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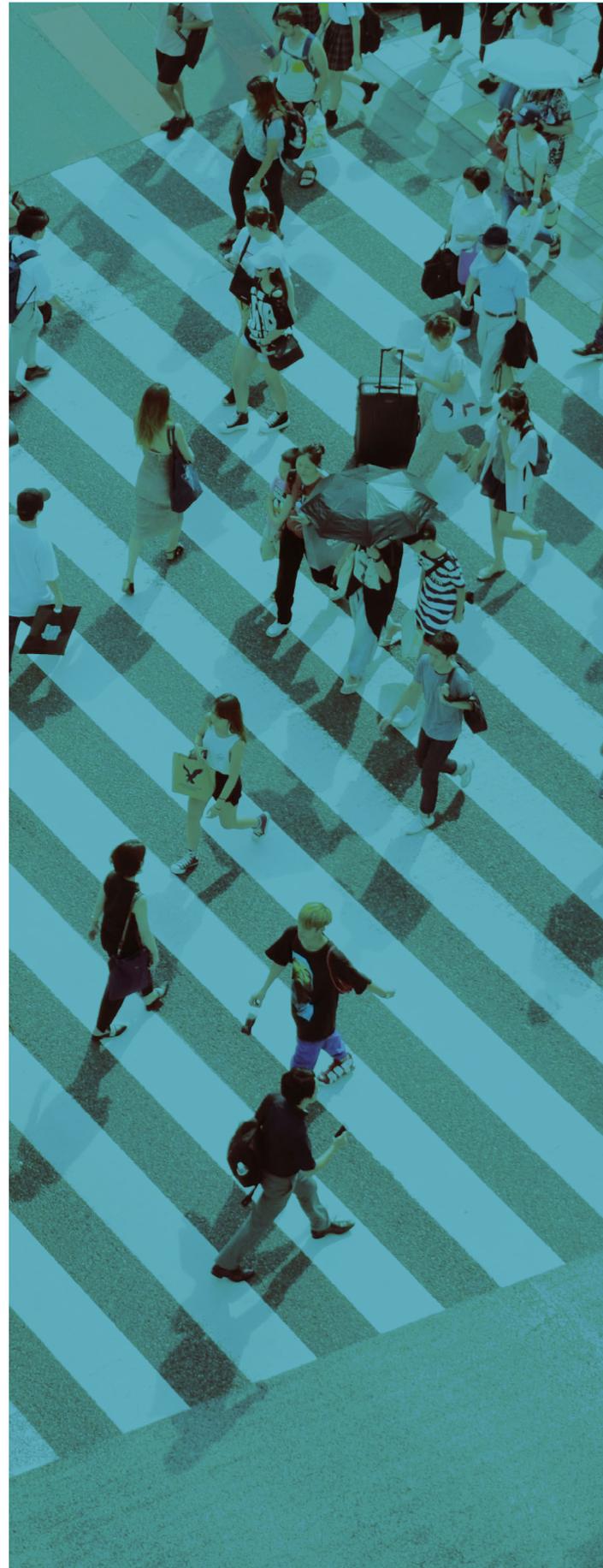
**PATHFINDERS**

FOR PEACEFUL, JUST AND INCLUSIVE SOCIETIES  
HOSTED BY THE NYU CENTER ON INTERNATIONAL COOPERATION

Discussion Draft

# Grasping the Justice Gap

Opportunities and Challenges for  
People-Centered Justice Data



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# Key Messages

- **We need good justice data to make progress toward equal access to justice for all.**

Billions of people around the world face serious justice problems, which fall disproportionately on marginalized and vulnerable groups, including women, children, and persons with disabilities. Most justice problems arise and are addressed outside of formal institutions. However, available justice system data typically offers surprisingly little insight into how these justice problems materialize, who they impact, and how they can be resolved equitably and efficiently.

- **Improving data collection and use across justice data ecosystems is a priority for advancing people-centered justice.**

A justice data ecosystem consists of the network of actors and institutions who produce, analyze, and use justice data. This broad network can better work together to improve the collection and use of justice data. Key institutions include judiciaries; ministries of justice; planning agencies; national statistical offices (NSOs); legal aid institutions; social sector ministries like ministries of health and labor; civil society organizations; academic institutions; and the broader public.

- **A coalition of justice actors can contribute to strengthening justice data production, analysis, and use.**

While specific strategies should be based on country data capacities, available data, and priorities, justice leaders across countries should each take concrete steps to improve data collection and use it to realize access to justice for all.

