAJs are predominantly from women[23] In the analyzed period, this trend was intensified, and women represented 66% of users in 2019. On the other hand, men represent 25% of consultations, and individuals of other genders (intersex, transgender, transsexual or queer) represent just 0.1%. This is different to the diagnosis from the ULNS/ENJI which did not register a significant difference in the distribution of legal problems based on gender. Even though in some cases the problem may affect the whole family, not just a woman personally and individually, it is the women who usually carry the burden of seeking answers or solutions.

With regard to nationality, between 2017 and 2016, 6 out of 10 individuals who approach the CAJ for a consultation were nationals of Argentina. This is quite salient, given that the rest of the nationalities were less than 10% in the same period. Additionally, almost 7% of consultations were by individuals form MERCOSUR countries.[24] Finally, except for the first semester of 2017, in which individuals from Bolivia were the most prevalent, the order of consultations from non-nationals was a constant throughout the whole period: first, individuals from Paraguay; second, individuals from Bolivia, Peru, Venezuela, and Uruguay.

With regard to educational background, the information shows that only 0.7% of individuals had not accessed formal education; 4.4% did not finish primary school, while 13.1% only finished primary school but did not continue education. With regard to secondary school 13.1% did not finish secondary school, while 10.8% did. Finally, only 3.8% received post-secondary or university education. It is interesting to note that, while at the level of

22 The profiles of the CAJs users registered in the SICAJ show a high volume of lost data. In some cases, they represent almost half of the cases. We do not have a unique or explicit guideline to control these data systematically. This, in turn, prevents us from having a single measure for deeming them as valid. The heterogeneous classification of these values in each semester adds to the difficulties. These circumstances do not prevent us from using the data, but do condition their reading. With a few exceptions, we adopted some strategies to reduce the impact of these limitations. First, we decided to prioritize aggregated data for the whole period (first semester 2017-first semester 2019), rather than focusing on semester or annual evolution. Second, when possible, we read categories in order of appearance and detected presences and absences without showing percentages, given that in some cases, abrupt variations could be affected by the aforementioned conditionings.

23 Even though this information field has a high proportion of missing data (an average of 20%), this has decreased annually.

24 This information excludes Argentina, Brazil, Bolivia, Paraguay, Uruguay, and Venezuela.

completed primary education, the numbers are consistent with the results of the last population census of 2010, there is an important difference in the case of secondary education. Within the CAJ petitioners there is a clear incidence of secondary education, whether complete or incomplete, while the attendance of individuals with post-secondary or university studies is minor. Considering the fact that educational level is an important component of socioeconomic level, these data confirms that the regular users of the CAJs are individuals from low and medium-income sectors.

It is relevant to note that, even though the ULNS/ENJI published in 2017 and 2019 by the MJHR claimed not registering a differential experience by gender, the analysis does not take into account an intersectional approach. This implies bypassing the specific realities of those individuals which are at the convergence point of different oppression axes, which significantly increase the violence situations the may face, as well as the obstacles to access rights. As an example, 61% of individuals registered by the SICAJ who were not able to access formal education, or did not finish primary school, were women. In this sense, even if the data provided by the SICAJ does not allow a profound analysis, it is extremely important for the production of information from the CAJs and the official diagnosis on legal needs to incorporate an intersectional perspective that will enable taking into account the specific challenges of these vulnerable groups, in order to build an adequate response.

— e. Responses to Vulnerable Groups

Given that the CAJs have the main goal of ensuring the right to access to justice for the most vulnerable groups, this section aims to analyze the response given by the CAJs in terms of extending the right to access to justice for indigenous peoples and persons with a disability[25] (Goetz & Lecompte, 1988; Tonón de Toscano, 2009).

i. Indigenous peoples. The "North Andean Corridor"

The program termed "Sanitary and Legal Northern Corridor" (or "North Andean Corridor") was designed in 2018 with the main goal of building specific actions aimed at the indige-

25 For this purpose, civil society organizations have been interviewed, which are specialized in the rights of these populations. The results of the interviews to key informants have been analyzed according to the thematic index method.

nous communities who live in the provinces of the North. The corridor runs along National Route No. 40 and included the following provinces: Jujuy, Salta, Tucumán, Catamarca, La Rioja, and Santiago del Estero.[26] The selection of the provinces and towns where the rural itinerant services where displayed along the Corridor was a decision of the federal agencies in charge of executing the policy together with the provincial authorities.

The North Andean Corridor is the only program within the CAJ policy specifically designed for a vulnerable group. Unlike the rest of the centers located in urban or peri-urban areas with a high level of circulation of individuals, this program aims at reaching remote areas in order to extend their coverage to rural and indigenous populations. For this purpose, the program articulates a fixed CAJ located in the Hospital in the area, and a Mobile CAJ which consists of an office set up inside a van which travels around the territory doing itinerant work, which is coordinated with the primary healthcare services of the provinces.

Another distinctive element of the program compared to the rest of the CAJs, is the extended services it provides, combining primary legal support with healthcare services. This can be linked to the results of the 2017 ULNS/ENJI which pointed out to health as the main problem for the indigenous individuals surveyed. For this purpose, each itinerant rural service is staffed with: a doctor, a lawyer, an administrative employee, a driver, and a social worker.

1. Implementation Process in the North Andean Corridor

The program was driven by a federal articulation between the MJHR (Undersecretariat for the Access to Justice) and the Ministry of Health (National Division of Family and Community Health), and the signing of a framework agreement with provincial authorities. After that, a series of meetings ensued with the individuals in charge of Primary Health Assistance (APS), the directors of the different areas involved and the health ministers of the provinces. The first CAJ in the corridor was launched in June 2018, in Susques district (Jujuy). The case of Salta (Cachi district) is notable in the process of setting up the devices of the corridor. Several difficulties were faced which hampered an effective implementation of the program. According to the interviews and management reports reviewed, this province was selected to be included in the corridor, but articulation with local agencies and the community turned to be possible, and the device was never implemented: "(…) we

26 Because of difficulties in institutional articulation, only some of them were officially established: Susques in Jujuy, Amaicha del Valle in Tucumán, Belén in Catamarca, San Blas de los Sauces in La Rioja, and Campo Gallo in Santiago del Estero. The one located in Cachi (Salta) was not operative during the period reviewed in this report, but it did have staff and a van. Additionally, the one in Ingeniero Juárez (Formosa) had a designated van but no medical staff.

could not implement it because of a strong political dispute" (Silvina Ramirez interview). For similar reasons, the CAJ in Ingeniero Juárez (Formosa) was not part of the program because it operates under a mixed model (it provides itinerant services but does not include healthcare services).[27]

Inter-institutional articulations among federal, provincial, municipal, and community agencies and bodies are key for the implementation and for a proper operation of the CAJs in the Corridor. This has been successful at the federal level with the articulation of the regional offices and ANSES; at the provincial level, with local police stations and, in some cases, gender and childhood agencies; at the local level, with some municipalities; and finally, at the community level, only two of them reported having a good relationship with indigenous communities (Susques and Amaicha del Valle), while some others reported difficulties with articulation (Belén), and the rest did not report on that aspect (Campo Gallo and Los Robles)[28].

In addition, articulation was efficient in the case of local and provincial healthcare agencies. Only in the case of Belén and Susques there were reports on a difficult articulation with provincial healthcare agencies:

> This relationship and communication is not the same with all authorities and officials from the provincial Ministry of Health. In fact, their direct intervention in the territory has caused frictions with Hospital workers with whom we keep a good articulation in spite of this. (2019 Internal Evaluation Report, Belén CAJ, p. 16).

Articulation with indigenous communities is another aspect which must be improved. The building of a relationship based on trust is key for the residents to considerer the CAJ as legitimate enough to turn to it with their problems, taking into account, especially, that for many of these communities their relationship with government agencies has been a historical and structural barrier for the effective enjoyment of their most basic rights. In the case of Belén (Catamarca) there were some difficulties between the professional team of the CAJ and the indigenous communities of the area, which affected the proper implementation of the device. Given that there were no direct articulation or consultations with the community at the beginning, the dialogue was only possible by the end of 2019:

> An apprehensive attitude towards the service and a refusal to let the service enter without previous communication and concrete knowledge of the aims of the service. This process was presumably carried by the Ministry of Health of Catamarca Province during 2018; however, the

27 It opened in September 2019, and in 2020, it became officially part of the North Andean Corridor.

28 This is related to the fact that the rural communities in these locations are mostly indigenous communities.

> level of apprehension and distrust only began to dissipate once the electoral period was over. (2019 Internal Evaluation Report, Belén CAJ, p. 9).

This became even more complex during the election year, when the communities were even more apprehensive towards the authorities:

> Once the election was over, we were hosted for the first time by the *Asamblea de Caciques* (chief assembly) in La Angostura, where we were able to formally introduce the CAJ staff team, our goals and functions according to the program, and discuss and clarify some confusing situations and previous misunderstandings caused by a lack of proper communications among the different parties of the project. (2019 Evaluation Report, p. 17).

As can be observed, a good articulation with the indigenous communities living in the areas covered by the itinerant services are key for a proper program implementation.

> The Quilmes Indigenous Community (*Comunidad India Quilmes*) was the most resistant to our work, which we were able to revert after many dialogue instances. The Quilmes Indian Community has the particular characteristic of 14 base delegates and no political or social organization, such as the Indigenous Community Amaicha del Valle (*Comunidad Indígena Amaicha del Valle*). These delegates are currently facing a struggle in their internal communication channels, which makes it difficult for our services to reach them properly, thus hampering their knowledge of the articulations and actions which the CAJ provides to these communities. (2019 Internal Evaluation Report, Amaicha del Valle CAJ, p. 15).

Where dialogue instances were successfully developed and sustained, the articulation with the population and the CAJ's everyday work were much easier to implement without much trouble:

> A great accomplishment of the team has been the articulation with the Indigenous Communities that ancestrally inhabit the Valle area, with whom we were able to do multiple weekly activities. Our socio-legal contributions are key for application of alternative methods for the resolution of conflicts by the communities (conciliation hearing, community mediation, arbitration, technical reports). Additionally, we were invited to actively participate in workshops, ceremonies/rituals, and other activities of the community (…). (2019 Internal Evaluation Report, Amaicha del Valle CAJ, p. 12).

In some cases, even though there was a good relationship the community, there were differences between the demands of the communities and the topics which the CAJ aimed to covered and had the ability to cover:

> The topics of the assemblies were aimed at dealing with issues related to mining, which are not under our competencies. Nevertheless, we were always welcomed, and even some leaders have consulted us on some issues of their communities, such as obtaining land titles, amending their organizational charters, and some issues related to the environmental impact statements submitted by mining companies. (2019 Internal Evaluation Report, Susques CAJ, p 14).

2. Conflicts and Legal Problems

With regard to the analysis of the queries brought by the residents of the North Andean Corridor, the amount is marginal (0.5% of the country total, or 3,375 cases). However, it must be taken into account the fact that in 2018 only Susques and Campo Gallo were accounted for, while in 2019 this number increased with the incorporation of Amaicha del Valle, Belén, and Susques.[29] In this sense, if the program is continued, an increase in consultations is to be expected. With regard to the topics of the consultations, it must be noted that from the data provided by the interviews and the SICAJ, the cases brought to the CAJs in the Corridor are not related to specific problems of the indigenous communities nor are they related to complex issues, but social security (45.5%), family relations (20.2%); and, to a lesser extent, healthcare (9%), and personal documents (8.4%). According to the interviews, from the implementation of the program it became clear that the population had a set of basic needs which were much more pressing: "(…) what we've learned from working in the field was that their needs were much less ambitious than we had expected; but they were needs after all, and if people need assistance with social security procedures, which are the majority, then so be it." (Silvina Ramirez interview).

