

REMARKS ON ACCESS TO JUSTICE AND THE DIGITAL DIVIDE FROM THE ASPECT OF PROCEDURAL LAW

Ágnes Váradi 

research fellow, HUN-REN Centre for Social Sciences Institute for Legal Studies
1097 Budapest, Tóth Kálmán street 4., e-mail: varadi.agnes@tk.hun-ren.hu

Abstract

The COVID-19 pandemic has proved that the use of electronic means can significantly facilitate effective, physical access to justice and simplify the initiation and conduct of court proceedings; however, the phenomenon of digital divide has entered into centre of attention as well. The current paper aims to give a summary on the concept of digital divide in the context of procedural rights, primarily the right to an efficient access to justice. It will be examined, how digital solutions can be integrated into the conceptual and legislative framework of access to justice so that they can contribute to the enhancement of efficiency, while preventing the marginalization of the most disadvantaged social groups and the “elitization” of justice systems. The analysis is based on synthesis of international standards, jurisprudence, recommendations, and secondary literature. This way the results can provide an impetus for developing new solutions in this area to ensure the efficient access to justice for all even in the context of unprecedented technological, social and economic challenges.

Keywords: access to justice, digital divide, e-justice, vulnerability, civil procedure

1. Introduction

“Digitalisation of justice is the key to increasing the effectiveness of justice systems and a highly efficient tool for enhancing and facilitating access to justice” (European Commission, 2023, 7). This statement from the 2023 EU Justice Scoreboard issued by the European Commission offers a compact summary on the role of digital solutions in the justice system. The COVID-19 pandemic has proved that the use of electronic means can significantly facilitate effective, physical access to justice and simplify the initiation and conduct of court proceedings, and in this context a growing need for the intensive use of digital solutions in court proceedings has emerged. (For detailed comments on this issue by the author, see: Váradi, 2022.)

Moreover, it has been recognized that the use of digital solutions in the justice system in itself cannot substitute a complex legal and non-legal framework aimed at ensuring efficient access to justice for all: “The nature and purpose of the justice system, as set out in human rights standards, and its relationship with technology involves much more than IT know-how and available budgetary resources. It is pointless to mechanically introduce certain technological tools that were not necessarily designed for judicial proceedings and to assume that they will in and of themselves boost the efficiency of the justice system” (United Nations, Human Rights Council, 2021, para 81.). In this regard, the main source of concern is how the needs of vulnerable persons in accessing and managing the technology can be taken into consideration.

The current paper aims to give a summary on this question, by examining the concept of digital divide in the context of procedural rights, primarily the right to an efficient access to justice. It will be examined, how digital solutions can be integrated into the conceptual and legislative framework of access to justice so that they can contribute to the enhancement of efficiency, while preventing the marginalization of the most disadvantaged social groups and the “elitization” of justice systems (as referred to in: United Nations, Human Rights Council, 2021, para 114). This way the results can provide an impetus for developing new solutions in this area to ensure the efficient access to justice for all even in the context of unprecedented technological, social and economic challenges.

2. Conceptual and methodological framework

Access to justice, as a basic safeguard of the protection of fundamental rights, shall ensure “*the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards*” (UNDP, 2005, 5.). Access to justice – as interpreted within the framework of the current study¹ – articulates the individuals’ claim to enforce their rights efficiently and independently from their financial-material resources, legal knowledge or other circumstances.

During the pandemic, the traditional ways of access to courts were considerably hindered, which resulted in a change of approach in the judiciary, namely that the significant role of information and communications technology and innovative online solutions enabling digital connectivity was widely recognized (United Nations, Human Rights Council, 2020). It has been acknowledged that “*that every initiative and best practice that can help facilitate more efficient judicial procedures through the use of electronic means and artificial intelligence-based applications, including both domestic procedures and cross-border cooperation between judicial authorities of the Member States of the Council of Europe, are of utmost value*” (Council of Europe, Conference of Ministers of Justice, 2021).

However, access to justice in civil matters is not limited to bringing proceedings before a court; it also encompasses the right that the person concerned will have his or her case heard by a court and the requirement that the decision taken be capable of redressing wrongs or enforcing claims (i.e. ensuring that disputes are decided on the merits and that effective remedies are available). Furthermore, access to justice is “*much more than improving an individual’s access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable*” (UNDP, 2004, 6).

