

16.3.3 Indicator Proposal

Access to Civil Justice



GOAL 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

TARGET 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

INDICATOR 16.3.3: Proportion of those who experienced a legal problem in the last two years who could access appropriate information or expert help and were able to resolve the problem.

BACKGROUND & RATIONALE

Target 16.3 calls on countries to “Promote the rule of law at the national and international levels and ensure equal access to justice for all.” While there is no single definition of access to justice, it is broadly concerned with “the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems in compliance with human rights standards; if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.”¹ The two global indicators for target 16.3 that were adopted by the UN General Assembly in July 2017 as part of the SDG Global Indicator Framework both focus exclusively on criminal justice, leaving out the everyday civil justice needs experienced by most of the population, and especially by the poor and groups most at risk of being left behind.² Access to civil justice is necessary for people to redress their grievances, access their rights and entitlements, and for the realization of the broader sustainable development agenda. Without the inclusion of a measurement on access to civil justice, there remains an important gap in the global monitoring framework for the implementation of the SDGs.

There is a crucial opportunity now to address this gap in the global monitoring framework for the SDGs. The Inter-Agency and Expert Group on SDG Indicators (IAEG-SDGs) is currently conducting a Comprehensive Review of the global indicator framework and will submit proposed refinements, revisions, replacements, additions and deletions to the 51st session of the United Nations Statistical Commission in March 2020 for its consideration. Additional indicators may be considered in exceptional cases when a crucial aspect of a target is not being monitored by the current indicators.

To advance the goal of ensuring equal access to justice for all, this proposed additional indicator for target 16.3 focuses on measuring whether people who have civil legal problems can obtain legal advice, assistance, or representation, and ultimately resolve their problems.

The proposed indicator has several advantages:

- It is people-centered, as it measures the experience of legal problems from the perspective of those who face them.
- It provides a broad assessment of public justice needs by capturing legal problems that occur inside and outside of formal institutions.
- It captures an important dimension of unmet legal need and access to justice that is measurable, actionable, and policy-relevant.
- It focuses on some of the most important barriers to accessing justice and resolving legal problems – legal aid and legal capability – that disproportionately affect the poor.
- It is experience-based.
- It is a tight indicator that is amenable to cross-country comparisons, but also that could accommodate different types of problems if necessary.
- It can be estimated with only four questions, which could be easily incorporated into ongoing national surveys.
- It is analogous to the experiential indicator on crime reporting for SDG indicator 16.3.1.
- It draws on methodological guidelines derived from a comprehensive review of more than 60 national surveys in more than 30 jurisdictions in the last 25 years.
- It has been estimated in a comparable way in 101 countries by the World Justice Project with samples of 1,000 respondents in each country.
- The indicator can be disaggregated by gender, age, and income.

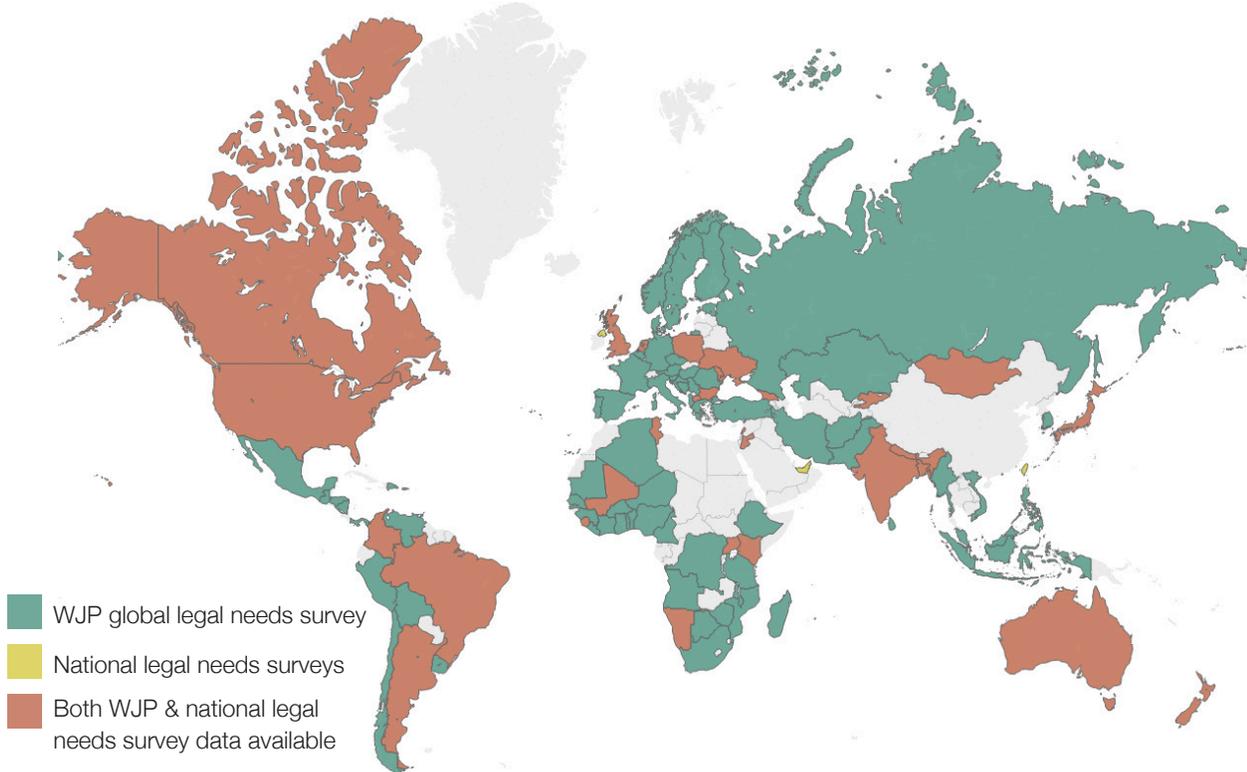
¹ *Praia Group Handbook on Governance Statistics: Access to and Quality of Justice* (forthcoming 2019).