- **A new approach to justice data is needed to transform justice systems from providing justice for the few to delivering justice for all.**

Justice systems are often ineffective at using available justice data, and too reliant on administrative data from formal justice institutions. Administrative data is important for understanding institutional processes and performance. However, it offers limited help in understanding the majority of people's justice problems and how institutions can respond to them. Data from civil society organizations and community justice institutions can be a powerful complement, but is limited to those who actually reach these institutions. Surveys are thus valuable tools to understand who experiences justice problems, where they arise, their impacts and costs, and what works to address such problems in an effective way.

- **More can be done to improve people-centered justice data strategies. Research and experience in improving justice data from a wide range of countries have led to the identification of the following three data priorities to strengthen people-centered justice:**

1

Understand the scope, nature, and impact of justice problems.

2

Design and deliver people-centered justice strategies.

3

Measure what works, then learn and adapt.

# Introduction

## ■ Problem

### **Billions of people face critical unmet justice needs.**

In 2019, before the onset of the COVID-19 pandemic, the world's leading justice organizations and experts estimated that 5.1 billion people—two-thirds of the world's population—lack meaningful access to justice.<sup>1</sup> Many justice needs are common across regions and countries, including problems with housing and land, money and debt, public services, family, and employment. Justice problems have significant individual, community, and societal costs, with disproportionate impacts falling on marginalized and vulnerable groups including, women, children, and persons with disabilities.<sup>2</sup> The COVID-19 pandemic is intensifying the access to justice crisis and, for the first time in years, extreme poverty is rising and human development declining.<sup>3</sup>

## ■ Opportunities

### **More effective collection and use of justice data can help transform justice systems from providing justice for the few to delivering justice for all.**

Many justice systems are failing to respond proactively or effectively to common impactful justice problems. When one's health, livelihood, or land is in jeopardy, justice systems must ensure equal access and equal opportunity to address these problems. Better collection and use of justice data can identify the most prevalent and serious justice problems, and pinpoint where and how these problems play out. Data can help reveal which justice services are most relevant, aiding in more efficient design of interventions and strategies.

## ■ Strategy

### **This paper takes stock of research and experience in improving justice data, and identifies data priorities for improving people-centered justice.**

Over the last months of 2020 and early 2021, Pathfinders for Peaceful, Just and Inclusive Societies and the World Justice Project (WJP) spoke to nearly one hundred justice data experts from more than 35 countries. Representatives from all regions of the world brought perspectives from academia and research institutes, multilateral institutions, civil society organizations (CSOs), judiciaries, justice and legal aid agencies, national and local governments, national statistical offices (NSOs), and donors. Pathfinders and WJP reviewed more than a hundred papers, reports, and event summaries from the last year focused on access to justice and data, utilizing these to inform their recommendations.

## ■ Action

### **This paper recommends data priorities to advance justice for all.**

The paper begins by describing some of the current weaknesses that characterize many justice data ecosystems. It explores a range of strategies to strengthen justice data ecosystems and recommends three justice data priorities that are foundational for driving progress toward people-centered access to justice. The paper concludes with recommended next steps for justice leaders.

# Failing Justice Data Ecosystems

- **In countries around the world, weak justice data ecosystems undermine progress toward equal access to justice.**

A justice data ecosystem is made up of the network of actors and institutions who produce, analyze, and use data or information.<sup>4</sup> Many institutions and actors have a role to play across a justice data ecosystem. They include judiciaries, ministries of justice, planning agencies, NSOs, legal aid institutions, social sector ministries like ministries of health and labor, CSOs, academic institutions, and the broader public. Administrative data, population and user surveys, and expert assessments are among the most common forms of justice data.<sup>5</sup> An effective data ecosystem relies on strong data quality across these sources of data; clear definitions of key indicators; sufficient capacity; and effective coordination and communication across institutions and actors.

- **Justice data ecosystems are typically too reliant on institutional administrative data.**

Administrative data can capture inputs and institutional processes, as well as people's engagement with justice services and institutions. This data typically comes primarily from the police, courts, and legal assistance providers. However, this administrative data generally offers a narrow perspective of the "supply side" of justice systems and fails to capture the experiences of those who deal with their justice problems outside of formal justice institutions. Where administrative data is produced from law enforcement alone, it can actually represent a source of injustice; for example, data produced through the application of discriminatory laws or unequal enforcement. Furthermore, administrative data from formal justice institutions is often marked by additional weaknesses, including inconsistent definitions, incomplete coverage, poor capture of demographic characteristics, and limited data-sharing mechanisms.