Thus, when introducing and applying digital solutions, it shall be analysed as a separate factor, how they are interrelated to the requirement that an equally efficient access to justice for all shall be safeguarded. They must include the assessment of the needs of the most vulnerable. (For details about this assessment, see e.g. Dehaghani & Newman, 2022; Kiwanuka, 2021; MacDowell 2018). This is the point, where digital divide shall be addressed, which is defined as “*the gap between individuals, households, businesses and geographic areas at different socio-economic levels with regard both to their opportunities to access information and communication technologies (ICTs) and to their use of the Internet for a wide variety of activities.*” (OECD, 2001, 5) [The phenomenon of the digital divide is described in detail by van Dijk, 2020.]

The relevant secondary literature examines access to justice mainly from the human rights perspective (e.g. Rouas, 2022; Lima & Gomez, 2020; European Union Agency for Fundamental Rights & Council of Europe, 2016; Sepulveda & Donald, 2014; Francioni, 2007; Rozakis, 2004). Other sources deal with specific institutions supporting an efficient access to justice primarily legal aid (Denvir et al.,

¹ The summary is based on the author’s previous research in this field: Váradi, 2023; Váradi, 2020; Váradi, 2016.

2023; Minow, 2022; Woo et al., 2022; Groß et al., 2018; Flynn & Hodgson, 2017). As regards the digitalization of justice, the efficient use of ICT tools and other innovations are in centre of attention (Miró-Llinares, 2023; Fabri, 2021; Kramer et al., 2021; Velicogna et al., 2020; Lupo & Bailey, 2014; Fabri & Contini, 2001). The examination of the interconnection between access to justice and the digital divide is getting a more and more into the focus as well (Engstrom, 2023; Prom Tep et al., 2023; Zannou, 2021; Vilalta Nicuesa, 2021; Toohey et al., 2019). The current analysis will contribute to these scientific discussions through a synthesis of international standards (elaborated by international organizations and jurisprudence), recommendations and secondary literature.

3. Digitalisation of justice and access to justice: relevant aspects

The general starting point for the intensive application of ICT tools in the justice system is the principle that an efficient justice system contributes to the consolidation of democracy and strengthening of rule of law (Council of Europe, Committee of Ministers, 2003).² *“Reducing delay, improving economy, efficiency and effectiveness and the more general objective of promoting confidence in the justice system through the use of new technologies (...). ICT can be used to enhance efficiency, access, timeliness, transparency and accountability, helping the judiciaries to provide adequate services”* (Velicogna, 2007, 129).

The COVID-19 pandemic proved that ICT tools played a crucial role in maintaining the possibility of turning to courts and obtaining a decision as it was possible to introduce and apply them in line with the seriousness of the epidemiological situation (see in this regard further: Gajda-Roszczyńska, 2023; Zeman, 2022; Velicogna, 2021; Sourdin et al., 2020).

Moreover, on the short term, e-justice solutions can contribute to the reduction of costs, which is a central factor as regards access to justice. The international theory and case-law on access to justice widely acknowledges the state’s margin of appreciation with regards to the possibilities of the budget.³

The advantages of online solutions and digital court procedures, however, cannot be absolutised: several concerns are being mentioned concerning their application. The first element, which is connected to the digital divide in the most direct way, is related to the situation of those litigants who are in a more disadvantaged position as regards their legal knowledge, financial possibilities and access to legal representation.

² International documents often refer to access to justice as a certain prerequisite of the rule of law. With reference to the Sustainable Development Goals, the Venice Commission noted: *“The achievement of Goal 16 will be assessed against a number of targets, some of which incorporate Rule of Law components, such as the development of effective accountable and transparent institutions (target 16.6) and responsive, inclusive participatory and representative decision making at all levels (target 16.7). However, it is Target 16.3, committing States to “Promote the rule of law at the national and international levels and ensure equal access to justice for all” that offers a unique opportunity for revitalizing the relationship between citizens and the State”.* (Venice Commission, 2016, para 23.)