The internal evaluation reports submitted by the CAJs in December 2019 confirm the data collected by the SICAJ, although the most common topics registered were issues related to family relations:

> "Most consultations are related to family relations issues (parental responsibility) and social security benefits (child allowance, pensions, and retirement plans), in some cases we have also addressed problems such as gender-based violence and alcoholism. (2019 Internal Evaluation Report, Susques CAJ, p. 10).
>
> Most consultations are on social security (pensions, allowances, social benefits, historical reparations for retirees, social tariffs, ANSES loans, child allowances, and family allowances), access to personal documents and certificates (disability certificates) (…). (2019 Internal Evaluation Report, Los Robles CAJ, p. 7).
>
> There are multiple consultations related to restrictions to access social benefits. With regard to legal consultations, there many queries on alimony or child support. (2019 Internal Evaluation Report, Belén CAJ, p. 12).
>
> The topics mostly derived to the CAJ by different agencies are late birth registrations (personal identity), alimony, child support, and identity (legal recognition of children), child care, among others. (2019 Internal Evaluation Report, Campo Gallo CAJ, p. 10).

29 The CAJ in Ingeniero Juárez opened at the end of September 2019. During the period reviewed in this report, there were no consultations registered in the SICAJ.

> Most consultations refer to family law, parental responsibility, divorce, filiation. (2019 Internal Evaluation Report, Amaicha del Valle CAJ, p. 9).

In sum, most of the problems are related to "processes or paperwork which are easy to solve, and which are mostly related to the impossibility to travel mainly because of financial issues." (2019 Internal Evaluation Report, Amaicha del Valle CAJ, p. 10). [30]

3. Progresses and Pending Challenges

The ULNS/ENJI developed by the MJHR agree on a diagnosis which is not unknown: indigenous communities have a much higher prevalence of legal problems than the general population. In 2017, almost 90% of indigenous individuals claimed to have faced a legal problem, while in 2019 that number decreased only 0.5%. Similarly, we found that, in 2017, most of them sought to solve the problem by turning to a private lawyer or religious community leader. Among those who sought advice, only 4.5% turn to a "public defender's office, house of justice, CAJ or similar." [31] Additionally, 70% claimed not knowing any office or institutions providing legal aid, while only 7% knew about the CAJs. On the other hand, it does not seem plausible the almost inexistence of collective problems registered by the system, especially those related to territorial governance and habitat protection. Against the background of generalized support for extractive industries by most of government authorities, the CAJ policy might be failing to visualize and address this kind of conflicts.

Structural inequalities historically suffered by indigenous peoples demand the implementation of a specific public policy aiming at strengthening their access to justice. In this sense, the experience of the North Andean Corridor provides important lines for analysis to be able to think on specific CAJ formats or models related to specific territorial scenarios, topics, or groups of people. This can be achieved in terms of the services traditionally provided by these centers by incorporating other disciplines such as healthcare, or by itinerant services provided by a mobile CAJ. All of this implies reformulating the regular model employed in most units to accommodate the particular needs of the target population.

Nevertheless, although the corridor has managed to effectively reduce geographical barriers to the access to justice, and improve accessibility of vulnerable populations

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30 Apart from the CAJs in the North Andean Corridor, the CAJs of the rest of the country also address consultations related to indigenous peoples. In this sense, we identified consultations related to territorial conflicts, consultation or participation, lack of adaptation of public policies, legal personality, among others. Nevertheless, in quantitative terms, these consultations are a minority: 117 between 2017 and 2019, mostly in Formosa and the City of Buenos Aires.

31 This number improved in 2019, but is still really low (12.1%).

to primary legal services, we can also find a series of limitations and difficulties. These challenges are of a varied nature and are present at the structural level (geographic coverage, population reach, and topics addressed); the implementation level (inter-institutional articulation, coordination of complex administrative circuits within and out of the government structure, and logistic and operating difficulties); and institutional design (monitoring systems and staff recruitment).

In the first place, there is a quantitative limitation. In Argentina there are 34 indigenous peoples registered in the National Registry of Indigenous Communities (ReNaCI), and 1,653 communities identified by the National Institute for Indigenous Affairs (INAI). Additionally, according to the last population census, between 2 and 3% of the country's residents are indigenous individuals or descendants, which amounts to more than 1 million individuals. Against this background, the implementation of the program only in some Northern districts, which addressed 3,400 legal needs in two years does not seem to be enough. Thus, even with some virtues, the reach of the program is limited and amounts to a pilot experience rather than a comprehensive access to justice policy for the indigenous population.

In the second place, the program is present in some provinces, which excludes many other provinces with a strong indigenous presence. In this sense, even though the region where the corridor devices were located has a high proportion of indigenous population (3.5% of residents), only two of the provinces of the corridor are above the national average (Salta and Jujuy). In this sense, for example, the whole Patagonia region is left out, even though it is the area of the country with the highest proportion of indigenous population (6.9% of individuals are indigenous) which triples the national average (2.4%, according to INDEC, 2014). Within each province, Chubut is the one with the greatest amount of indigenous population (8.5%). Moreover, with the aim of decentralizing the policy, the program emphasizes targeting communities in remote rural areas far from the main urban centers. Thus, they exclude the conflicts of the indigenous communities present in urban areas and the complexities acquired there. Even though in these cases there would not be geographical or territorial distance barriers, many other obstacles to access justice are still present: linguistic, socioeconomic, gender, institutional, etc. Additionally, according to the last census, 81.9% of the total indigenous population of the country reside in urban areas, and only 18.1% in rural areas.

In the third place, the program has been efficient in addressing issues related to the access to social benefits and other social security demands, as well as (to a lesser extent) addressing problems related to parental responsibility, child care, and child custody and visitation. These are the same topics and subtopics dealt with the other CAJs aimed at the general population. That is to say, the program has not managed to be a recipient of consultations on issues specific to indigenous communities or those which derive

from being part of an indigenous community. Related to the latter, it is worth noting that the CAJs mostly addressed these non-specific issues following the same mechanisms, strategies, and articulations applied in the rest of the country. In general, there were no intercultural responses which could dialogue with the particular methods for the resolution of conflicts of the communities. The exception during the analyzed period has been the Amaicha del Valle CAJ. Even though the existence of mechanisms and methods for the resolution of conflicts particular to indigenous peoples may generate certain challenges for the government, it still is under the obligation to not only promote the coexistence of different forms of justice administration, but to also to seek to build inter-legal bridges, dialogues, and articulations (Boaventura de Sousa Santos, 1991, p. 18-38). This topic was part of the agenda of the VII Ibero-American Summit of Presidents of Supreme Courts and Tribunals of Justice, and the Declaration stated: "the acknowledgement and respect of indigenous populations, their culture, social organization, uses and traditions must be present in the solution of their conflicts in their traditional methods." (VII Ibero-American Summit of Presidents of Supreme Courts and Tribunals of Justice, 2002, p.11).

There are a series of obstacles for the implementation of the program. The first problem, are the difficulties in terms of inter-institutional articulation at the federal, provincial, municipal, and community levels. The cases of Cachi and Ingeniero Juárez show, with different results, the impact they can have on the policy.

To the examples mentioned above, we can add an instance of mediation by an international agency or body such as UNDP. This implies the intervention of other circuits, interlocutors, and administrative processes, which have added to what some of the individuals interviewed termed "an excessive bureaucratization":

> The intervening professionals, (…) we must submit a report and an invoice; and the report must have a digital signature or a scanned picture of the signature (…) they had no scanner, they were isolated, the old telephone centers or cyber cafés (…) were closed and so they didn't want to accept the report because they didn't want to accept a photograph of the signature taken with the cellphone. (Silvina Ramirez).

These logistical and operational problems add to a number of situations of everyday tasks. First, the vehicle selected for itinerant work (camper van) is not the best vehicle for that kind of ground and presents many challenges:

> Even though the vehicle is conditioned to accommodate the staff, at the same time it becomes a limitation; because of its weight, it is unable to access certain difficult areas… Given the difficulties of certain paths or routes, it is necessary to have a much lighter vehicle with tires prepared for mountain roads (…) the weight of the camper makes it difficult to access certain locations. (2019 Internal Evaluation Report, Belén CAJ, p. 13).

Another point worth noting is that all CAJs have difficulties using the SICAJ system. Even though some of them are caused by a deficient internet access, there are also implementation problems related to the structure of the system and the guidelines about its use:

> Registering data in the SICAJ demands a considerable amount of extra time (work duplication). Due to a deficient internet access or no access at all, it is impossible to register the data from the consultation directly into the system (...) it takes at least an extra day of work to upload the data into the SICAJ, because we cannot do that during itinerant work (...) The system demands a direct entry of data, so we are not able to supply information in other formats. Thus, even though we have used Access before, the truth is that this does not save us from work duplication, because whatever we enter on Access, we must later register it in the SICAJ, that is why we have decided to use paper forms, which is even easier for us because we only have one computer in the office. (2019 Internal Evaluation Report, Belén CAJ, p. 20).

> The SICAJ is a good tool as it enables us to have a legal-medical record of each individual that comes to the office, but in our case it made our work more difficult because of the poor quality of the internet service. (2019 Internal Evaluation Report, Campo Gallo CAJ, p. 18).

As can be observed, the alternatives implemented for the entry of data by Access or paper forms have not been efficient in ensuring a correct use of the case management tool, which may indicate a sub-registration of consultations in the Corridor. One viable solution could be providing internet access from cellphones, and/or adapting the system to a shorter version with less fields to complete, or to have more variables on autocomplete mode.

Finally, we can mention a series of problems generated by the institutional design of the program. Among them is the absence of a coordinator per device (there is a horizontal work structure), and the ups and downs of the coordination format for the Corridor.[32] Both created daily problems:

> Many of these guidelines require a concrete presence of a leader who can help us think on the day to day of these things. The role of a coordinator is key in this sense. A coordination which is far from daily work with advice provided by telephone is not sufficient to ensure effective applications of all these principles and guidelines related to the quality of the services provided by the CAJs. (2019 Internal Evaluation Report, Belén CAJ, p. 12).

> We believe it is convenient to have meetings between CAJ coordinators and regional coordinators more frequently, because there are times where some issues arise which cannot be solved over the phone. (2019 Internal Evaluation Report, Campo Gallo CAJ, p. 18).

Additionally, in terms of staff recruitment for the 5 points of the program, it is worth noting an absolutely precarious employment relationship (with contracts that must be monthly

32 First, they were under the central coordinator in Buenos Aires, then regional coordinators were assigned to NOA North and NOA South, and currently (since 2020) there is a coordinator for the whole program.

renewed, or every two or three months), as well as low salaries[33] (twice the minimum wage, approximately). With regard to this, it is worth recalling that the training of the team is a key aspect for the CAJ to be able to provide quality assistance over time; thus, repeated resignations and terminations can have an impact in the formation, composition, and cohesion of the team, affecting the functioning of the device. It is also notable the fact that 4 CAJs in the Corridor pointed to the need to retain a professional expert in psychology, to be able to strengthen the interdisciplinary nature of the service, as well as to address issues related to sexual crimes and other forms of gender-based violence.

ii. Persons with disabilities

The social model of disability considers its causes to be social; that is to say, the existence of a rigid environment which is not prepared to respond to human diversity is what prevents people with disabilities to access their rights under equal conditions. Consequently, disabilities are not an individual limitation, but a social construction. In this sense, social barriers must be eliminated with the aim of providing an adequate response in equating opportunities (Palacios, 2008).

According to the last national census in 2010, persons with disabilities (PwD) were 12.9% of the population in Argentina (which is around 5,000,000 individuals). Between the people with one limitation, the most frequent impairments are lowe motor disabilities (25.2%), visual (13.7%), hearing (11%) cognitive (7.5%). According to a recent study by INDEC (2018) limitations on everyday life are more present in the case of older adults, particularly on women over 80 years old. In the case of the population over 6 years old, and difficulties faced according to sex, 54.5% are women.