- **Available administrative data comes primarily from formal justice institutions, as opposed to the full range of institutions that contribute to access to justice.**

Analyzing administrative data from civil society and community justice institutions can help offer a more holistic picture of justice. However, administrative data from civil society and community justice institutions faces many of the same weaknesses as formal justice system data. These weaknesses are centered around definitions, coverage, and coordination. Nonetheless, strengthening the use of a broader range of administrative data from civil society and community institutions—including information from people who engage only with civil society or community institutions—would help justice leaders better understand access to justice. Broadening sources of administrative data is an important strategy to strengthen the justice data ecosystem. However, administrative data alone will inevitably offer an incomplete picture of justice. Even a combination of sources will fail to capture the experiences and practices of those who do not come into contact with these institutions.<sup>6</sup>

- **Survey data is an important source of information, but justice surveys are too infrequently used.**

Surveys can reveal who experiences justice problems, when and where they arise, their impacts and costs, and what might work to address them efficiently and effectively.<sup>7</sup> This is often called "demand side" data, and includes a combination of population and user surveys. Population survey data—including legal needs surveys<sup>8</sup> and victimization surveys<sup>9</sup>—offers perspective on justice needs and impacts, and also improves understanding of the justice experiences of particular populations independent of whether they engage with an institution. The Sustainable Development Goals (SDG) framework includes indicators generated from victimization,\* corruption,<sup>†</sup> and legal needs<sup>‡</sup> survey data. However,

many countries do not routinely field such surveys, and those that do are constrained by the costs and methodological challenges associated with administration. User surveys are also an important complement to administrative and population survey data, as they help document the experiences of people using particular institutions or sources of help.<sup>10</sup> Expert surveys are another tool that can help to assess legal frameworks, policies, and other inputs that impact justice service delivery and that typically are not understood through other sources of data.<sup>11</sup> An effective justice data ecosystem will utilize a range of survey data gathered at intervals that balance cost, methodology, and policy needs.

### ■ **Data fragmentation and coordination challenges inhibit evidence-based justice strategies.**

With important justice data coming from a range of institutions and actors, effective coordination is a key element of the justice data ecosystem. Sharing and linking data across national data systems, however, can be a daunting task.<sup>12</sup> Challenges with coordination and fragmentation are common across sectors. In the health sector, for example, health information systems must capture a broad range of data, including health determinants, system performance, and outcomes.<sup>13</sup> Implementing a robust health information system requires strong data standards, methods, and tools, as well as coordinating the sharing of information across institutions. The justice system has much to learn from health and other sectors about strengthening data governance, improving methodologies and capacities, and building partnerships and communication to address data fragmentation.

### ■ **Actors across the justice data ecosystem need greater expertise and capacity to use data to inform justice strategies.**

Many justice data systems are marked by severe capacity gaps. Justice leaders do not always seek out or utilize data and evidence to inform decision-making. Justice systems may fail to devote sufficient resources to staff development and the organizational capacities necessary for collecting and using a combination of administrative and survey data. As a result, justice data ecosystems often have insufficient experience, expertise, and access to make full use of data and evidence. While budgetary constraints are invariably a limiting factor in building strong data ecosystems, more can be done with available resources to strengthen evidence-based policies.

### ■ **Many justice systems fail to effectively link data and performance.**

Strategic planning and performance assessment within justice systems overwhelmingly focus on personnel in formal justice institutions. Many justice systems lack incentives to assess performance with available or new sources of justice data. Beyond formal system performance, there are often even fewer incentives to collect and analyze performance data that might help to assess the contributions of institutions and actors across the justice system.

\*Including SDG 11.7.2 ("Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months"), 16.1.3 ("Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months"), 16.1.4 ("Proportion of population that feel safe walking alone around the area they live"), and 16.3.1 ("Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms").

†Including 16.5.1 ("Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months").

‡Including 16.3.3 ("The proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism").

# Building Effective Data Ecosystems for People-Centered Justice

## ■ Effective justice data ecosystems are essential to advance toward equal justice for all.

To accelerate progress, stakeholders across government, civil society, and communities must contribute to more holistic and effective data production, analysis, and use. Data can help inform delivery models that respond to a nuanced understanding of justice needs. As the pandemic places additional pressures on the health, policy, and fiscal landscapes, justice leaders face a “unique chance to adopt a people-centered and inclusive approach to guide justice system transformation.”<sup>14</sup> The Praia City Group of the United Nations Statistical Commission echoes this point, arguing that more effective governance data can “pave the way towards a more resilient future.”<sup>15</sup> More responsive people-centered justice systems depend on the improved collection, analysis, and use of data.