³ *“The Court has also held that the right of access to a court is not absolute, but may be subject to limitations (...). These are permitted by implication since the right of access by its very nature calls for regulation by the State. In this respect, the Contracting States enjoy a certain margin of appreciation, although the final decision as to the observance of the Convention’s requirements rests with the Court.”* ECtHR, *Černius and Rinkevičius v. Lithuania* (nos. 73579/17 and 14620/18), judgement of 18 June 2020, § 66. Similarly, ECtHR, *Staroszczyk v. Poland* (no. 59519/00), judgement of 22 March 2007, § 94; *Osman v. the United Kingdom* (no. 23452/94), judgement of 28 October 1998, § 147.

In their case the methods, facilitating access to justice play a key role; at the same time, however, their disadvantages regarding internet and technology access are embedded in their unequal socio-economic status.

*“Those in poverty likely have less access to mobile phones and computers to access the internet and thus court services. This may lead to a reduction of judicial participation for low-income populations (Landry, 2020). There are already early reports of clients missing out on Tribunal hearings due to a lack of access to technology (Busy 2020 for Sudbury, 2020). Rural communities may not have appropriate bandwidth and people may be unfamiliar with technology (UN Women, IDLO, UNDP, UNODC, World Bank, and the Pathfinders, 2020). (...) It is also clear that the digital divide disproportionately impacts women” (Capp, 2021, 131).*⁴ Housing inequality (overcrowded living conditions) and the lack of privacy also result in difficulties of accessing digital technologies (See e.g. Holmes, Karampour & Burgess, 2022; Sambasivan et al., 2018).

These risks are reflected in the documents of international fora, from the UN special rapporteurs, through the Council of Europe and the OSCE to the Council of the European Union. E.g. the UN special rapporteur on the independence of judges and lawyers, Diego García-Sayán stated that *„[s]ignificant, sustained efforts are indispensable to avoid generating an even greater degree of exclusion in terms of access to justice. In most countries, there are social discrepancies in access to computer networks, and people of scarce resources are generally excluded from them. Insufficient geographical coverage and access to technology and the lack of training for operators and users gravely undermines access to justice. The State must guarantee access to justice by developing appropriate policies to close these technological gaps so that they do not lead to unlawful outcomes or result in inefficiencies.”* (United Nations, Human Rights Council, 2021, para 83.; similarly: IACHR - United Nations Special Rapporteur on the Independence of Judges and Lawyers, 2021; IACHR, 2021; Council of Europe, Conference of Ministers of Justice, 2021; OSCE/ODIHR, 2022; OSCE/ODIHR, 2021).

Another widely mentioned concern with regards the application of digital solutions in justice systems is that the cases of the most vulnerable might be treated as second-class cases. The argumentation behind this consideration is that due to the lack of qualified legal representation or based on their interest to choose the most cost-efficient procedural tools, in case of these vulnerable groups automatized decision-making might take place, which is less transparent (and more difficult to be scrutinized by the public) due to the specificities of the online world (see: e.g. Oltra Gras, 2021). These challenges are further aggravated by the potential or actual use of algorithms and AI-based solutions in judicial processes threatening with the elimination or reduction of the human factor and thus provoking the risk of “algorithmic injustice” (Toohey et al., 2019).

Furthermore, while cost-efficiency is one of the main advantages of digital solutions, the application of e-justice as an overarching principle makes a change of perspective necessary. *“E-justice is not just a technological change, but also involves regulatory and legal changes, and most significantly, cultural change. The introduction of technology requires training and education for users, court staff, judges, litigants and members of the public, which can delay introduction and temporarily reduce public participation and confidence. Large-scale transformation is time consuming and costly and often involves delays or setbacks.”* (UNDP, 2022, 17)

⁴ It is not aimed in the framework of the current paper to discuss the problem of digital divide and access to justice in case of specific groups. However, it shall be stressed that in a European context, this issue is particularly relevant in the case of Roma and migrant women. Further analysis on the specific issue of Roma women's access to justice: Ignatou-Sora, 2022. As regards the migrant women's difficulties in the digitalized society, see e.g.: Buchert, Wrede & Kouvonen, 2023.