The Convention on the Rights of Persons with Disabilities; Law No. 22431 on the Comprehensive Protection of Persons with Disabilities; Law No. 26657 on the Right to the Protection of Mental Health; and Law No. 24901 on the System for Basic Allowances for a Comprehensive Habilitation and Rehabilitation of Persons with Disabilities establish a protective framework and contemplate actions for prevention, assistance, promotion, and protection with the aim of providing a comprehensive coverage to the needs and requirements of PwD. Notwithstanding, the rights and benefits recognized in the legislation are not usually respected within the scope and extension set forth in these laws, thus limiting

33 The Federal Ministry of Health had to give scholarships (within the program of community and family doctors) to the doctors and social workers of the program, so that they could supplement their income; however, these scholarships are not available for the program's lawyers.

the effective exercise of their rights. In this sense, the Diagnosis on Unmet Legal Needs and Access to Justice Levels by the Ministry of Justice and Human Rights (MJHR, 2017) found that 76.5% of PwD have had a legal problem in the last 3 years.[34]

1. Access to Justice Barriers for PwD

Within the framework of this research, we interviewed individuals who work in civil society organizations aimed at defending the rights of persons with disabilities. They identified several barriers which PwD must face to access to justice and exercise their rights. Below are some excerpts of the interviews commenting on the obstacles faced by persons with disabilities:

> The legal dimension arises immediately when they try to access to benefits, and it is a hard barrier to overcome for most of them. Some of us have more resources, in the sense that we know somebody who knows somebody who can bring a lawyer which specializes in disabilities. (Paula Gomez Ortega interview)

> One barrier that we usually see and hear from persons with disabilities and organizations is the lack of lawyers which are specialized in the field. We are in contact with organizations in other provinces and sometimes we do not know to whom should we send certain cases.[35]

> Today there is no such response as a lawyer for persons with disabilities, to try to solve the matter from a rights approach.[36]

At the same time, many of the individuals who were interviewed have reiterated that obstacles to access to justice can be overcome by persons with disabilities through a personal contact with civil society organizations:

> This is still an area where the compromise and effort of personalized group still prevails (...) The transition we are needing is to go from what can be seen as an initial idea from movements, people, activism, and lobby from a place of commitment (...) towards a space for public policies. (Francisco Bariffi interview).

Based on the interviews, we were able to identify the following barriers:

- Excessive bureaucracy to hear demands and solve conflicts;
- Lack of adequate legal training on the rights of persons with disabilities for lawyers and attorneys;

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34 In 2018, the MJHR carried a new study on the ULN of the population; however, the characteristics of this program make it impossible to compare its results with the results of 2016.

35 Focus group with key informants from REDI, a civil society organization, 30 July 2020.

36 Focus group with key informants from ACIJ, 26 June 2020.

- Lack of mainstreaming of the disabilities approach in the implementation of public policies related to the access to rights;
- Lack of communication, coordination, and articulation between different intervening bodies, agencies, and actors.

The results match similar studies conducted at the federal (MJHR, 2017) and local (Echegoyemberry, 2019a), levels, as well as with the perception of key actors. This also arose, for example, in the presentations of the diagnosis tables on the situation of the access to justice for persons with disabilities (ACIJ, 2017), where the following barriers were also found:

- Geographical distance and lack of physical and communicational accessibility of state agencies in charge of ensuring the access to rights or to justice;
- The existence of multiple intervening actors and sectors without coordination or articulation;
- Lack of systematic comprehensive protocol to address the circuits of PwD in the administrative as well as judicial areas;
- Lack of training for judges, judiciary officials, lawyers, administrative staff, and healthcare staff on the social model of disability and the own perspective of rights.

2. Responses given by the CAJs

Data from the SICAJ on the services provided during 2017, 2018, and 2019 enables identifying certain characteristics of the assistance provided to persons with disabilities by the CAJs (although the system does not allow to disaggregate data on the services/allowances provided specifically to persons with disabilities, thus we have processed the data which may be related to frequent demands or consultations).

The first kind of consultation which may be related to persons with disabilities are those classified under the "healthcare" topic, and the following subtopics: "access to medication, orthopedic elements, supplies, wheelchairs, etc." and "mental health".[37] Consultations thus classified from the second semester of 2017 until November 2019 were a total of 32,892. Consultations under the subtopic "access to medication, orthopedic elements, supplies, wheelchairs, etc." reached a total of 2,930, which is 8.9% of total consultations. Additionally,

37 Within the topic "Health" are the following sub-topics: access to medicines, orthopedic elements, supplies, wheelchairs and others, access to public healthcare services, problematic consumption of substances, medical malpractice or abuse, other (Health), PAMI (Comprehensive Medical Assistance Program), problems with medical insurance, eating disorders, and mental health.

consultations under the "mental health" subtopic reached 15,897, which is 48.33% of the consultations under this topic.

With regard to consultations classified under the "mental health" subtopic, one of the interviewed individuals referred to the existence of obstacles against an adequate response by the CAJs:

> Topics related to mental health [which] is a large focus, I cannot speak for other CAJs, but I believe it must be the same in all cases, we have a lot of consultations with persons who have mental health problems, and it is really hard to deal with this cases and reach a true solution. (Guillermina Greco interview).

At the same time, the interviewee stressed the need for a specific protocol to address these kind of cases, so that solutions could be reached ensuring the access to rights for those individuals who attend the CAJs (Guillermina Greco interview).

The second type of consultations by persons with disabilities are those related to the topic "access to documents and certificates", subtopic "certificate of disability (CUD)". The CUD is a public document with federal validity which enables exercising rights and accessing the social benefits set forth in Laws No. 22431 and 24901 (access to health benefits, transportation, family allowances, etc.). The process for obtaining the CUD is governed by Resolution No. 232/2018 of the National Agency on Disabilities. According to the data registered by INDEC, the CUD is used for obtaining a transportation pass (55.4%), comprehensive medical coverage (46.1%); rehabilitation, transport, and education benefits (26.4%); family allowances (11%), tax benefits (8.5%), technical assistance such as prosthesis, wheelchairs, hearing devices (10.8%) (INDEC, 2018:16). At the same time, a great number of persons with disabilities do not have the CUD. Even though the numbers are different, (37% in the 2016 study by the MJHR; and 60.3% according to INDEC, 2018) what is clear, is that there is an acute situation which impacts and restricts access to basic rights and services (disability pensions, transportation, medicines, food, etc.).

According to the data obtained from the SICAJ, 3,716 consultations were classified under this subtopic, representing 1.6% of consultations under "access to documents and certificates". Although studies indicate that the lack of the CUD is a prevalent problem among the population of persons with disabilities, consultations with the CAJs are scarce in that regard. We have no knowledge of a specific policy aimed at extending that benefit.

In the third place, we must also consider consultations classified under the topic "social security", subtopic: "contributory and non-contributory pensions", as part of consultations which may be related to persons with disabilities. Between 2017 and 2019 consultations about social security reached a total of 191,932; and consultations on the subtopic were 12.8% of the total amount (24,913).

From internal evaluation reports, it follows that several CAJs have many difficulties in assisting and solving issues related to non-contributory pensions,[38] such as the case of the Resistencia CAJ team:

> There is an insurmountable barrier in the case of pensions, because IRPODICH (the provincial agency) does not intervene in pensions or provides legal aid; and the National Agency on Disabilities closed it offices in Resistencia, and ANSES is not in charge of non-contributory pensions; therefore, there are practically no responses to this issue by the government.[39]

At the same time, the CAJ in Lomas de Zamora indicated:

> Social security is another topic where we had challenges, particularly in the case of non-contributory pensions; we found an insurmountable obstacle in petitioning and obtaining disability pensions.[40]

The last type of consultations related to persons with disabilities are those classified under the topic "discrimination", subtopic "disabilities". In this case, consultations represent 43.8% of the total amount in the category.

Finally, based on the obstacles identified, in the following stages of the research we will analyze court representation by the CAJs with regard to the rights of persons with disabilities. In this sense, the lack of lawyers and attorneys specialized in the rights of persons with disabilities, which is much more salient in the provinces,41 requires a policy that would specifically address this barrier.

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38 This was indicated in the internal evaluation reports prepared by the staff of the following CAJs between September and October 2019: Bahía Blanca, Esteban Echeverría, Lanús, Lomas de Zamora, Pilar, Liniers, Villa 1 11 14, Resistencia, Villa 15, Sáenz Peña Puerto Madryn, Córdoba Barrio Cabildo, Córdoba Villa María, La Plata (La Usina, and Formosa.

39 Internal Evaluation Report September-October 2019, Resistencia CAJ.

40 Internal Evaluation Report September-October 2019, Lomas de Zamora CAJ.

41 Focus group with key informants from REDI, a civil society organization, 30 July 2020: "We are in contact with organizations from the provinces and many of them claim to not know where to derive certain cases."

3. Articulation with civil society organizations[42]

Given the institutional goal of the CAJS, articulations are key to provide an adequate service.

In the first place, most of the individuals interviewed for the purpose of this section knew about the CAJs, but were not aware of the services they provide, particularly to persons with disabilities. Notwithstanding, they agreed on the fact that they do not keep regular contact or are properly articulated with the CAJs to solve matters related to the rights of persons with disabilities. It is important to note that the interviewees are individuals with an average experience of 16 years of work in the field. Below are some excerpts of these interviews:

> They stop at a very basic legal advice. I know they move a bit forward, but at least the mission of the CAJs is much more related to being a first access entrance and a very primary piece of advice on which might be the solutions to the problem they are facing.[43]

> I know ADAJUS.[44] In terms of access to justice for persons with disabilities, ADAJUS is my reference. (Agustina Palacios. interview).

> It would be much easier to support the CAJs, if their functions or scope of the were expressly and properly delineated.[45]

With regard to the existence of specific articulations of civil society organizations and the CAJs, one of the interviewees stated that "we have not approach the CAJs either to be able to articulate our work and have a circuit already set when cases come to us."[46] Notwithstanding the lack of articulation in particular cases, all the interviewed individuals agree on the need to have effective articulation and derivation channels with the CAJs, avoiding instances in which persons with disabilities have to go to a multiplicity

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42 Before introducing the results from the interviews, we must clarify that during the research we interviewed individuals who work in civil society organizations defending the rights of persons with disabilities. Nevertheless, the methodology used to select the interviewees and the difficulties to interview individuals with disabilities who had used the CAJ services prevent us from drawing general conclusions. Nevertheless, the perspectives addressed during the interviews offer a general picture, although not comprehensive, about the kind of assistance provided to this group and the articulation of the CAJs with organizations who work on these topics.

43 Focus group with key informants from REDI, a civil society organization, 30 July 2020

44 ADAJUS is the National Program for the Assistance to Persons with Disabilities in Relation to the Administration of Justice. Similar to the CAJs, el Program depends on the NDPSAJ/DNPFAJ. It was created with the aim of strengthening the enforceability of the rights of persons with disabilities (PwD) to access justice effectively and under equal conditions.

45 Focus group with key informants from ACIJ, a civil society organization, 26 June 2020.

46 Focus group with key informants from REDI, a civil society organization, 30 July 2020.

of agencies and bodies to be able to obtain a proper response to their demands. One of the difficulties identified in that regard is related to a lack of clarity as to the types of cases that can be represented in court by the CAJs staff when the rights of persons with disabilities are at stake.

All of this shows a great articulation opportunity between the CAJs and the civil society organizations specialized in issues related to disabilities. Exploring these opportunities is relevant in terms of the impact that the CAJs have in responding to the legal needs of people with disabilities.