## ■ Justice data ecosystems must account for the costs of data production, analysis, and use.

The lack of resources in the justice sector can inhibit efforts to invest in more effective data. These financial constraints are real. However, in the medium term, justice data can inform more cost-effective and targeted programs. Data can also strengthen understanding of the importance, value, and cost of access to justice. Indeed, such data has proved pivotal in shaping justice policy debates and investments in justice in several countries.<sup>16</sup> Justice actors need to continue to build cost-effective justice data methodologies while they also invest in new data strategies.

## ■ Data partnerships are a critical element of effective justice data ecosystems.

Data collection partnerships across social sectors and civil society—including coordinated surveys or targeted data collection and analysis—are a key strategy to reduce costs. Recent years have seen numerous efforts where government, civil society, and others meaningfully improved data collection and use. Justice indices, the SDG framework, and other national planning collaborations are examples of effective partnerships in different countries. A central element to each of these strategies is the presence of a strong national demand for better justice data and more informed policies. Government, CSOs, and the broader public can actively build demand for such data to inform more responsive and effective justice systems.

## ■ Reinforcing local, national, and international action will improve justice data quality and use.

International standardization and sharing of practices can strengthen the collection and use of data. Efforts like the establishment of the International Classification of Crime for Statistical Purposes (ICCS) in 2015 and recent efforts to develop a global module for SDG indicator 16.3.3 are improving data collection and quality, while simultaneously facilitating international learning and reporting. Local and national experimentation can in turn test data strategies and inform national and international measurement strategies. Demand is strong for cross-country collaboration on methodologies and sharing of good practices between governments, CSOs, multilateral institutions, and academia.

## ■ Data ecosystems should uncover disparate impacts within the justice system.

The Praia City Group Governance Handbook states that data disaggregation is essential to reveal the “differences within and between population groups.”<sup>17</sup> This is especially true with justice systems, where the over- or under-representation of particular groups within the justice system can itself represent an injustice.<sup>18</sup> Many national justice systems do not capture sufficient disaggregated data. Indeed, some national legal frameworks actually restrict the collection of certain forms of demographic information in the justice sector.<sup>19</sup> Access to justice is improved through a more nuanced and complete understanding of demographic profiles across the justice ecosystem. Such data can help reveal disproportionate experiences and forge strategies to address disparate impacts within particular groups.<sup>20</sup>

## ■ Communication is a core element of effective justice data ecosystems.

Given the range of actors involved in justice data ecosystems—national and local governments, CSOs, and the broader public—coordination and communication are key. Countries have different justice data capacities, with significant inter- and intra-national variation. Actors across the justice data ecosystem need strong capacities to share, communicate, and engage with justice data. Data strategies must strengthen communication around existing challenges and the effective use and dissemination of justice data. Justice data ecosystems can use communication to strengthen data literacy among stakeholders and policymakers’ sharing of data with the public.

## ■ Justice data should be open, accessible, and shared.

Data ecosystems in some countries are too opaque and restrictive. New strategies are needed to expand access to (anonymized and appropriate) justice data and also to diversify the ways in which researchers, advocates, and innovators can utilize this data to develop new strategies and methods. Recent years have seen some important progress at the national and global levels in providing greater access to justice data.

# The Data Challenge for Justice for All

## ■ More can be done to improve people-centered justice data strategies.

The justice community lacks an inclusive vision of core justice data priorities. Recent years have seen some progress. The Praia City Group Handbook on Governance Statistics, for example, recommends employing core indicators to holistically understand access to justice. The Praia justice framework offers a broad perspective and identifies core data requirements “necessary to understand and implement people-centered access to justice policies.”<sup>21</sup> The Organisation for Economic Co-operation and Development (OECD) has similarly developed a draft justice framework for delivering people-centered justice that is structured around four priorities:

- Purpose and culture;
- Designing and delivering people-centered services;
- Governance enablers and infrastructure; and
- People, planning, monitoring and accountability.<sup>22</sup>

Multiple countries have also taken steps to build holistic justice data ecosystems that can drive coordinated progress toward justice for all.<sup>23</sup>

## ■ Advancing people-centered justice data strategies will require broad participation.

The Praia and OECD frameworks are important steps in identifying core questions and data priorities for realizing access to justice for all. The justice community needs to better assess and refine core sets of data priorities for building a justice data ecosystem that effectively tracks progress toward access to justice for all.