Finally, some difficulties are related to the diversity of regulatory and organizational models in the different countries. Common standards reflecting on the diversity and complexity of procedures are crucial. E-justice solutions shall be integrated into the national legislative framework, they shall be applied in the specific system of court administration and – while promoting interoperability and interconnection for cross-border cases – they shall not be aimed at eliminating the specificities of national laws (Reiling & Contini, 2022).

Although some of these concerns are rather theoretical ones containing several hypothetical elements, the procedural framework must always take into account such risk factors in order to ensure that the fairness of the procedure, as a fundamental quality requirement, is not jeopardized.

4. How to address the digital divide in court proceedings?

From the aforementioned follows that currently the priority task of the procedural laws is the balancing of three requirements: using the opportunities provided by the achievements of modern technology to improve the efficiency of procedures; effective access to judicial procedures which maximally enforce the guarantees of the right to fair trial; and non-discriminatory access to justice.

When examining the possibilities how this comprehensive approach could be integrated into the system of civil procedural law, international documents provide little concrete information. In the documents of international fora mentioned above, which properly refer to the problem of digital divide, specific procedural, legal measures to tackle these risks are usually not proposed.

A good example for this is the e-justice strategy of the EU, which mentions the problem of digital divide, but as regards the solution alternatives, basically, only the sharing of best practices and improving accessibility of national portals and other e-justice services are proposed. [*„To promote a fair and balanced justice landscape across Europe, it is essential to reduce the digital divide that creates inequality in access to justice. This is not only a potential source of exclusion for citizens, but also an obstacle to the exercise of their rights. This principle also covers the need to work towards an aligned level of justice digitalisation in all EU Member States. By sharing best practices and efforts, we can collectively advance the digital transformation of justice, while maintaining a people-centred perspective, ensuring that everyone’s rights are protected and upheld.”* (Council of the European Union, 2023, para 29.)]

In order to integrate the aspect of digital divide into sectoral public policies, the steps identified at UN level might offer a proper starting point, namely:

- a.) co-creating a digital inclusion plan through an evidence-based, community driven approach;
- b.) choosing a framework for taking action; an overview of the various types of models for taking action including government owned and operated networks, public private partnerships and facilitating community networks;
- c.) an overview of types of finance strategies;
- d.) executing the plan based on examples of best practices around the world (UN Habitat, 2021, 19).

These elements – together with the basic conceptual elements of access to justice described above – result that in the field of procedural laws and the justice policy, a comprehensive approach is needed to tackle the problem of the digital divide, while ensuring the efficient use of ICT tools.

This approach shall a.) take into account the international examples and the challenges identified; b.) involve the use of both domestic legislative and non-legislative/administrative instruments and the processing of international soft-law solutions; and c.) be aware of international standards and recommendations.

The elaboration of the strategy shall be carried out in a professionally and socially inclusive process, taking into account the specificities of the legal and institutional system, constitutional traditions and other possibilities (state of digitalisation, resources, etc.) of the state or region concerned.

This endeavour should be guided by the following principles:

- a.) cooperation between technology experts, legal experts (scholars and practitioners) as well as users in order to create an environment that uses the advantages of technology in line with the basic legal concepts of access, justice and fairness (Toohey, 2019, 150) and observes the needs of users, meaning “*at least awareness of the impact of digitalization on all the users, and ideally actively involving users in development and deployment of the technology*” (Reiling & Contini, 2022, 6.);
- b.) a strong engagement to address the needs of the most vulnerable based on the principle that the more general the concept of vulnerability is, the more diversified support is offered, the more extensively is an equally efficient access to justice for all safeguarded;
- c.) a strong commitment to general legal principles, and values of the society, including:
 - i. the respect for the diversity in the national legal systems (Council of Europe, Committee of Ministers, 2019, 5); including the recognition of the fact that the striving for interoperability shall not overrule the specificities of court administration and the traditions of national procedural rules;
 - ii. high-level protection for general principles of rule of law, independence of the judiciary, fair trial, non-discrimination and data protection (CEPEJ, 2021, 5)
 - iii. sustainability, meaning that “*each e-Justice service should be implemented and operated in a sustainable way, meaning that its economic, environmental and social impact can be predicted and sustained in the long term*” (Council of the European Union, 2023, para 31.).