— f. Response Timing

According to the data recorded by the SICAJ, between 2017 and 2019, most of the actions by the staff aimed at solving the issues presented by the population were carried the very same day of the consultation.[47] This represents more than 6 out of 10 cases. Of course, this is not enough to conclude on the quality of the services provided, but it is relevant nevertheless, as it allows us to understand the time dedicated by the CAJ to the problems they intend to solve. Even though there is an unregistered portion of consultations (1/3) necessary to obtain this datum, as is the case of most of the information fields in the system, we can say that the CAJs allocate an average of 3 days and a half to solve each issue (less than 6% last more than two days). The maximum amount of time for responses extend up to six months, but the amount of problems solved within this time period is really low

With regard to the evolution throughout the years, we could obtain this information form the SICAJ. We observed a sustained increase in consultations where problems are solved within the day. In 2019 they were 9 out of 10.[48] However, the average of time dedicated to each problem did not significantly vary, staying around the annual average.[49]

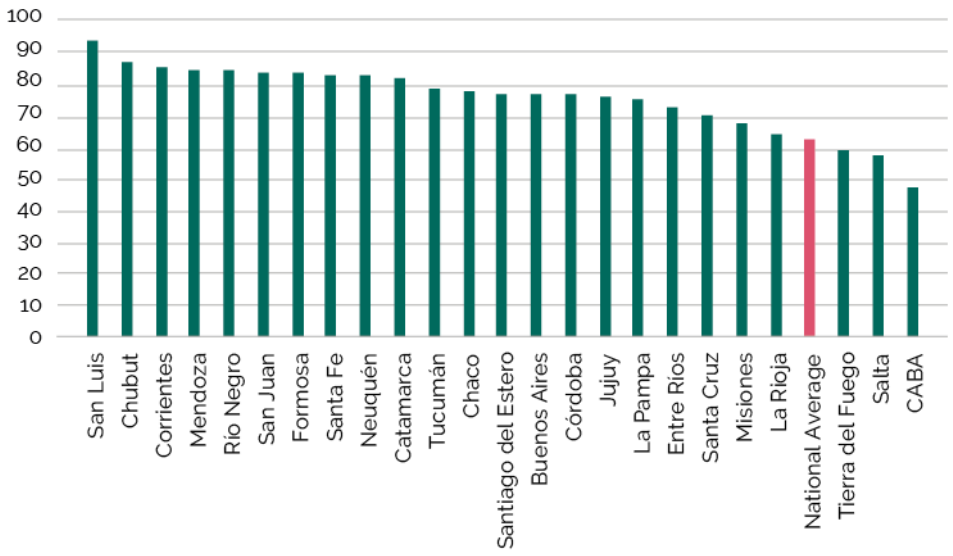
47 This information was obtained by comparing the date of the last proceeding or paperwork with the date of the first consultation, thus indicating the amount of time dedicated to perform actions aimed at solving the problem.

48 It must be noted that this could be because a fluctuation in cases without data, which represented more than 60% in 2017, more than 30% in 2018, and almost 7% in 2019.

49 The only difference is in 2017, with an average of 4.3 days per consultation, although the period also had a much greater volume of cases without available data (around 60%).

With regard to variations among jurisdictions, we observed that in most of them, the issues resolved within the day appear in a proportion which is larger than the national average (which, as stated before, is at 62%):

Graph 8. *Average of consultations solved within the day*



In this sense, the 3 provinces where the proportion of consultations are solved within more than 1 day explain a sharp decrease in the average.[50]

— g. Coordination with other Areas

External agencies and bodies which articulate with the CAJs could be national, provincial, or municipal government agencies, as well as other type of institutions such as civil society organizations (NGOs, community, or religious organizations, etc.). Regardless of the specific interlocutor, we found two types of coordination with external bodies. First, "institutional articulations", that is: all cooperation activities carried with aims beyond the addressing of specific consultations. They may have multiple purposes, such as desig-

50 In the case of CABA this could be qualified by the fact that it represents a greater volume of cases without available data than the rest (almost half of them), which may explain the low percentage.

ning and implementing joint activities for the communities, strengthening the bond with the body or agency, or improving the territorial insertion of the CAJs. Some of these articulations are developed directly by the MJHR, and provide an institutional cooperation framework for all centers, while others are directly and specifically implemented by each CAJ. In some cases, they are formalized by agreement or memorandum. For this purpose, the NDPSAJ/DNPFAJ has set a series of guidelines in its handbooks. According to institutional documents, "all articulations must respond to a strategic decision of the CAJ with the purpose of solving a problem or seizing an opportunity; that is to say, they will be specific (or strategic) institutional relations." (MJHR, 2019b, p. 8).

The second type of articulation with external bodies refers to cooperation with the aim of solving or addressing a specific issue. According to the 79[51] evaluation reports drafted by the CAJs in December 2019, the following conclusions can be drawn:

- A high number of CAJs have cooperation relations (of different types and levels of formality) with entities related to the **administration of justice** (including public defender's offices, public prosecutor's offices, bar associations, justices of the peace, etc.). Only ¼ of the reviewed reports (20) do not mention any kind of institutional articulation with this type of entities;
- 42 of them (more than 53%) do not report articulations with **healthcare agencies** (whether federal, provincial, or municipal);
- with the exception of the areas of health and justice, there is a wide range of entities which cooperate with the CAJs in the fulfillment of its obligations (civil society, universities, community and town institutions, schools, etc.). The institutional network deployed by the centers depends to an extend on the level of territorial insertion which they have managed to reach individually. In this sense, most of them (43 out of 70) do not report relations with local or municipal entities not related to the areas previously mentioned;
- the national agencies with the most sustained and extended articulation with the CAJs are ANSES (57%), different areas of the Ministry for Social Development (30.4%), National Direction for Migratory Affairs (21.5%), and the RENAPER (National Registry of Persons, 20.3%);
- in the case of the provinces, the articulation with civil register offices is noteworthy.

51 The CAJs with no available reports are: Avellaneda, La Matanza-Barrio 17 de marzo, La Matanza-Villa Palito, San Martín, Hospital de Derechos, Villa 20, Jujuy-Alto Comedero; Jujuy centro; Tierra del Fuego-Tolhuin; Tierra del Fuego-Ushuaia; San Miguel de Tucumán Sur.

In numerical terms, the SICAJ allows us to supplement this picture with an analysis of exactly what type of articulation is done by the CAJs to address the issues presented by the population. In this sense, according to the data provided by the SICAJ, most consultations are solved internally without articulation or derivation: between 2017 and 2019, only 1 out of 10 were solved externally. As can be observed from the chart below, this trend accentuated from 2017 until today; thus, in 2019, almost all of them were addressed internally.

Chart 5. Type of consultation resolutions

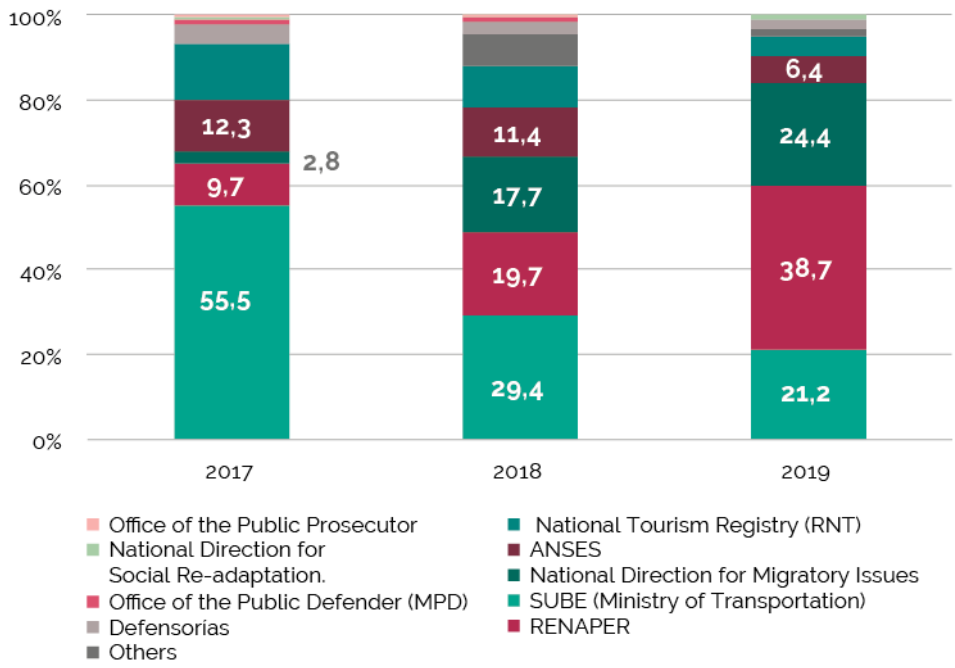
Type of resolution	2017		2018		2019		2017-2019	
	N	%	N	%	N	%	N	%
EXTERNAL	51442	18,7	54698	15,3	15614	5,8	121754	13,5
INTERNAL	72999	26,5	302242	84,7	255234	94,2	630475	69,8
No data	151366	54,9	0	0,0	0	0,0	151366	16,8
TOTAL	275807	100	356940	100	270848	100	903595	100

This information can be supplemented by observing with greater detail the types of problems and answers provided by the CAJs. First, we found a type of coordination of low intensity, related to hosting the CAJs in the offices of the agencies or bodies (permanently or for some days a week). In this regard, the most superficial form of cooperation is the case of consultations arriving to the CAJs, but which are actually addressed to an external agency. In this case, the CAJ staff does not intervene directly, but derives the consultation in the moment, and are registered as "consultations addressed to agencies located in the CAJ". Between 2017 and 2019, almost 8% of the consultations registered in the CAJ were characterized as "consultations addressed to agencies located in the CAJ". In this regard, even though there is a progressive decrease in this type of consultations every year (29.8% in 2017; 15.6% in 2018; 5.9% in 2019), they are still a considerable amount.

With regard to the agencies to which the consultations are redirected; between 2017 and 2019, most of them were redirected to SUBE card for public transportation (36.6%), RENAPER (20.4%), National Direction for Migratory Issues (DNM) (14%), ANSES (10.6%), and the National Registry of Crime (RNR, 10%). As regards their annual evolution, even though this was the main subtopic of the category in aggregate terms, we observe a clear decrease in the consultations related to SUBE card. While in 2017 they were more than half of the "consultations addressed to agencies located in the CAJ", in 2019 it went down to the

third place. The sustained increase in consultations related to migratory issues (DNM) and documents and certificates (RENAPER) is also noteworthy. All of this information is shown in the chart below:

Chart 9. *Subtopics of consultations addressed to agencies located in the CAJs (2017-2019)*



On another note, it is relevant to point that the number of consultations redirected to judicial agencies is clearly marginal: in aggregate terms, they represent 4.2% of this kind of consultations. Additionally, another type of articulation with external bodies are assisted derivations and the Federal Network of Lawyers for Legal Aid. On the one hand, assisted derivation involves delegating the resolution of a consultation (whether partially or totally) to another agency. According to institutional documents, it is termed "assisted" because the CAJ facilitates contact between the individual and the agency, but maintains monitoring functions over the situation; however, the relation is directly between the individual and the agency. The amount in this case is also low: only 3.2% of consultations between 2017 and 2019.

Derivation is an option when the CAJ "does not have the necessary tools of capabilities to provide a certain service directly (…) or when the individual requires access to a new resource or benefit which is not under the specific functions of the CAJ (community dinners, ANSES benefits, healthcare services, etc.)" (MJHR, 2019:3). With respect to the problems which are mostly redirected to other agencies, we found (MJHR, 2019b, p. 11):

- Derivations aimed at obtaining legal aid, except in those cases where the individual is not in a vulnerable situation.
- Child rights protection.
- Gender-based violence
- Threat to liberty or life.
- Identification of life-risk barriers in the access to healthcare.
- Imminent evictions.

According to SICAJ data, between 2017 and 2019 assisted derivation was mostly used in the case of access to documents and certificates (more than half of derivations), social security (more than a quarter), and family relations.

In the case of court representation, even though most of the consultations can be solved without court proceedings, this kind of response is also quantitatively marginal. In 2017 and 2019, only 0.6% of consultations received court representation (5,431), less than half of which were redirected to the Federal Network for Legal Aid (2,233). According to data in the SICAJ, this was mostly applied to consultations related to family relations and social security.

