

JUSTICE 2015

MEASURING JUSTICE IN THE POST-2015 DEVELOPMENT FRAMEWORK

In years since the Millennium Declaration in 2000, governments and civil society organizations have made significant advances in measuring progress towards improving justice outcomes. Government agencies now collect diverse and comprehensive sources of data and the post-2015 development framework provides a unique opportunity to consolidate these national gains in a global framework. **The post-2015 framework should include access to justice and legal empowerment targets in a governance goal to address issues most critical to human development: access to information, legal identity, legal participation, and legal services. Access to justice and legal empowerment targets and indicators should be included in other goals too, including those aimed at ending poverty and using natural resources sustainably.** These targets will help to secure broad development gains by addressing structural barriers to fuller participation in society. Each target builds on the recommendations of the *Secretary General's High-Level Panel on the Post-2015 Development Agenda* and can be clearly incorporated into the development framework through relevant indicators.

**LET'S MAKE ACCESS TO JUSTICE
PART OF THE GLOBAL DEVELOPMENT AGENDA.**



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JUSTICE 2015

ACCESS TO JUSTICE TARGETS

1. GUARANTEE THE PUBLIC'S RIGHT TO INFORMATION AND TO ACCESS GOVERNMENT DATA

People should have information about the laws and regulations that govern their lives. States should commit to disseminating simple statements of law and policy, with a focus on the rules relating to essential services. They should also grant an enforceable right to government information. A growing body of evidence shows that right to information regimes enable people to ensure that laws are implemented effectively.

2. ENSURE NO ONE SUFFERS FROM A LACK OF SECURE LEGAL IDENTITY

Legal identity is crucial for people to engage fully in society. If you are not legally recognized as a person, it is difficult to make the law work for you. State-issued legal identity documents are often a precondition for important activities, from opening a bank account to owning a mobile phone. Governments should ensure that access to legal identity is universal while guaranteeing that no one is unfairly denied basic services or economic opportunities due to a lack of documentation.

3A. INCREASE THE AMOUNT OF LAND FOR WHICH COMMUNITIES HAVE SECURE TENURE AND DECISIONS ARE TAKEN THROUGH AN OPEN AND ACCOUNTABLE PROCESS

3B. ENSURE THE PARTICIPATION OF CITIZENS IN MONITORING ESSENTIAL SERVICES, INCLUDING HEALTHCARE, WATER, AND EDUCATION

People should be able to take part in creating and implementing laws and policies, especially those that affect them most directly. This includes local governance over land and natural resources. Approximately three billion people around the world live without secure rights to what are often their greatest assets: their lands, forests, and pastures. Increasing global demand for those assets has led to exploitation and conflict. Research shows that giving communities the power to govern their land and natural resources leads to poverty reduction and more sustainable development. People's participation in the laws that affect them should also include community governance in public services such as healthcare and education. Participation in governance should not be limited to elections every few years. Citizens should have a role in shaping the fundamental, everyday work of their governments.

4. ENSURE ALL PEOPLE HAVE ACCESS TO JUSTICE INSTITUTIONS AND LEGAL AID SERVICES THAT ARE AFFORDABLE, FAIR, AND TIMELY

Everyone should have access to fair, effective forums for resolving conflicts, for seeking protection from violence, and for addressing grievances with the state. Equitable administration of justice requires quality services from a broad range of institutions, including the police, the courts, administrative tribunals across government sectors, ombudsman offices, and customary institutions. For people to have a fair shot when they approach those institutions, it is critical that they have affordable access to legal aid. Legal aid efforts that combine a small corps of public interest lawyers with a larger frontline of community paralegals can find creative solutions and more effectively engage the full range of justice institutions.

ILLUSTRATIVE INDICATORS FOR TRACKING PROGRESS IN POST-2015 GOALS AND TARGETS

Tracking progress towards justice targets is technically possible; indeed, **most governments already incorporate justice measurement into their national systems**. These governments gather diverse sources of national and sub-national data to track justice indicators within their national context. Ministries of justice and judiciaries gather administrative data on case volume and duration. Security agencies and departments of health track homicide and crime statistics. National statistics offices regularly include justice, legal knowledge and legal access questions in surveys to document the lived experiences and perceptions of people. All of these sources of data help governments better design and implement policies to secure sustainable development.

Civil society and international organizations are also helping to gather important sources of data. Afro- and Latino-barometer gather experiential data through population-based surveys throughout Africa and Latin America. The Ibrahim Index of African Governance and the World Justice Project Rule of Law Index track progress towards administrative and criminal justice. The United Nations Children's Fund helps governments to collect national data on birth registration and legal identity. The United Nations Office on Drugs and Crime supports national data collection around criminal justice themes including homicides and conviction rates in more than 80 countries. The Organisation for Economic Co-operation and Development is working with the g7+ to develop ways to track progress towards the Peacebuilding and Statebuilding Goals to measure justice and security across many of the world's post-conflict states.