As regards the specific measures, the main recommendations stemming from the relevant international sources are:

- a.) supporting access to legal information and rights awareness; focusing on the digital empowerment of users (not only citizens but also justice professionals in order to “*enhance their ability to navigate both national and European legal frameworks effectively, thereby ensuring consistency*” (Council of the European Union, 2023, para 30.);
- b.) elaborating safeguards to facilitate online mediation while preventing the risks of power imbalance;
- c.) supporting tools, which improve existing processes and increase the efficiency of justice, freeing up court workers to tackle tasks with higher added value, like the use of technologies for the anonymization of court decisions, automatic case allocation, transcription tools for the recording of proceedings and evidence gathered by the court, robot process automation;
- d.) developing guidelines or standards for courts, facilitating the identification of which cases are suitable for remote, online or electronic means and which are not (supporting a more flexible use of existing tools in a rapidly changing environment); or even
- e.) a general review of existing procedural concepts to ensure tailored protection of the rights and interests of the most vulnerable groups, e.g. removing legal barriers to legal standing by allowing courts to accept third party intervention and, in certain cases, allowing equality bodies to represent individuals in legal proceedings. (Basis of the summary are: Council of the European Union, 2023; OSCE/ODIHR, 2020; UNDP, 2020; Council of Europe, 2015).

5. Conclusions

The COVID-19 pandemic has demonstrated that countries must take prompt and sustained action to close the digital divide that affects access to justice and generates exclusion. Analysing the applicability of such solutions and their implementation would be crucial in order to ensure the protection of rights of individuals and interests of business actors, through a fair settlement of alleged injustice or violation of rights, in every social or economic environment. Such solutions should be elaborated that can flexibly react to the new forms of vulnerability appearing as a consequence of a particular crisis. Procedural laws should include flexible measures to support the citizens in seeking legal remedy, advice and support with due consideration of their individual situations and needs, while enhancing the efficiency of the justice system through the implementation of technological innovation. E-justice solutions shall be integrated into national legal systems in a comprehensive way; general legal principles, the specificities (in legal, social and financial terms) of the state or region concerned, the needs of the most vulnerable groups, as well as the awareness to the digital divide shall guide this process. This is a basic precondition for the efficiency of access to justice to be ensured in a broad and substantive way and resulting in just and equitable legal proceedings. Thus, the state should support with tools based on international standards, recommendations and best practices that advantages of technological innovation (like promoting efficiency, reducing backlogs and costs of litigation) can unfold while safeguarding an equally efficient access to justice for all.

References

- [1] Buchert, U., Wrede, S., & Kouvonon, A. (2023). Persisting inequalities in the digitalized society: migrant women facing coercive dimensions of everyday digitalization. *Information, Communication & Society*, 27(5), 935–950. <https://doi.org/10.1080/1369118X.2023.2230265>
- [2] Capp, M. K. (2021). Will the COVID-19 crisis help us trace a path towards more equitable access to justice? *Annual Review of Interdisciplinary Justice Research.*, 10, 121–139.
- [3] Council of Europe, European Commission for the Efficiency of Justice (CEPEJ) (2021). *Guidelines on electronic court filing (e-filing) and digitalisation of courts*. CEPEJ (2021) 15. <https://rm.coe.int/cepej-2021-15-en-e-filing-guidelines-digitalisation-courts/1680a4cf87>
- [4] Council of Europe, Committee of Ministers (2019). *Guidelines of the Committee of Ministers to member States on electronic evidence in civil and administrative proceedings*. <https://rm.coe.int/guidelines-on-electronic-evidence-and-explanatory-memorandum/1680968ab5>
- [5] Council of Europe, Conference of Ministers of Justice (2021). *Conclusions by the Hungarian Presidency of the Committee of Ministers at the Conference of Ministers of Justice “Digital technology and artificial intelligence – New challenges for justice in Europe” held 5 October 2021, Gödöllő, Hungary*. <https://rm.coe.int/conclusions-of-the-hungarian-coe-presidency-/1680a40ebe>
- [6] Council of Europe (2015). *Equality and non-discrimination in the access to justice*. Resolution 2054. <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21753&lang=en.%20See%20also>
- [7] Council of Europe (2003). *Recommendation Rec (2003)14 on the interoperability of information systems in the justice sector*. <https://rm.coe.int/16805df179>