## ■ This section recommends three data priorities to strengthen people-centered justice.

Drawing on the consultative process described at the outset of this paper, this section identifies needs, questions, and activities around a core set of priorities central to building a data ecosystem that assesses and advances progress toward people-centered access to justice. As summarized in Table 1, this section recommends strengthening data across three priorities:



**Table 1: A Data Agenda for Justice for All**

Challenge	Rationale	Status	Priorities
<p><b>1</b></p> <p>Understand the scope, nature, and impact of justice problems.</p>	<p>To advance access to justice for all, justice actors need to understand who has justice needs, what those needs are, where and when they are experienced, their underlying causes, and their impacts and costs.</p>	<p>Justice needs and impacts survey data are improving, with NSOs and CSOs playing important roles. However, most national systems need further support to collect such data. SDG 16.3.3 provides an opportunity to strengthen survey data on civil justice.</p>	<ul style="list-style-type: none"> <li>□ Strengthen planning, coordination, and learning around SDG 16.3.3 survey data.</li> <li>□ Deepen understanding of the justice needs of vulnerable groups.</li> <li>□ Improve data partnerships between justice and other social sectors.</li> </ul>
<p><b>2</b></p> <p>Design and deliver people-centered justice strategies.</p>	<p>Justice strategies are often disconnected from the needs and capabilities of those facing justice problems. Justice actors need administrative and survey data to strengthen legal capability, prevent problems, and correct systemic injustices.</p>	<p>Reformers are increasingly designing justice strategies based on individual and community needs and capabilities. The pandemic has triggered changes in how justice systems are delivering services, most notably through increased use of technology. These changes offer opportunities to shift course and embed new data collection and analysis strategies.</p>	<ul style="list-style-type: none"> <li>□ Advance people-centered design and collection of administrative data.</li> <li>□ Expand efforts to use survey and administrative data in developing profiles of risk, with the goal of targeting justice strategies based on need.</li> <li>□ Document lessons learned from justice indices to identify reform priorities.</li> </ul>
<p><b>3</b></p> <p>Measure what works, then learn and adapt.</p>	<p>The justice sector lags behind other social sectors in evaluating what works. Effective and appropriate evaluation of access to justice efforts is key for adapting strategies, allocating resources, and advancing justice for all.</p>	<p>New efforts to evaluate and refine justice strategies are emerging. Justice agencies and CSOs are building evaluation strategies that are grounded in people's needs and capabilities. Major constraints remain, including a lack of common goals and definitions, costs, and resistance to evidence-based reforms.</p>	<ul style="list-style-type: none"> <li>□ Advance shared discussion of access to justice evaluation goals.</li> <li>□ Strengthen the evidence base of impacts and costs of justice problems.</li> <li>□ Strengthen evaluation of new delivery models, including non-lawyers and new technologies.</li> </ul>

# 1 Understand the Scope, Nature, and Impact of Justice Problems

■ **Understanding of the scope, nature, and impact of justice problems is crucial to advancing access to justice for all.**

While there has been recent progress in generating and using data on justice needs and experiences through population surveys and analysis of administrative and demographic data, most national justice systems need better support. Priorities include expanding the availability of data and evidence on people’s justice problems, as well as improving systemic understanding of sources and experiences of injustice. Justice leaders in countries with varied data ecosystem capacities and resources can each take concrete steps to strengthen data for understanding the scope, nature, and impact of justice problems.

■ **Data on justice needs can help reorient justice delivery strategies.**

The Praia City Group, for example, describes the policy impact of legal needs survey data as “profound.”<sup>24</sup> Legal needs survey data can help deliver a more inclusive picture of justice needs faced by people and communities, as opposed to the narrow slice of justice problems that reach a particular justice provider or court. Such data can enable policymakers to better design access to justice strategies in multiple ways; it can guide efforts to strengthen capability of key groups and promote early intervention to avoid and resolve problems before they require access to formal institutions. Justice problems are strongly correlated with demographic characteristics, such as income, educational attainment, disability status, and housing status.<sup>25</sup> Disaggregation of justice needs data can inform strategies to target groups that are most likely to experience justice problems. Often, these are also groups with the least resources to resolve such problems. Similarly, a nuanced understanding of common barriers to information access and assistance can inform outreach and innovation to expand legal capability and empowerment.<sup>26</sup>