The post-2015 development framework represents a significant opportunity to improve the use of justice data to ensure all populations and groups benefit from the next fifteen years of development.

What would baskets of justice indicators look like?

In selecting indicators, policymakers should embrace 'baskets' of indicators which can triangulate progress through multiple data sources. No single indicator can effectively measure diverse outcomes associated with justice themes, and baskets offer the opportunity to capture varied experiences: **Administrative indicators** can document government effort and inputs; **'Objective' situation indicators¹** can impartially identify broad trends over time; **Experience and perception indicators**, typically gathered through surveys, can ensure that the real experiences of people inform overall assessments of progress.

The following table sets out how the post-2015 development framework might measure progress in practice. The table includes four access to justice and legal empowerment targets with examples of corresponding baskets of indicators. These indicators draw on existing sources of data and proposals for measurement and should be refined and adapted based on international and national priorities and expert consultation. That data collected for each indicator should be disaggregated to help governments to design better policies, identify inequalities, and focus development efforts on those who need them most.²

1 *Addressing Conflict and Violence from 2015: A vision of Goals, Targets and Indicators*, Saferworld Briefing, February 2013 ("Saferworld, February 2013") available at <http://www.saferworld.org.uk/downloads/Post-2015-4th-goals,targets-and-indicators-FINAL.pdf>.

2. For more information on potential indicators, please see Namati, *Background Paper on Justice for the Global Dialogue on Rule of Law and the Post-2015 Development Agenda* (2013).

ILLUSTRATIVE BASKETS OF INDICATORS FOR ACCESS TO JUSTICE TARGETS

Administrative data

'Objective' situation data

Experiential & perception data

1. GUARANTEE THE PUBLIC'S RIGHT TO INFORMATION AND TO ACCESS GOVERNMENT DATA

Existence of an RTI law that establishes (1) citizens' access to information, including laws, budgets, and expenditures, (2) defines a time limit for responding to RTI requests, and (3) establishes a mechanism for appeal in the event of denial

OR

The Government publishes the results of all procurement decisions

The proportion of requests for information lodged and answered fully in a reasonable amount of time, defined as X days

OR

% of laws for which clear and simple restatements have been widely circulated

% of people who report knowledge of where to find information about the provision of (particular) state services

OR

% of people who report knowledge of where to secure information about how to address the 5 most common legal problems in the country

2. ENSURE NO ONE SUFFERS FROM A LACK OF SECURE LEGAL IDENTITY

% of children under 5 whose births have been registered

The proportion of people in a state who possess a registered form of legal identification

Reduction in the % of people who report being denied access to services (health/education/etc) because of lack of identity documentation

3A. INCREASE THE AMOUNT OF LAND FOR WHICH COMMUNITIES HAVE SECURE TENURE AND DECISIONS ARE TAKEN THROUGH AN OPEN AND ACCOUNTABLE PROCESS

The existence of national legislation and corresponding implementing regulations recognizing customary land tenure and/or community land and resource rights

Amount of land for which local communities possess rights to own, use and conserve

Proportion of households who believe they have a fair say in decisions about local land and natural resource governance

3B. ENSURE THE PARTICIPATION OF CITIZENS IN MONITORING ESSENTIAL SERVICES, INCLUDING HEALTHCARE, WATER, AND EDUCATION

Existence of local and national oversight bodies for essential services that are inclusive of stakeholders, that publicize all information, and that have the capacity to recommend remedial action

The number of people who report participating in some law-making or rule-making process in the last year

Proportion of public that believe that they can receive timely services for (health/water/education/etc) without having to pay a bribe

4. ENSURE ALL PEOPLE HAVE ACCESS TO JUSTICE INSTITUTIONS AND LEGAL AID SERVICES THAT ARE AFFORDABLE, FAIR, AND TIMELY

The % of the population who live within reasonable reach (measured in km or time of travel) of basic legal aid service providers and of a justice institution whose resolutions are fair, timely, and enforced

OR

Number of judicial sector personnel (qualified judges, prosecutors, legal aid attorneys and paralegals) per 100,000

Average time to resolve criminal dispute; Average time to resolve civil dispute

OR

The number of persons arrested, detained and sentenced each year

The % of persons reporting confidence that they can access affordable and effective legal aid services (lawyer/paralegal/other legal advisor) in the event that they need legal advice or assistance

OR

% trust in customary justice system, % trust in formal justice system, % trust in legal aid services