- [8] Council of the European Union (2023). *European e-Justice Strategy 2024-2028*. ST 15509/23. <https://data.consilium.europa.eu/doc/document/ST-15509-2023-INIT/en/pdf>
- [9] Dehaghani, R., & Newman, D. (2022). Criminal legal aid and access to justice: an empirical account of a reduction in resilience. *International Journal of the Legal Profession*, 29(1), 33–52. <https://doi.org/10.1080/09695958.2020.1868474>
- [10] Denvir, C., Kinghan, J., Mant, J., & Newman, D. (2023). *Legal aid and the future of access to justice*. Bloomsbury – Hart. <https://doi.org/10.5040/9781509957835>
- [11] van Dijk, J. (2020). *The digital divide*. Cambridge: Polity Press.
- [12] Engstrom, D. F. (ed.). (2023). *Legal tech and the future of civil justice*. Cambridge University Press. <https://doi.org/10.1017/9781009255301>
- [13] European Commission (2023). *Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions. 2023 EU Justice Scoreboard*. COM (2023) 309 final
- [14] European Union Agency for Fundamental Rights & Council of Europe (2016). *Handbook on European law relating to access to justice*. Publications Office of the European Union.
- [15] Fabri, M. (2021). Will COVID-19 Accelerate implementation of ICT in Courts? *International Journal for Court Administration*, 12(2). <https://doi.org/10.36745/ijca.384>
- [16] Fabri, M., & Contini, F. (eds.) (2001). *Justice and technology in Europe: how ICT is changing the judicial business*. Kluwer Law International.
- [17] Flynn, A., & Hodgson, J. (Eds.) (2017). *Access to justice and legal aid: Comparative perspectives on unmet legal need*. Bloomsbury – Hart.
- [18] Francioni, F. (Ed.) (2007). *Access to Justice as a Human Right*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199233083.001.0001>
- [19] Gajda-Roszczyńska, K. (Ed.) (2023). *Impact of the COVID-19 pandemic on justice systems: Reconstruction or erosion of justice systems – Case study and suggested solution*. Brill – V&R Unipress. <https://doi.org/10.14220/9783737015820>
- [20] Groß, I. M., Schoreit, A., & Dehn, J. (2018). *Beratungshilfe, Prozesskostenhilfe, Verfahrenskostenhilfe: BerH/PKH/VKH*. C.F. Müller.
- [21] Holmes, H., Karampour, K., & Burgess, G. (2022). *Digital poverty and housing inequality*. Cambridge: Cambridge Centre for Housing & Planning Research.
- [22] Ignatou-Sora, E. (Ed.) (2022). *Improving the access to justice of roma women. Collection of good practices from Bulgaria, Greece, Italy and Romania*. Strasbourg: Council of Europe.
- [23] Inter-American Commission on Human Rights (IACHR) (2021). *IACHR calls on States to guarantee principle of enhanced due diligence and right to access to justice during COVID-19 Pandemic*. https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/052.asp
- [24] IACHR – United Nations Special Rapporteur on the Independence of Judges and Lawyers (2021). *Joint declaration on access to justice in the context of the COVID-19 pandemic*. http://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/015.asp