**Table 2: Understand the Scope, Nature, and Impact of Justice Problems**

<p>Expand Justice Needs Data Through SDG 16.3.3</p>	<p>The SDG 16.3.3 indicator is an opportunity to systematically strengthen the collection of justice needs data. The co-custodians are working with NSOs to produce methodological guidance for this indicator, building on important efforts to improve measurement of access to justice through legal needs surveys.<sup>27</sup> Broadening the focus of victimization surveys might offer a strategy to expand collection of civil justice data, as has been the case in South Africa.<sup>28</sup> The SDG 16.3.3 module, however, will nonetheless capture a relatively narrow picture of civil justice (people with legal problems who access a dispute resolution mechanism). Funding will also remain a constraint for survey implementation, with relatively few NSOs and governments currently reporting plans to prioritize population surveys on justice.<sup>29</sup></p> <p>Priorities:</p> <ul style="list-style-type: none"> <li>□ Strengthen NSO planning, coordination, and learning around 16.3.3 to strengthen cost-effective survey models and expand civil justice data collection in the lead up to the High Level Political Forum’s review of SDG 16 in 2023.</li> <li>□ Support efforts of the co-custodians, CSOs, the Open Government Partnership (OGP) Coalition on Justice, and the Praia City Group to refine survey-based indicators used to assess access to justice for all.</li> </ul>
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### Data for Understanding the Justice Gap for Particular Groups

Data focused on the needs and experiences of vulnerable groups is critical to advancing access to justice for all. Emphasis should be placed on greater analysis of existing data, and the generation of new data that reveals inequalities and disparate impacts. The UN Statistics Division and the Inter-Agency and Expert Group on SDG Indicators have prepared a compendium of practical tools to strengthen disaggregation across key characteristics, including gender, disability, and migratory status.<sup>30</sup> However, some legal needs data does not allow for robust disaggregation and analysis.<sup>31</sup> There is a need to build on both national and global understanding of justice problems, for example the 2019 *Measuring the Justice Gap* report,<sup>32</sup> to deepen the focus on the specific experiences and needs of vulnerable groups. Understanding the experiences of these groups can inform more targeted justice strategies.

Priorities:

- The Pathfinders, WJP, and other partners involved in the 2019 *Measuring the Justice Gap* report should update and expand understanding of the justice gap by the HLPF Review of SDG 16 in 2023.
- The co-custodians, NSOs, and national data ecosystems should expand efforts to build indicators of disaggregated justice needs and experiences.

### Use Social Sector Data to Understand Justice Needs

Strengthening administrative and survey data partnerships with other social sectors—including health, labor, housing, land, and the environment, among others—is a core strategy to reduce costs and build more inclusivity. Partnerships can improve data collection and understanding of justice problems and their impacts within particular areas. Standalone legal needs and victimization surveys, as well as qualitative research in the justice sector, are costly, and progress toward the regular use of population surveys will take time. Data partnerships that link data from across the justice ecosystem could maximize efficiencies in existing administrative and population survey data collection and analysis. These partnerships in turn can strengthen funding and the implementation of collaboration across sectors.

Priorities:

- Map opportunities to extract and utilize routinely-collected population survey and administrative data to develop indicators for justice needs, impacts, and outcomes.
- Strengthen population survey and administrative data partnerships between sectoral and justice actors.

# 2 Design and Deliver People-Centered Justice Strategies

■ **Justice policies are too often disconnected from the needs and capabilities of those facing justice problems.**

The concept of legal capability is understood to reference the skills, knowledge, and competencies required to navigate a justice problem.<sup>33</sup> Data from across the justice data ecosystem can help leaders understand what strategies can reach particular populations. A young person and an elderly person facing similar problems with social benefits might require drastically different strategies to access information or assistance. Justice strategies can deepen their focus on strengthening legal capability, proactively resolving problems, and correcting sources of systemic injustice. Justice data ecosystems can combine administrative and survey data to inform systemic and inclusive strategies. Effectively utilizing both existing and new sources of data will help enable the design of policies based on actual needs and capabilities.

■ **Data from diverse justice service providers is fundamental to designing inclusive and effective justice strategies across a continuum of need.**

Justice data can inform the “range of justice and related services over a continuum from the most local and informal through to formal judicial processes.”<sup>34</sup> Such data must encompass the justice ecosystem, from legal aid providers, civil society organizations, community justice institutions, to formal justice institutions, including courts and the police, as well as expert, user, and populations surveys. Justice leaders can rely on data from across this ecosystem to implement strategies that prevent and de-escalate justice problems, as well as resolve problems through formal courts. Such an ecosystem approach will require focus on data from formal institutions as well as civil society, community, and other social sectors, closer to where justice problems are most likely to manifest.