The implementation of this mechanisms assumed direct payments to the different bodies which comprise the Network, with a very low amount per case, which was insufficient to cover the paperwork, fees, and expenses necessary in a judicial proceeding.

The articulation with this network was implemented only for a limited set of cases: a) Cases in which the individual falls under one of the categories contemplated in the 100 Brasilia Regulations and experiences a specific situation of vulnerability; b) Cases which could not be addressed by other bodies and agencies providing legal aid; c) Cases which could not be addresses through alternative methods for conflict resolution; d) Cases which entail collective actions; e) Cases which involve sums which are above the amount of 3 minimum salaries. (MJHR, 2019b).

A third type of cooperation with external organisms is termed "institutional articulation proceeding"; that is "communicating with other body or government agency with regards to a specific problem of an individual". This is different to the assisted derivation, because in the first case the individual is not in contact with the external agency; it is the CAJ the one that requests information or advice on the case and then provides a response to the individual. Between 2017 and 2019, a total of 33,233 consultations required the CAJs staff to consult with an external body or agency to solve the problems presented by the population, which represent 3.7% of the total.

As a conclusion, it may be said that the institutional relations forged by each CAJ are quite heterogeneous in terms of quantity and quality. Additionally, there are still important pending challenges to ensure solid, formalized, and continuous articulations with external agencies and bodies, whether federal, provincial, or municipal. In this sense, even though it is too early to analyze its impact, the Network of Legal Aid Providers of the City of Buenos Aires is an interesting recent example with great potential.[52]

— h. Service Quality

The CAJs perform their tasks within a challenging environment: according to the 2017 survey, more than half of the population who faced a legal problem claimed to still continue to face it despite turning to some private or public mechanism for a solution; and, in those cases where the issue was solved, more than 37% claimed to be dissatisfied with the solution achieved. Even though the activity carried by the CAJs may not have an impact big enough to alter the results of this kind of surveys, their work could be an example of what constitutes a desirable approach for existent policies and devices. Although indicators for 2019 were more positive, 48.5% of surveyed individuals claimed that their problems were still pending.

In order to assess the quality of the CAJs responses, we should identify whether the response was efficient in the resolution of the problems brought before them. The SICAJ does not offer data on the impact of the intervention in the effective resolution of problems or on

52 The Network was created in August 2018 and composed of the following agencies MJHR, Office of the Attorney General, Office of the Public Defender, Office of the Attorney General for the Autonomous City of Buenos Aires, Office of the Public Prosecutor for the City of Buenos Aires, Office of the Public Defender for the City of Buenos Aires, Office of the Ombudsperson of the City of Buenos Aires, and the University of Buenos Aires Law School.

the level of satisfaction of the individuals. Even though its implementation has been strengthened over the years, the SICAJ has mostly consolidated as a case-management tool.[53]

Regarding the "termination" of the problems addressed by the CAJ, they consider a consultation to be finalized when there are no more pending proceedings/paperwork. This, of course, does not mean that the problem has been solved; rather, it means that there are no other possible instances for the intervention within the framework of the available institutional resources. Consequently, the CAJ stops all actions related to the consultation, even monitoring ones.[54] Between 2017 and 2019, 7 out of 10 consultations were finalized. As regards annual evolution, the peak of not-yet-finalized consultations was 2018, reaching 11.5%. Consultations pending finalization are distributed homogeneously, which indicated that there is not a topic which presents difficulties for the CAJ in its resolution.

Another avenue to assess intervention quality and user satisfaction is to ask why would an individual go to a CAJ to solve a problem. Between 2017 and 2019, almost half of the individuals (47.8%) who attended a CAJ did it because they had already been there before or because they were referred to by someone else. This trend is intensifying every year, which may lead to conclude that the level of user satisfaction is high. At the same time, the average of individuals who attended by derivation barely surpasses 6% (57,054 cases). This means that institutonal articulation and derivation circuits must be strengthen

Notwithstanding, t there are no available sources which may enable a proper assessment of the policy of case monitoring and the level of user satisfaction. Quality surveys were implemented for a brief period of time and then suspended, as they were considered not relevant in terms of evaluation.

In general terms, we can observe an approach that is mostly concentrated on individual administrative consultations, which are responded mainly by derivation (with more or less systematic articulation) to other agencies. Conversely, more complex conflicts or the structural problems behind a consultation which is entered and processed as an individual issue do not seem to be a focus or priority in the centers' approach. Of course, treating the first is absolutely necessary in order to avoid escalation and multiplication of problems and conflicts, but it should be combined with the second structural/collective aspect to provide more comprehensive responses.

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53 The lack of data and the elimination of the module related to the satisfaction survey undermine its potential as an assessment tool.

54 The CAJ agent in charge of a case is the one who decides to terminate the services. There is no specific criteria for making this decision in the institutional documents or handbooks.

07

THE IMPACT OF THE CAJS AND THE MAIN CHALLENGES FOR STRENGTHENING THE POLICY

07

The Impact of the CAJs and the Main Challenges for Strengthening the Policy

The CAJs have managed to become a center of a policy of legal services providing concrete results.

Even though the CAJs now mostly focus on administrative consultations, this is caused mostly by the population's demands. As stated in section VI.h., positioning the CAJs[1] as a reference for the provision of public legal services for the resolution of more complex or damaging issues (whether collective or individual) is still a pending challenge.

Additionally, the CAJs are identified as an "on demand" policy, which critically depends on the population's initiative to identified their problems, be aware of the services provided by the CAJs, and attend the center seeking support for its resolution. As pointed by Pleasence et. al (2014), combining this structure with a more proactive logic is fundamental, with the aim of overcoming structural issues faced by the population, and particularly by vulnerable groups. Thus, the services should continue to develop strategies to strengthen a close relation with the population.

The CAJs have consolidated as the main national tool for the access to justice. In order to assess their effective impact, it is important to take into account five dimensions identified in the international literature (Pleasence et al., 2014) as relevant criteria:

» *They must be focused on the most vulnerable sectors of the population.* From the geographical distribution of the CAJs and the institutional documents, we can conclude that their work was oriented towards giving a response to the most vulnerable groups, as stated in section VI.d. Even though the information available in the SICAJ to build the socioeconomic profile of their users has low levels of registration, it is possible to consider the educational background as a valuable proxy. According to available albeit limited data, regular CAJ users are from low and medium-income sectors.

1 It is not clear that this was a priority for the policy during the analyzed period.

- *They must extend their scope in order to mitigate physical and geographical barriers.* The CAJ policy was primarily designed for urban centers. Despite being a notable experience in terms of decentralizing the provision of public legal services, their rural presence is still very marginal. In this regard, the North Andean Corridor has been a valuable innovation in terms of reducing obstacles, as it is focused on historically vulnerable population, such as those living in rural areas (with a strong presence of indigenous communities), it also implied a change in the logic of the model in terms of services, proactivity, and territorial coverage (as a result of the itinerant CAJ format). As a successful experience, it should be further expanded.
- *They must articulate with other agencies and public services.* As stated in section VI.g., this challenged mentioned by the international literature is still a pending challenge in the case of the CAJs. On the one hand, the combination of territorial decentralization and service centralizations is positive in terms of reducing the fatigue caused by multiple derivations. On the other, the complexity which arises from the coexistence of multiple and different organizational structures, government levels, and social actors, still requires additional articulation efforts to ensure the access to justice by using resources in the most efficient way.
- *They must timely intervene to avoid problems from arising or escalating*. The resolution of administrative consultations of low complexity is a key step to avoid problem multiplication and escalation into more complex issues. In this regard, the reviewed sources do not enable a proper assessment of the preventive and timely nature of the responses provided by the CAJs.
- *They must adequate to the possibilities and abilities of the population.* The need to provide the same legal services to the population of the whole country is acknowledged, ensuring a minimum standard of assistance. In this regard, we observe an unresolved tension between the implementation of a homogeneous model and the needs imprinted by territorial particularities. One of the main strengths of the CAJs is their flexibility to adapt to local scenarios and dynamics. In this sense, two innovative experiences which must be highlighted are the North Andean Corridor and the Hospital of Rights, which maximized the scope of the policy by redesigning the original CAJ model to in order to adapt to the rural territory and the big cities, respectively. Their challenges and achievements are interesting for the analysis, as indicated in section VI.e.i.

In the next section we will assess the specific aspects of the policy which have been addressed through the whole report. We included recommendations in order to contribute to strengthen and expand the policy in such a way that it responds to the requirements of the population in general and to the most vulnerable sectors in particular.

— a. Case-selection policy

All case-selection systems carry a tension between two needs. On the one hand, the criteria imposed by the demand, based on their own urgencies. In this case, the users are the ones guiding the selection of cases, based on the intensity of their claims, and the urgency of their case. In a second perspective, it is the agency or its direction the one establishing the case-selection mechanisms, based on systemic criteria which will allow to solve the greatest amount possible of cases with the most efficient effort. The tools employed in one and other dimension are not the same, nor are the institutional practices or the type of service provided. From its design, aimed at satisfying the unmet legal needs of the population, on the one hand; and, on the other, to address the underprivileged population sectors, the policy was conceived in a double perspective for case selection.

Although this problem has been perceived with more or less clarity by different authorities, it is important to note that it has not been resolved. On the one hand, the numbers in chapter VI show that most of the institutional effort is directed towards intrastate proceedings which would allow solving urgent issues related to very concrete needs (documentation, healthcare proceedings, subsidies, alimony and child support, etc.). Many of these situations are repeated in other cases, which facilitate determining the existence of systemic issues. Even though some solutions have been applied (agreements, training programs, etc.), finding an adequate balance between different types of services, while focusing more on complex or structural problems, is still a pending issue. This is particularly difficult given the obstacles imposed by the federal structure, the disparity between proceedings, and the different forms of assistance in different areas of the country, which hinder the search for a comprehensive solution to these problems. In this sense, efforts to integrate both tools are essential, under the guidelines, aims, and priorities set from time to time.

— b. Internal Organization of the CAJs

As shown in chapter II, the development of the current CAJs structure was preceded by a long and stable policy of growth during different Administrations. This is, no doubt, one of its strengths. Consequently, we can affirm that it has a considerable level of training and compromise on the part of their professional staff, as well as a structure which has reach satisfactory levels of efficiency and an adequate organizational floor. This allows us to sustain that the bases of the current system (staff and organization) are enough to plan a project with greater levels of excellence for the future. Even within the difficult conditions caused by the COVID-19 pandemic, since March 2020, the service has been

able to continue operating and assisting cases. Some of the projects and innovation plans sought to be implemented by the new authorities are detailed in section IV.b.v.

Notwithstanding, there are still some original imbalances which are part of the design. For example, the proportion of CAJs in the different provinces: even though the Metropolitan Area of Buenos Aires presents a huge challenge, this cannot impair an adequate planning to open other centers in different areas of the country. In this sense, it would be beneficial to set more objective guidelines for selecting a location (such as, the amount of population, the amount of consultations received and registered in the SICAJ, and ULN), and to submit those guidelines to the opinion of potential users and other actors of the system. Similarly, the existence of special programs only in some areas, the possibility to extend this type of service to all CAJs, or the integration of rural services with medium districts and big metropolis should be defined more clearly. It would be desirable plan all these issues more openly, that would enable setting a well-organized growth horizon for the next ten years.

— c. Direction and Supervision System

The structure of the federal administration in Argentina is distorted at the level of National Directions (Federal Divisions), given that this should be much more stable, organized by public examinations, and aimed at technical and management capacity.

In this case, even if the system has, in the last years, acquired the strength of a clearly identifiable Direction particularly aimed at developing the CAJs; the relation between the Direction and the political level of the Undersecretariat for the Access to Justice, in charge of integrating this policy into the framework of the Ministry of Justice and Human Rights, is much weaker. In this regard, we observe a constant integration problem which manifests in duplicate competencies and a lack of coordination with other areas of the Ministry. Even though this has not translated into a lack of support for the policy, it causes certain difficulties in distributing roles more efficiently.