- [25] Kiwanuka, M. A. N. (2021). Institutional vulnerabilities, COVID-19, resilience mechanisms and societal relationships in developing countries. *International Journal of Discrimination and the Law*, 21(3), 288–307. <https://doi.org/10.1177/13582291211031381>
- [26] Kramer, X., Biard, A., Hoevenaars, J., & Themeli, E. (Eds.) (2021). *New pathways to civil justice in Europe: Challenges of access to justice*. Springer.
- [27] Lima, V., & Gomez, M. (2020). Access to justice: Promoting the legal system as a human right. In W. Leal Filho et al. (Eds.), *Peace, justice and strong institutions. Encyclopedia of the UN sustainable development goals*. Springer. https://doi.org/10.1007/978-3-319-71066-2_1-1
- [28] Lupo, G., & Bailey, J. (2014). Designing and implementing e-justice systems: Some lessons learned from EU and Canadian examples. *Laws*, 3(2), 353–387. <https://doi.org/10.3390/laws3020353>
- [29] MacDowell, E. L. (2018). Vulnerability, access to justice, and the fragmented state. *Michigan Journal of Race & Law*, 23(1-2), 51–104. <https://doi.org/10.36643/mjrl.23.1.vulnerability>
- [30] Minow, M. (2022). Access to justice. *American Journal of Law and Equality*, 2, 293–311. https://doi.org/10.1162/ajle_a_00039
- [31] Miró-Llinares, F. (2023). Digitalización y algoritmización de la justicia: introducción a un monográfico en tiempos de regulación de la IA. IDP. *Revista de Internet, Derecho y Política*, 39, 1–4. <https://doi.org/10.7238/idp.v0i39.421153>
- [32] OECD (2001). Understanding the digital divide. *OECD Digital Economy Papers*, 49. <http://dx.doi.org/10.1787/236405667766> <https://doi.org/10.1787/236405667766>
- [33] Oltra Gras, I. (2021). Online courts: Bridging the gap between access and justice. *Journal of Law and Jurisprudence*, 10(1), 24–51. <https://doi.org/10.14324/111.444.2052-1871.1214>
- [34] OSCE/ODIHR (2022). *Democracy and human rights in the OSCE: The ODIHR annual report 2021*. <https://www.osce.org/odihr/annual-report/2021>
- [35] OSCE/ODIHR (2021). *Greater efforts needed to ensure digital technologies empower human rights, OSCE leaders say*. <https://www.osce.org/chairmanship/492730>
- [36] OSCE/ODIHR (2020). *The functioning of courts in the Covid-19 pandemic*. <https://www.osce.org/odihr/469170>
- [37] Prom Tep, S., Millerand, F., & Parada, A. (2023). Accès à la justice et inclusion numérique: au-delà des enjeux technologiques. *Canadian Journal of Law and Society / Revue Canadienne Droit et Société*, 38(2), 201–222. <https://doi.org/10.1017/cls.2023.14>
- [38] Reiling, D., & Contini, F. (2022). E-Justice platforms: Challenges for judicial governance. *International Journal for Court Administration*, 13(1). <https://doi.org/10.36745/ijca.445>
- [39] Rouas, V. (2022). *Achieving access to justice in a business and human rights context: An assessment of litigation and regulatory responses in European civil-law countries*. University of London Press. <https://doi.org/10.14296/202201.9781911507192>
- [40] Rozakis, Ch. (2004). The right to a fair trial in civil cases. *Judicial Studies Institute Journal*, 2, 96–106. <http://www.ijsj.ie/assets/uploads/documents/pdfs/2004-Edition-02/article/the-right-to-a-fair-trial-in-civil-cases.pdf>