**Table 3: Design and Deliver People-Centered Justice Strategies**

<p><b>Strengthen New Data Through Technology, Non-Lawyer Models, and Partnerships</b></p>	<p>The last decade has seen significant shifts in how justice systems and legal aid institutions deliver services. Shifts include the expansion of technology in the justice sector; reforms to enable non-lawyer models of delivery; and new forms of partnership between the justice sector, other social sectors, and civil society. These reforms offer concrete opportunities to strengthen alternative sources and methods of data collection on people’s justice problems, experiences, and capabilities. Administrative data from across a wider range of institutions and approaches can better inform strategies for delivering information and aid to vulnerable populations.</p> <p>Priorities:</p> <ul style="list-style-type: none"> <li>□ Advance efforts by the UN agencies, OECD, WJP, OGP Coalition on Justice, Hague Institute for the Innovation of Law (HiIL), Namati, and others to strengthen data partnership and innovation strategies.</li> </ul>
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### Use Data to Identify Risks, Predict Needs, and Inform Assistance

Justice data can reveal profiles of risk that inform justice strategies. Targeted data strategies are used in multiple countries. In Australia, for instance, the Law and Justice Foundation of New South Wales uses data from new technologies, legal needs surveys, census surveys, courts, and legal assistance providers to implement indicators that help anticipate the distribution and location of likely need for legal assistance.<sup>35</sup> Policymakers should share experiences for strengthening data to target justice services and resolve justice problems. A combination of data can identify service delivery gaps, thereby informing decisions of how to allocate resources and build cost-effective partnership strategies.

Priorities:

- Justice leaders should strengthen cross-country and organizational learning on efforts to build profiles of risk and improve targeting of justice interventions.

### Expand the Use of Justice Indices to Catalyze Systemic Reform

Indices are increasingly used to measure good practice and stimulate reform. Examples include the *Global Multidimensional Poverty Index*, the United Nations *Development Programme's Human Development Index*, or the World Bank's *Human Capital Index* and the *Ease of Doing Business Index*. The use of justice indices has expanded in recent years, typically relying on a combination of administrative and survey data from government and CSO sources. Justice indices now benchmark justice systems and progress of reform in multiple countries, including Colombia,<sup>36</sup> Indonesia,<sup>37</sup> the United States,<sup>38</sup> and Vietnam.<sup>39</sup> The World Justice Project runs a global *Rule of Law Index* that captures civil and criminal justice indicators in more than 120 countries.<sup>40</sup> More country-level experimentation with national or local indices that bring together multiple sources of data can help to identify and implement strategies to advance justice for all.

Priorities:

- Document lessons from justice indexing efforts to expand good practices and strengthen implementation.

# 3 Measure What Works, then Learn and Adapt

- **The justice sector lags behind other sectors in evaluating what works for what groups in realizing access to justice for all.**

Justice actors must do more to assess the appropriateness, effectiveness, and sustainability of justice strategies and interventions. Effective and appropriate evaluation of access to justice strategies is a key tool to advance evidence-based transformation toward justice for all.

- **Evaluation can help strengthen program design, implementation, and accountability.**

Many countries are hindered by a thin empirical basis for core justice sector policies. The structure of justice systems has typically been influenced by a combination of historical experiences and professional training. In other social sectors—e.g., health—evaluations have been central to challenging assumptions and reshaping services that respond to a hierarchy of needs and allocate resources toward the most effective interventions. Justice and health sectors have many differences, and there is certainly no evaluation template which the justice sector can adopt. However, a more nuanced conversation about evaluation and justice sector innovations, including technology and non-lawyers, can help catalyze progress.

**Table 4: Measure What Works, Learn and Adapt**

<p>Deepen Evaluation Across Access to Justice Programs</p>	<p>There are few systematic efforts to evaluate access to justice strategies, particularly in developing countries and in partnership with civil society. The Access to Justice Lab at Harvard Law School<sup>41</sup> in the United States and the Data and Evidence for Justice Reform (DE JURE) program<sup>42</sup> at the World Bank are notable exceptions. More effective evaluation is hindered by varied constraints, including the lack of common goals and definitions, costs of evaluation, and the fact that access to justice programs often include multiple dimensions, actors, and components. An inclusive access to justice evaluation agenda will require the identification of core goals and strategies, as well as more collaboration between government, civil society, and communities, as well as academic and multilateral institutions.</p> <p>Priorities:</p> <ul style="list-style-type: none"><li>□ Strengthen information-sharing about the key elements and metrics of success for evaluating people-centered justice programs.</li></ul>
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Strengthen the Evidence Base Around the Costs of Justice Problems and Benefits of Access to Justice

The impacts and costs of justice problems are a key driver of delivering better people-centered justice policies. Access to justice has intrinsic value; however, justice systems are also increasingly documenting the costs of justice problems as a strategy to expand arguments for public investment in access to justice.<sup>43</sup> There have been a number of cost-benefit and return on investment studies of access to justice strategies at the country level, as well as internationally. More should be done to understand the economic and social contributions resulting from increased access to justice.