² World Justice Project (2019), *Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll in 101 Countries*; OECD & Open Society Justice Initiative (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris; OECD & World Justice Project (2019), *Building a Business Case for Access to Justice*.

METHODOLOGY & DATA AVAILABILITY

The legal needs survey methodology and proposed questions used to construct this indicator draw on the *Legal Needs Surveys and Access to Justice* methodological guidance developed by the Organisation for Economic Co-operation and Development (OECD) and Open Society Justice Initiative (OSJI). This guide documents findings and methodological best practices gained through more than 60 national surveys in more than 30 jurisdictions over the course of the last 25 years. The approach to legal needs surveys detailed in this guidance reflects a wide array of legal traditions and political and cultural environments, as it was informed by measurement initiatives in Argentina, Colombia, Indonesia, Kenya, Korea, Mongolia, Nepal, Philippines, Sierra Leone, South Africa, Ukraine, and the United Kingdom. This methodological guidance also benefitted from extensive consultations with a wide range of experts, including representatives from the national statistical offices of Cabo Verde, Mexico, and South Africa; representatives from the Ministry of Justice of Argentina, Canada, France, the Netherlands, Sweden, Ukraine, and the United States; experts from the OECD's Statistics Directorate, OSJI, the United Nations Development Programme, the World Bank, and the World Justice Project; and academicians.

FIGURE 1: AVAILABILITY OF LEGAL NEEDS SURVEY DATA



A growing number of countries are implementing legal needs surveys using similar methodologies in order to assess legal needs, improve justice services, and strengthen linkages across sectors. In the last 25 years, more than 60 national surveys have been conducted in more than 30 jurisdictions. In addition, in 2017 and 2018, the World Justice Project included a survey module on legal needs and access to justice in its General Population Poll that the WJP routinely administers in more than 100 countries. This module asks the same questions across many countries and followed methodological recommendations set out in the *Legal Needs Surveys and Access to Justice* methodological guidance published by the OECD and OSJI, providing a valuable comparative picture of experience across the globe. Between the national surveys and the WJP's global survey, data is available for 45 studies spanning 110 countries (see Figure 1).

ABOUT THIS PROPOSAL

This proposal has been submitted to the Inter-Agency and Expert Group on SDG Indicators by two co-custodian agencies, UNDP and the OECD, and was developed with technical support from OSJI and the WJP. UNDP and the OECD's co-custodianship will be supported by a consortium of organizations that will provide technical and operational assistance to implement the indicator and support national data collection efforts. Feedback on this indicator proposal was provided by the national statistical offices of Brazil (IBGE), Kenya (KNBS), Mexico (INEGI), South Africa (Stats SA), and, and by the Research and Statistics Division of the Canadian Department of Justice and the Centre for Empirical Legal Studies at the University College London.

For questions about this proposal, please contact rol2030@undp.org.