- [41] Sambasivan, N., Checkley, G., Ahmed, N., Batool, A., Gaytán-Lugo, L. S., Nemer, D., Matthews, T., Consolvo, S., & Churchill, E. (2018). "Privacy is not for me, it's for those rich women": Performative privacy practices on mobile phones by women in South Asia, *Proceedings of the Symposium on Usable Privacy and Security: SOUPS '18*, Baltimore: USENIX.
- [42] Sepulveda, M., & Donald, K. (2014). Access to justice for persons living in poverty: A human rights approach. <http://dx.doi.org/10.2139/ssrn.2437808>
<https://doi.org/10.2139/ssrn.2437808>
- [43] Sourdin, T., Li, B., & McNamara, D. M. (2020). Court innovations and access to justice in times of crisis. *Health Policy and Technology*, 9(4), 447–453.
<https://doi.org/10.1016/j.hlpt.2020.08.020>
- [44] Toohey, L., Moore, M., Dart, K., Toohey, D. J. (2019). Meeting the access to civil justice challenge: Digital inclusion, algorithmic justice, and human-centered design. *Macquarie Law Journal*, 19, 133–156. <http://dx.doi.org/10.2139/ssrn.3438538>
<https://doi.org/10.2139/ssrn.3438538>
- [45] UNDP (2022). *e-Justice: Digital transformation to close the justice gap*. <https://www.undp.org/sites/g/files/zskgke326/files/2022-06/E%20justice-Report%2005.pdf>
- [46] United Nations Development Programme (UNDP) (2020). *Guidance note. Ensuring access to justice in the context of COVID-19*.
https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/access_to_justiceandruleoflaw/ensuring-access-to-justice-in-the-context-of-covid-19-.html
- [47] UNDP (2005). *Programming for justice: Access for all – A practitioner's guide to a human rights-based approach to access to justice*. <https://www.undp.org/asia-pacific/publications/programming-justice-access-all>
- [48] UNDP (2004). *Access to justice. Practice note*.
https://www.undp.org/sites/g/files/zskgke326/files/publications/Justice_PN_En.pdf
- [49] UN Habitat (2021). *Addressing the digital divide. Taking action towards digital inclusion*. https://unhabitat.org/sites/default/files/2021/11/addressing_the_digital_divide.pdf
- [50] United Nations, Human Rights Council (2021). *The coronavirus disease (COVID-19) pandemic: impact and challenges for independent justice. Report of the Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán*. A/HRC/47/35.
<https://digitallibrary.un.org/record/3924826?v=pdf>
- [51] United Nations, Human Rights Council (2020). *Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers. Resolution*. A/HRC/RES/44/9.
<https://digitallibrary.un.org/record/3876533>
- [52] Váradi, Á. (2023). Promoting an efficient access to justice through resilient procedural rules. In E. Korcsmáros, F. Filip (Eds.), *14th International Conference of J. Selye University. Section of Economics, Mathematics and Informatics. Conference Proceedings*. (pp. 149-158). J. Selye University. <https://doi.org/10.36007/4492.2023.149>

- [53] Váradi, Á. (2022). Lessons learned from the Covid-19 pandemic: Ensuring access to justice in emergency situations. In H. Kratochvilova, R. Kratochvil (Eds), *Proceedings of VIAC 2022 in Budapest* (pp. 14-19). Czech Institute of Academic Education.
- [54] Váradi, Á. (2020). Access to constitutional complaint procedures: A real chance? *Hungarian Journal of Legal Studies*, 61(4), 372–385. <https://doi.org/10.1556/2052.2021.00307>
- [55] Váradi, Á. (2016). The concept of legal aid in the most recent case law of ECJ. In M. Szabó M., R. Varga, & P. L. Láncoš (Eds.), *Hungarian Yearbook of International Law and European Law 2015* (pp. 461-477). Eleven International Publishing. <https://doi.org/10.5553/HYIEL/266627012015003001022>
- [56] Velicogna, M. (2021). Cross-border Civil Litigation in the EU: What can we learn from COVID-19 emergency national e-justice experiences? *European Quarterly of Political Attitudes and Mentalities*, 10(2), 1–25. <https://doi.org/10.2139/ssrn.3737648>
- [57] Velicogna, M., Steigenga, E., Taal, S., & Schmidt, A. (2020). Connecting EU jurisdictions: Exploring how to open justice across member states through ICT. *Social Science Computer Review*, 38(3), 274–294. <https://doi.org/10.1177/0894439318786949>
- [58] Velicogna, M. (2007). Justice systems and ICT - What can be learned from Europe? *Utrecht Law Review*, 3(1), 129–147. <https://doi.org/10.18352/ulr.41>
- [59] Venice Commission (2016). *Rule of law checklist adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016)*
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)007-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)007-e)
- [60] Vilalta Nicuesa, A. E. (2021). Acceso a la justicia y su transición digital hacia una justicia abierta al ciudadano. *Revista General de Derecho Administrativo*, 58, 1–50.
- [61] Woo, Margaret Y. K., Cox, C., & Rosen, S. (2022). Access to civil justice. *The American Journal of Comparative Law*, 70, i89–i117. <https://doi.org/10.1093/ajcl/avac020>
- [62] Zannou, L. R. (2021). La justice numérique: réalité, crainte et projection. In L. R. Zannou, & E. Gaumond (Eds), *La justice dans tous ses états, Lex Electronica*, 26(2), 173–194.
- [63] Zeman, J. (2022). Digitalization and COVID-19 in the Justice Sector. *Proceedings from the EDAMBA 2021 conference*, 560–570. <https://doi.org/10.53465/EDAMBA.2021.9788022549301.560-570>