For example, in the case of gender-based violence victims or, in general, victims of crime, there is overlapping between different areas of the Ministry or the Human Rights Secretariat. The same occurs with cases of institutional violence, indigenous peoples, mediations, etc. Doing these integrations does not appear as a competence of the Direction, but it should be a specific role assigned to the political area where the Direction of the CAJs is located.

According to the available institutional information, there are instances of planning and assessment within the CAJ policy. This information is key to assess their management

and the assistance systems. Nevertheless, given the scope of this research, there is no available information to determine the manner in which the results of these instances were taken into account, if any, in the assessment of those systems.

In terms of supervision, two different systems must be regarded: one is the coordination system, and the other is centralized supervision. With respect to coordination, a regional model or relative efficiency has been developed. This is unrelated to the system itself, but to the fact that the great territorial distances in our country does not make a significant contribution compared to a centralized coordination, which may result in task overlapping. This does not mean that some kind of itinerant supervision with interviews with the officials of each CAJ is not needed; for now, the coordination system to allow a better localization of the solutions.

At the same time, the analysis of the internal evaluation reports suggests the need to supplement numeric indicators on the goals attained by the CAJs with qualitative information on the way in which the policy is implemented.

Even though effective practices for entering information related to each case, the implementation of an IT system was an important milestone. The data available in the SICAJ should not only facilitate the supervision of the tasks, but it should also be used as a valuable source of information for other government actor, as well as the population.

— d. Relationship with Government and Social Networks, as well as other Agencies

There are a number of different networks providing access to justice services in Argentina; whether public or civil society, federal, provincial, or municipal. In the last year there have been efforts toward knowing and contacting different institutions, but this is still incipient. Even though it has already happened in some areas (such as the City of Buenos Aires), it is still deficient in others; especially in the Northern and Southern areas of our country. These may be general institutions (such as public defender's offices, offices of the ombudsperson) or specialized in a particular field, such as gender-based violence, trade unions, human rights bodies, children and adolescent in conflict with the law, etc. The identification of these organizations, their knowledge, the quantification of their resources, and the coordination of efforts, is very incipient or nonexistent in many areas of the country. Even though there are no clear guidelines on which institution should be in charge of systematizing and coordinating all of them, there are reasons to affirm that the Undersecretariat for the Access to Justice should be in charge of this task (which has,

so far, an incipient development). Additionally, the population should be provided clear and accessible information (a sort of directory) which will enable identifying the set of available resources, as well as the kind of cases (and u admissibility criteria) which are assisted by each device. [2]

As we have mentioned, it is not a competence of each CAJ to systematize the available resources, but they should know and implement their resources in order to coordinate efforts, raise the quality of services provided to the population, and perfecting their case-selection and derivation mechanisms. Some centers have applied this better than others. The same occurs with many state agencies which render essential services (ANSES, PAMI, Ministry of Education, Consumer Protection, etc.). In some areas (the North Andean Corridor, for example) a more closely work relation has been sought, particularly with healthcare systems, but this has not yet become a regular practice.

A factor to be taken into account is the complexity to generate and sustain successful articulations among federal, provincial, and municipal institutions over time. In some cases, this is associated to the difficulties which exist among the governments with different political affiliations; in other cases, it is related to a diverse organizational structure, institutional goals, or available resources. These challenges are dealt with in section VI.g.

The coordination of efforts is fundamental to be able to provide efficient and sustainable responses in terms of the resources employed. A clear example of unsuccessful articulations can be observed in the geographic location of some CAJ: 14% of them had to be implemented in premises of the catholic church. In this sense, it would be more convenient to implement a lay policy, which does not depend on the resources of religious institutions; especially, taking into account the fact that this may cause some conflicts of interest and become barriers in the access to justice (such as the case of consultations on sexual and reproductive rights).

Finally, the division in charge of the CAJs has started to work with the Under-secretariat of Municipal Affairs within the Ministry of the Interior to consolidate a "state-presence index" which would help to detect agency overlapping or the need to coordinate the intervention of different agencies (such as ANSES, PAMI, or the immigration agency), and which would provide more elements to determine future CAJ location, as well as to assess the policy (Interview to Lenadro Rodriguez Pons). This is an interesting initiative which, if

2 One example to copy is the experience of the City of Buenos Aires which, during 2018, consolidated a network of legal aid providers, articulating efforts and elaborating a list of providers in the City in order to improve the circuits of derivation, both to government and non-governmental agencies.

implemented, would strengthen the relation among different agencies for the provision of access to justice services and the allocation of government resources.

Iit would be valuable to discuss and eventually pass a law to design and implement a comprehensive policy - involving the competent institutions of the different branches of the State - in order to guarantee access to the justice, from a perspective focused on its users and considering the set of legal needs of the population

— e. Types of Responses

The responses developed by the CAJs are directly linked to the demands of the population. Even though there were some efforts to take into account the collective dimensions of the problems presented as individual issues, this has not crystallized in sustained actions.

We could identify three different types of responses or interventions, which are not mutually exclusive. The design of the CAJ policy should take these into account, although according to their profile –and local adaptations- some may have more weight than others:

» Basic assistance. This refers to assistance for individual claims, related to pressing issues. This category usually encompasses a myriad of diverse problems and should not be underestimated. First of all, because they relate to every-day problems, sometimes linked to basic survival. Even though they are low-complex issues, their resolution is important because they have direct impact on the life-quality of large sectors of the populations which are usually affected in their access to basic rights, as well as because they contribute to reduce the possibilities of generating new and more complex problems. Second, the accumulation of similar claims could lead the CAJs and other agencies to develop collective answers or to transform existent public policies.

» Systemic. According to the data reviewed in this research, more than half of the CAJs responses are aimed at obtaining an answer or response from other government agencies. This makes the CAJ policy an anti-barrier for the access to justice and other rights. This type of response partially overlaps with basic assistance and with what appeared in the interviews as “short derivation”. Similar to the case of basic assistance, it would be desirable for the CAJs to unify these efforts toward modifying the barriers for the access to justice on a systemic level, in order to overcome their role in individualized administrative litigation.

» Collective approach. This is possibly the most challenging aspect, given that it demands building more complex cases and inter-agency articulation. From a political point of view, this may lead to more intra-agency confrontations, even within the Executive

branch. It also requires a more proactive type of intervention which would not be based on demand. In this sense, both the ULNS and the SICAJ provide valuable information to identify collective patterns of economic, social, cultural, and environmental rights violations, and to contribute to design a preventive policy which could anticipate an increase in conflicts and judicialization.

The actions taken by the CAJs staff to assist with consultations are not the same everywhere in the country. Even though there were some efforts to standardize the responses via the 2018 handbook, the options available are still strongly linked to the institutional articulations (whether formal or informal) that each CAJs managed to establish in the territory. In some of their reports, we could also observe the need for a greater support from the federal coordination in the formalization of cooperation relations with key agencies.

An innovative experience for great urban centers is the Hospital of Rights in the City of Buenos Aires, which operated as a pilot but on a much bigger scale than the CAJs (whether in its goals, the amount of services provided, or the amount of staff). In this regard, the types of responses given are radically different from the moment the individual enters the center: a triage system is employed to derive the cases internally according to their complexity. According to data from the interviews, its development (not without challenges) included a process to establish a protocol, which could not be formalized. Even if this is a system aimed at large cities, analyzing its experiences could be a valuable tool to rethink the operation of CAJs in large cities.

Regarding community legal empowerment activities, although it is notable that an institutional commitment has been incorporated for the development of these type of activities, there are still great opportunities and challenges in the development of policy in this regard.

— f. Case Monitoring

Even though institutional documents and manual attempt to establish criteria and guidelines for monitoring the cases, the information available on this topic is fragmented and hard to code. Additionally, given the type of cases assisted by the CAJs (access to social benefits, documents, etc.) there are no needs for monitoring. Nevertheless, we cannot affirm that the monitoring of cases extends until the user confirms that he/she has effectively accessed to whatever was requested, or if the intervention finalizes once the articulation with the responsible agency is achieved.

— g. Consultation Timing

Most of the issues presented receive a response within the day (interventions, paperwork, and proceedings by the staff in each center). In some provinces, 8-9 out of 0 cases receive an instant response.

The short span of time of consultations could be related to a low-quality response; or, conversely, it could imply an efficient intervention to solve the case in a very short amount of time. We cannot draw a conclusion in this regard from available data.

However, it does seem more plausible to link the short duration of the consultations with the type of answers provided by the CAJs, given that (at least since there are structured registers) they have concentrated on a primary assistance to low-complexity cases (advice). It could also be related to the type of consultations, which are predominantly administrative (60%).

— h. Technological Support

The institutional website[3] has updated information on the amount of operating CAJs, including location, opening date, domicile, person in charge, contact telephone number, and kind of location. At the same time, there is open access to the information registered in the SICAJ (from the second semester of 2016 to 2019).

There is still other public information requested by Law No. 27275 (article 32) which is pending incorporation to the website, such as CAJ staff, hiring mode, functions and rank; budget (including information on extra-budget funds); and auditing processes, among others.

The implementation of the SICAJ has implied a great progress in producing and collecting information in terms of the problems faced by the population, as well as the responses given by the CAJs in their resolution. This is a notable progress considering the great deficits faced by Argentina in terms of data production and dissemination, and the fact that there are no other similar systems used by other legal aid agencies.

In terms of operational contributions, the system was positive with regard to the monitoring of consultations; and has helped the staff to be able to know more about the life trajectory of the users, without having to re-question every time, which may lead to re-victimization, and to reduce working time. Additionally, there were considerable efforts to create a

3 Available at: https://www.argentina.gob.ar/justicia/afianzar/caj

"community of practices", standardizing administrative processes and homogenizing the language employed in the registration of activities.

Nevertheless, there are still some pending issues with regard to the definition of the information categories which must be completed by the agents; in an attempt to avoid creating an extra step in the process, which would imply an extra workload affecting their main job in assisting the access to rights, and which could also militate against the goal of generating and collecting information.

Additionally, apart from the fact that there is sub-registration (which appears more intensively in some categories), the use of the CAJ has concentrated on the case-management aspect, being underused in terms of data production and systematization in order to create inputs to improve the policy. Thus, we have observed that the potential of this tool could even be greater.

Another challenge is added to the already mentioned intra-institutional ones: the fact that the system should facilitate coordinating a process with many interventions by different actors. In the case of the CAJs hosting other agencies and in the Hospital of Rights it became noticeable the need to implement a computer system to support inter-institutional articulation: from registration, to access to data on each user, to the creation of a coordinated system for marking appointments. This is particularly important for improving communication and cooperation among different entities with different organizational structures, aims, competencies, and authorities. An articulation strategy with these actors could also provide an opportunity for the improvement of the case-management systems of other agencies providing access to justice services.

Finally, because of the role the policy acquired in terms of access to rights, it is important to proactively disseminate useful information for the community and the civil society. The idea of a specific module as an extra-institutional communication channel or even joint case-management module could be explored.

— i. Recruitment, Training, and Work Conditions

We observed the effort to build interdisciplinary teams in every CAJ, including at least lawyers, psychologists, community mediators, social workers, and administrative staff.[4] However, even though there are certain requirements for the profile of regional coordinator or CAJ staff, they share the same generalized situation of public employment with

4 Doctors are added to the staff in the case of CAJS with itinerant rural services.

regard to a lack of clear guidelines on promotion, access, acknowledgment, and salaries. An additional problem here is the precariousness of the employment relationship, with temporary contracts, low salaries and no access to the benefits of government employees.

From the CAJ internal reports and the interviews to key informants, we can conclude that during the analyzed period there was an improvement in the availability of supplies and equipment (computers, computer programs, office supplies, etc.). Nevertheless, there are still pending challenged related to infrastructure and work spaces (for instance, internet access, or cleaning services).

Finally, even though there are regular trainings, these are not framed by a policy of continuous training. It would be desirable to further the annual training plans, adapted to social demands or local problems. The challenges faced by the NDPSAJ/DNPFAJ in terms of trained staff are addressed in section V.d.

— j. Kowledge about the Service

There is a policy for the dissemination of the services provided by the CAJs via posters and billboards, community radio stations, and institutional website. However, there is not a specific policy aimed at vulnerable population. In this case, issues such as linguistic diversity and accessibility are key for the information to effectively reach certain groups which have been historically marginalized. Consequently, there should be improvements on the information provided about the characteristics of the services, availability, and access, by using a wide range of communication and dissemination means which are accessible to different groups of users.

The efforts of the last years toward disseminating information about the CAJ could not be assessed. Despite the high demand of the CAJ, the results of the first ULNS/ENJI (MJHR, 2017) point that 7 out of 10 individuals did not know of any institution of office providing legal aid. Also, only 18.4% of surveyed individuals knew about the CAJs. Finally, from the data of interviews to those in charge of executing the policy we can conclude that public knowledge about the existence of the service is still a pending issue.

— k. Policy Funding

With regard to funding, even though the employment of out-of-budget funds (for this policy, as well as for other areas of the MJHR and the Ministry of Internal Security) could

facilitate management and ensure a certain flow of resources, it would be desirable for the Government to support its policies exclusively from budget funds.

Nevertheless, while out-of-budget fund are being employed, it is desirable to publish all the information related to their management by cooperating entities, as well as to create instances of accountability. At the same time, the information related to the budget should be proactively published as disaggregated as possible, in order to enable the public to monitor the funds allocated to and spent on this policy.

— I. User Assessment

Even though user complaints can be channeled through informal means, such as the 0800 phone line, or the official Facebook profile, there is no official mechanism to receive, process, and assess complaints. Service quality surveys were employed for a brief period of time and then suspended, as they were considered a useless input to assess quality of the services by the Direction.

One of our pending research lines is related to the assessment of the services by the users. The methodological strategy selected for the project could not include service quality surveys which could assess the level of satisfaction with the assistance and the services provided by the CAJs.

08

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09

ANNEXES

09

Annexes

— Annex I: Validation and Consultation Process and Research Limitations

This research was started by the end of 2019 and continued during 2020 and the first months of 2021. After the research plan, we drafted a report with the guidelines and the main hypotheses. Later, based on the review of primary and secondary sources, legislation, and documents related to the policy, we drafted a preliminary report. During March 2021, we submitted the report to a validation process with a set of institutional actors and academics, with the aim of obtaining their perspective on the research. Subsequently, in June 2021, a round of consultations was held with international actors in order to collect their views on the report.

The report aimed to ensure data reliability, the soundness of the analysis, and to provide credibility to the findings. Claims were attenuated when they could not be sufficiently backed by documentation, whether because of government obscurity or lack of active transparency with regard to the data required for the analysis and assessment. This process enabled us to provide recommendations based on available information and to highlight the validity of the conclusions we drew from it.

Based on the inputs from the actors in the validation process, we clarified several sections of the documents. Some points were added and some were modified (in the preliminary version), which appear as a footnote in the final version. The contradictions that arose during data analysis were specified, clarified, or rectified based on peer review. Additionally, for the final version of the report, we reviewed the whole system of topics and categories used. Finally, we submit a series of remarks and recommendations below.

We aimed to employ a clear non-sexist language.

The people who participated in the process of validation and consultation of the report at the local and international level are listed below:

Actors at the local level:

- Facundo Ureta: General Coordinator of the National Directorate for the Promotion and Strengthening of Access to Justice during the period 2015-2019.
- Fernanda Marchese: member of the ANDHES civil society organization that works on access to justice in the Province of Jujuy, Argentina
- Gabriela Delamata: Lawyer, Doctor in Political Science and Sociology. Teacher, Researcher specialist in matters of social and political movements in Argentina.
- Gustavo Maurino: National Director of the National Directorate for the Promotion and Strengthening of Access to Justice during the years 2015 to 2019
- Laura Pautassi: Lawyer, Doctor from the University of Buenos Aires. Teacher, researcher specialist in matters of social rights and public policies
- Leandro Rodriguez Pons: Chief of Staff of the National Directorate for the Promotion and Strengthening of Access to Justice since 2019.
- Madoda Ntaka: Public official of the Attorney General of the Autonomous City of Buenos Aires
- Maria Paz Darol: member of the civil society organization Xumek that works on access to justice in the Province of Mendoza, Argentina
- Nicolas Rallo: member of the civil society organization Xumek that works on access to justice in the Province of Mendoza, Argentina

International actors:

- Erin Kitchell: Director of Practice and Global Learning at Namati
- Alejandro Ponce: Research Director of the World Justice Project (WJP).
- Pascoe Pleasenece: Expert in social science research methods, access to justice and legal capacity. Much of his recent work has continued with the design, development and analysis of 'legal needs' survey data.
- Carolina Villadiego: Lawyer. Legal Advisor for Latin America of the International Commission of Jurists and part of the Board of Directors of Dejusticia.
- Adrian Di Giovanni: Lawyer. He works at the International Development Research Center (IDRC) and manages a series of research projects in countries in Africa and Latin America.

» Maikee de Langen: Leads the Justice for All Program, which is part of the Pathfinders for Peaceful, Just and Inclusive Societies project.

ii. Research limitations

Next, we will introduce a series of research limitations we identified during the drafting and the validation processes.

1. Researching in the context of a pandemic

During 2020, when we conducted most of the research, the Argentine Government established a lockdown because of the COVID-19 pandemic. This measure had an impact on the research methods, given the difficulties to travel, to contact directly with key institutional actors, and to submit requests for the access to public information before government agencies.

Part of the research aims was to conduct field immersions which would enable knowing the operation of the CAJ first hand, as well as the implementation of the policy throughout the country. Nevertheless, given the travel restrictions, it was impossible to conduct visitations and to interview the staff in person. Even though we did virtual interviews, they were limited; as well as the possibility of participant observations, which were planned in the original research design.

2. Temporal Scope

As established by the methodology, we carried a quali-quantitative, cross, exploratory, and descriptive study. The preliminary goals of the project aimed at researching on the implementation of the policy from 2010. However, given the context and the difficulties to access adequate information, we did not analyze official documents of the policy status from 2010 to 2015. With regard to this period, we conducted a narrative (non-systematic) literature review. Even though there are available data on this period, they were not sufficient to enable a comparable diagnosis.

3. Territorial Scope

Throughout the research, we could identify a prevalence of information available for the City of Buenos Aires and the Province of Buenos Aires. Even though we had specific information on the implementation of the policy in certain areas of the country (such as the North Andean Corridor), the very difficulties imposed by the context of a pandemic, and the impossibility to access detailed information about other provinces, has hampered

the possibility of a more detailed analysis on the implementation of the policy in other provinces, and with the same thoroughness as the cases above mentioned.

4. Type of Sources

Given the difficulties to interview the CAJ staff, as well as visiting the centers, most of the analysis centered on secondary sources. One of the most consulted source were the internal evaluation reports drafted in September 2019 by the CAJ staff. In this regard, one of the individuals interviewed during the validation process claimed that it was inadequate to assess the policy based on this information.

With the purpose of incorporating this critique, we proceeded to attenuate the claims based on the information contained in the reports, highlighting the fact that these were perceptions or opinions of the employees of certain CAJs, which reflect personal viewpoints and which may or may not coincide with objective elements.

5. Creating the Conceptual Framework

During the validation process, it was pointed out that it could be relevant to incorporate other research from different disciplinary fields, which would enable us to expand our view on the access to justice based on interpretive paradigms and models which go beyond the legal field, or the ones that concentrate only on unmet legal needs. In this sense, one of the interviewees claimed:

> First, and this is something I do see less reflected in the document, there is a whole wide academic field on the topic, which is not clearly reflected in the literature review, as well as in the crossing of the information of these studies. Maybe the document is drafted too boldly, as in 'this are the only studies in the framework of quantitative surveys carried in the direction I was previously mentioning'. (…) Then, we did another one on migration, in which ACIJ also participated. The works of Catalina Smulovitz, there is a wide range in the field. Also, Bergallo and the seminal work of Birgin & Kohen are important to mention, even though they are more related to a gender issue, but there was also a whole staging.

In this sense, we agree with this proposal and express it as a limitation. The literature review from other fields would enable a stronger discussion of the results, taking into account fields such as sociology, or socio-legal, among others.

6. Research object

During the validation process, one of the actors claimed that: "(…) It is not clear (…) if what you are doing is to assess the public policy or reconstruct it (…) But when you are assessing, there are several things which do not come clear to the reader or which send different

messages. One thing is the whole public policy, and another one is to analyze a specific period or aspect of the policy."

Based on this remark, we decided to specify in the different sections of the report several aspects related to the research aim; and particularly, to clarify the methodology employed (normative descriptive assessment). In this sense, we characterize and describe the information available about the CAJs, against a normative standard, comparing the level of fulfilment of the aims established in the resolution which created them to the level of implementation of these aims (ex-post external assessment). Additionally, in order to attain the different goals, we carried partial summative assessments aimed at determining whether these goals were attained. The basis for public policy assessment is always to create knowledge, to foster accountability and to determine whether purported aims were reached or not.

For the assessment, we followed the steps below:

1. We set the descriptive or initial goals, and the purpose of the assessment (determining the level of analysis).
2. We set the methodology (determining the techniques and instruments to collect information, activity sequence, time, and frequency).
3. We set the criteria for sample selection (identification of actors).
4. We collected data from primary and secondary sources.
5. We processed and analyzed the data.
6. We set a temporal and spatial scope.
7. We created assessment and verification questions.
8. We drafted the preliminary report (descriptive and evaluative).
9. We validated the data and reviewed the preliminary report.
10. We drafted the limitations.
11. We communicated the results.

Finally, we can point that the CAJ policy was created as a public policy, which, in terms of Oszlak & O'Donnell (1976): "it is a set of actions or omissions which manifest a certain mode of state intervention in relation to a topic of interest or which mobilizes actors"(p. 565)We analyzed, described and assessed this policy against a comparative normative standard.

Thus, the assessment of public policies implies doing:

> "A programmed activity which passes evaluative, grounded, and communicable judgment on the planning, implementation and/or results of public interventions (policies, programs and/

or projects), based on systematic data collection, analysis and interpretive procedures and on comparisons against established parameters, in order to contribute to improve management processes and to socially and technically legitimize the policies, with the aim of having a positive impact on the life quality of the population by strengthening the Government intervention capacity ." (State Polices Handbook, 2016).

In this sense, we hope that this report could improve the CAJs management processes and to become an essential input in the cycle of the public policies for the access to justice.

7. Coprehensive Perspective on Governmental Issues

Finally, one of the individuals interviewed during the valiation process claimed that: "(…) this whole problem of how the government is structures is not reflected [in the report] (…) There are many obstacles and problems within the Administration which do not appear [in the report], but which are relevant for the conclusions and for the difficulties you had identified in the public policy."

With the aim of incorporating this critique, we added a footnote in the report about this lack of perspective on how processes are conduced within the Government.

Additionally, another actor in the validation process claimed that the report does not specify the improvement in the information system of the CAJs (created by the NDPSAJ/ DNPFAJ) during the 2016-2019 period:

(…) It does not exist, and it has never existed, a justice service institution, in any of the government branches, or in any jurisdiction, who had developed a work management system which comes closer to the richness, comprehensiveness, and functionality of the SICAJ.

(…) The text could attempt a general assessment on the standards and practices of evidence, publicity, and accountability of the work and the services rendered by the CAJs in 2016 to 2019 (…); of how abysmally advanced this is compared to any other service (…), and about how important it would be for the access to justice, democracy, etc., if public institutions which provide justice services adopted these standards (or at least they start to move forward to the place in which the CAJs are, for them to share the available know-how, etc.

In the text, we incorporated a specific reference to this comment on the progress made with the SICAJ, with the aim of highlighting the actions taken towards implementing the system. Additionally, we modified the conclusion on this aspect, to evince the desire to continue deepening its implementation by institutional actors and for the information to be regularly published in a reusable format.

— Annex II: Methodological Section

METHODOLOGICAL DESIGN

Below are the main methodological strategies employed for this research.

We carried a quali-quantitative, descriptive, cross-study. Methods and primary and secondary sources were triangulated.

The qualitative design is relevant as it enables a deep understanding of the meanings, experiences, and actions of the actors, from the own logic and feelings of the protagonists, incorporating a subjective perspective (Valles, 1997; Hernández Sampieri, 2014; Cáseres, 2003; Punch, 2014, Lichtman, 2013; Morse, 2012; Carey, 2007; DeLyser, 2006).

TEMPORAL SCOPE

The temporal scope was established according to each one of the research goals.

TERRITORIAL SCOPE

The territorial scope was established according to each one of the research goals.

SAMPLE. TARGET POPULATION AND PARTICIPANTS

The sample was not probabilistic. The chosen sample is theoretical and intentional. The theoretical sample did not seek statistical representability; rather, units or sets of units were selected if they could provide deep information on the studied phenomenon (thus, this procedure is termed 'intentional or selective judgement'). The interest lays in the understanding of phenomena and social processes in all their complexity (Martinez Salgado, 2011; Bertaux, 1981; Glaser /Strauss, 1967).

The interviews to volunteers were taken as a primary source of data and enabled a deep understanding of the phenomenon under study. They were conducted under the theoretical framework selected, and in accordance with the thematic analysis method.

This method is appropriate to identify, organize, and analyze in detail, as well as to report patterns or topics arising from the reading and re-reading of the data collected. Additio-

nally, it enables to identify themes and structures, as well as experiences, meanings, and realities of the subjects (Braun & Clarke, 2006).

The sample was concluded according to a saturation criterion; i.e. when new interviews were no longer contributing to understand the patters, logics, or social relations under study. Thus, theoretical saturation was the main criterion to decide when to stop the sampling procedure.

SOURCES OF DATA AND COLLECTION TECHNIQUES

SOURCES OF DATA

According to the chosen design, multiple sources of primary and secondary information were used.

PRIMARY SOURCES

We worked with primary sources to collect relevant information. Semi-structured –free-interviews were conducted with key informants (government officials, decision-makers in the area of the access to justice policies, and employees from different areas of the country).

- The following instruments were created:
- Script for the interview to CAJ staff, and public officials.
- Script for the interview to focus groups (NGOs).
- Because of the pandemic and the social restrictions, we were not able to use:
- Non-participant observation record
- Photographic records of the CAJs
- Field notebook

Thus, most of the interviews were conducted virtually by Zoom or Meet, unrecorded, and then analyzed in their entirety.

LIST OF PEOPLE INTERVIEWED

Throughout the investigation, semi-structured interviews and focus groups were conducted with key informants. The people interviewed are listed below, as well as the profile of each of them:

- **Agustina Palacios**: CONICET associate researcher. Coordinator of the Disability and Human Rights Area of the Center for Research and Teaching in Human Rights "Alicia Moreau" of the Faculty of Law of the National University of Mar del Plata.
- **Carolina Buceta**: member of the organization Red por los Derechos de las personas con discapacidad.
- **Celeste Fernández**: member of the Disability and Human Rights Program of the Asocicación Civil por la Igualdad y la Justicia Dominique Steinbrecher: member of the Disability and Human Rights Program of the Asocicación Civil por la Igualdad y la Justicia
- **Eduardo Quiroga**: member of the Disability and Human Rights Program of the Asocicación Civil por la Igualdad y la Justicia
- **Elizabeth Aimar**: president of the Red Asistencia Legal y Social (RALS)
- **Francisco Bariffi**: professor and researcher at the National University of Mar de Plata specialized in Human Rights and Disability. Coordinator of the Ibero-American Network of Experts on the Convention on the Rights of Persons with Disabilities.
- **Gabriela Carpineti**: Director of the National Directorate for the Promotion and Strengthening of Access to Justice since 2019.
- **Guillermina Greco**: coordinator of the Hospital de Derechos from 2018 to 2019.
- **Gustavo Maurino**: Director of the National Directorate for the Promotion and Strengthening of Access to Justice during the period 2015-2019
- **Hernán Olaeta**: National Director of Criminal Policy on Justice and Criminal Legislation - Ministry of Justice and Human Rights.
- **Josefina Martinez**: Director of the Department of Anthropological Sciences, FFyL - University of Buenos Aires.
- **María José Sarrabayrouse Oliveira**: CONICET Associate Researcher. Political and Legal Anthropology Team, FFyL - University of Buenos Aires.
- **Paula Gomez Ortega**: member of the civil society organization "Padres Síndrome X Frágil"
- **Silvina Ramirez**: lawyer and Doctor of Law from the University of Buenos Aires. Postgraduate professor and specialist in indigenous rights.
- **Sofia Mineri**: member of the organization Red por los Derechos de las personas con discapacidad.

SECONDARY SOURCES

We worked with secondary sources from:

- Document and legislation review
- Public policies related to the CAJs
- Institutional documents drafted by public officials (internal regulations, protocol, and operational handbooks of the CAJs).
- Documents or historical reviews drafted by the different Administrations (management reports, books, papers, etc.).
- Reports by national and international bodies or civil society organizations.
- Internal documents and reports on the profile of the CAJs users and staff.
- Internal evaluation reports drafted by the CAJ staff.
- Audit analysis on the CAJ programs carried by the MJHR and/or controll bodies (e.g., National General Auditing Office).
- Budget allocated to policies for the access to justice according to the temporal and territorial scope of the research.
- Grey literature (unpublished or unofficial documents).
- Databases used by the MJHR (Dataset, Legal Needs Diagnosis) and those from the SICAJ.
- Responses to access to information requests addressed to public bodies or agencies.
- Research on the access to justice.

DATA ANALYSIS

E employed a thematic analysis method for qualitative aspects (Goetz & Lecompte, 1988; Tonón de Toscano, 2009).

Quantitative variables were analyzed according to relative and absolute frequency charts. Percentages were established as well as temporal lines to compare progress and evolution.

PROCEDURE

Semi-structured interviews were used as a technique to collect information, and were taken directly by researches (individually or in discussion groups) based on the interview

scripts. The amount of interviewees was reduced or extended based on a sample saturation criterion.

We started by selecting cases that could be compared and contrasted (selection by resemblance), thus enabling to establish categories. Afterwards, we selected based on observable differences, which enabled to establish the attributes of each category (Tonón de Toscano, 2009).

WORK PLAN

Tasks responded to a flexible, spiraling process, in cycle succession to identfy the research problem, draft a plan, implement the plan, assess results, and receive feedback (Pavlish & Pharris, 2011 in Hernández Sampieri, 2014). In the first place, we carried the activities to build the conceptual framework of the project by reviewing the appropriate literature. Then, we reviewed and drafted the state of the art or literature review section. Below there is a list of specific activities performed during the process:

1. Review of resolutions, legislation, technical reports, and programs.
2. Protocolizing tasks, instruments, and procedures to be executed.
3. Create a list of key relevant actors.
4. Design interview scripts.
5. Conduct interviews to key informants.
6. Apply instruments (interviews, registers, consent).
7. Unrecord interviews.
8. Deepen the review of secondary sources. Systematize and analyze the information from secondary sources.
9. Read and re-read data transcriptions. Review the data obtained (different registers and surveys).
10. Organize the data and information (determine organization and presentation criteria). Global analysis and comparison.
11. Prepare data for the analysis.
12. Set units of analysis, categorize and verify data accuracy, confirm sources, and apply qualitative rigor criteria.
13. Draft preliminary report. Review.
14. Review conclusions and recomendations.

— Annex III: Research Questions

Historical Development of the Policy

1. How did the CAJ policy develop in Argentina?
   a. Which social actors influenced its problematization?
   b. What currents influenced the birth of the policy?
2. What are the stages in the historization of the CAJ policy?
3. How was the CAJ formalization process carried out?

Structure of the Policy

1. Which are the aims of the public policy set forth in the legislation creating the CAJs?

Institutional Design

1. To which concept of the access to justice responded the design and implementation of the policy?
2. From the opening of the first CAJ in 2010 to the year 2019, which functions were prevalent in their operation? Do all CAJs operate under the same model or are there different cases?
3. How did the budged allocated to the policy evolved from 2010 to 2019?
4. How are competences, responsibilities, and decisions organized and distributed between the National Direction, the Regional Coordinator, and the CAJs?
5. How do the CAJs derive their cases to other agencies?
6. What kind of impact does the CAJ information (SICAJ) have on the decision-making processes to create other public policies?
7. From the opening of the first CAJ in 2010 to the year 2019, which were the criteria for their territorial distribution? (bureaucratic, administrative, or political criteria?
   a. How do the amount and type of consultations impact the territorial distribution of the CAJs?

   b. Under which criteria were some CAJs closed between 2010 and 2019?

   c. How do the specific demands of each territory impact on the structure of the CAJs?

   d. Do these criteria coexist with provincial and municipal logics?

8. What is the level of integration among the different CAJ models (urban, rural, North Andean Corridor)?

9. What are the characteristics of the special programs aimed at indigenous populations, persons with disabilities, and migrants?

   a. What modifications were implemented in the CAJs to develop special programs aimed at indigenous populations, persons with disabilities and migrants?

10. Does the CAJ centralizing structure effectively reduce reference fatigue?

CAJ Staff

1. What is the profile of the CAJ employees?

   a. What kind of competences, skills, and knowledge are considered when recruiting staff?

2. What is the goal of the Training Plan provided to the CAJ work teams?

3. How does the Training Plan relate to the CAJs' operational needs?

4. How do internal the evaluations prepared by the CAJ staff impact on their institutional design?

5. What kind of effects the incorporation of regional coordinators had on the work and operation of the CAJs?

Institutional Relations

1. How do the different CAJ models (urban, rural, North Andean Corridor) articulate with the federal policy for the access to justice?

2. How do the CAJs relate to the agencies and bodies present in the territory?

3. How do the CAJs relate to the agencies which provide legal services?

4. How do the CAJs relate to civil society organizations and territorial leaders?

CAJ Policy Assessment

1. What socioeconomic characteristics do the users of the CAJs have?
2. What kind of consultations are the most frequent?
    a. Which are the most frequent topics of consultations per geographical area?
    b. Which are the most consulted topics (health, education, employment)?
    c. What is the link between priority problems in the ULN survey and the cases brought to the CAJs?
3. Which are the most frequent responses given by the CAJs?
    a. What are the most frequent responses according to the type of consultation?
    b. Which are the characteristics of the strategies implemented by the CAJs for assistance, derivation, orientation, and court representation?
4. Which cases are represented in court by the CAJs?
    a. What are the selection criteria for the cases which receive court representation?
5. What are the territorial leaders' perceptions on and experiences with the role of the CAJs in the resolution of conflicts?
6. What is the impact of the CAJ in the management of conflicts?
7. Is there an under-identification of the legal/justiciable problems of the population? What kind of problems are the most under-identified?
    a. Do the CAJs implement any tool to reduce under-identification and inaction by the communities?
8. In which ways do the CAJs contribute to overcome the obstacles to the access to justice?
9. In which ways do the CAJs contribute to legally empower the population?

Vulnerable Groups

1. Which are the most frequently consulted topics by indigenous populations, persons with disabilities, and migrants? In which way do the problems faced by these groups relate to the consultations for which they turn to the CAJs?

2. What are the differences between the demands of these vulnerable groups and the demands of the general population?
3. How do the CAJs relate to social actors and organizations involved in the defense of the rights of indigenous populations, persons with disabilities and migrants?
4. How do the CAJs relate to government agencies which work for the defense of the rights of these vulnerable groups?
5. How do these groups and their social leaders assess the performance of the CAJs in the resolution of their problems?


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