Priorities:

- Build on existing efforts by International Development Research Centre's (IDRC) four-country Community-Based Justice Project, the Overseas Development Institute (ODI), WJP, the World Bank, OECD, OGP Coalition on Justice, Hiil, and others to strengthen economic understanding of people-centered justice.

Strengthen Evaluation of New Delivery Models, Including Non-Lawyers and Technology

New technologies and non-lawyer models, including paralegals and community justice advocates, are helping to reshape people-centered justice systems. Non-lawyer models being incorporated into justice sector strategies have shown positive impacts on legal capability, access, and broader justice outcomes.<sup>44</sup> Justice technologies have similarly expanded in recent years, including through online dispute resolution, remote legal assistance, and new technology companies operating in the legal market.<sup>45</sup> More work is needed to understand the design and effectiveness of these models. Some existing research, for example, has found gaps between technological capabilities and the information and support necessary to access justice.<sup>46</sup> As these models reshape how justice systems are structured, there is a need for more rigorous evaluation of their appropriateness, effectiveness, and sustainability.<sup>47</sup>

Priorities:

- Support the Legal Empowerment Network and the IDRC's Collaborative Learning Agenda for Legal Empowerment.<sup>48</sup>
- Engage the conference on *Access to Civil Justice: Regulatory Redesign and Just Solutions* to assess non-lawyer and technology access to justice models.
- Build on existing efforts by the OECD, OGP Coalition on Justice, Hiil, and The Engine Room to solidify evidence around which technologies are most effective for which problems and groups.

# A Call to Action for Justice Leaders

- **A broad coalition of justice actors can contribute to strengthening data production, analysis, and use to realize access to justice for all.**

While specific strategies should be based on data capacities, available data, and priorities within countries, all justice leaders can take concrete steps to improve data collection and use.

- **Justice leaders**

Justice leaders can lead the transformation toward a data-driven agenda for access to justice for all. Each justice actor—from government ministers and judges to civil society lawyers and paralegals—can contribute to strengthening data needed to build evidence-based access to justice strategies. Justice actors should invest in a holistic justice data ecosystem and build meaningful data partnerships across justice, social sectors, and civil society. Leadership is necessary to build a comprehensive system to track progress.

- **National statistical offices**

National statistical offices have a critical mandate and responsibility to strengthen people-centered justice data. NSOs should lead efforts to expand justice survey data collection, including through SDG 16.3.3, and build effective data linkages across social sectors. NSOs can contribute significantly to the improvement of data quality, collection, and use in people-centered justice.

- **Civil society organizations**

Civil society organizations are key producers and users of justice data. Civil society should continue to lead empowerment efforts in addressing justice problems, while also strengthening data to respond to structural injustices. Civil society should contribute to data ecosystems that inclusively produce, analyze, and use data to realize justice for all.

- **Multilateral and international organizations**

Multilateral and international organizations play a critical role in supporting capacity-building, technical, and financial support for the production, analysis, and use of people-centered justice data. The co-custodians of the SDG 16.3.3 indicator are catalyzing cross-country data partnerships. International organizations should allocate resources to support these efforts, while also building new data partnerships across justice, social sectors, and with CSOs.

- **Donors and foundations**

Donors and foundations can play a vital role in catalyzing data innovations toward justice for all. These groups have worked to expand innovative methodologies and strategies, including justice surveys and non-lawyer and technology models. Donors and foundations should expand investments in innovative evidence-based data strategies for people-centered justice.

# About the Organizations

## ■ Pathfinders for Peaceful, Just and Inclusive Societies

The Pathfinders for Peaceful, Just and Inclusive Societies is a group of UN member states, international organizations, global partnerships, civil society, and the private sector. Pathfinders is hosted by the NYU Center on International Cooperation. Pathfinders works to accelerate action to implement the SDG targets for peace, justice and inclusion (SDG16+). The Pathfinders' Task Force on Justice, chaired by ministers from Argentina, the Netherlands, Sierra Leone, and the Elders, brought together a distinguished group of justice leaders and experts to accelerate delivery of equal access to justice for all. Find more information at <https://www.justice.sdg16.plus>.

- *Task Force on Justice, Justice for All* – Final Report proposes a different approach to justice: putting people at the center of justice systems, justice at the heart of sustainable development, and moving from justice for the few to justice for all. Available at <https://www.justice.sdg16.plus/report>.
- *Justice in a Pandemic* is a series of briefings and report that helps shed light on the public health, economic, and socio-political impacts of the COVID-19 pandemic, and their impact on justice actors and the provision of equal access to justice for all. Available at <https://www.justice.sdg16.plus/justice-in-a-pandemic>.

## ■ The World Justice Project

The World Justice Project (WJP) is an independent, multidisciplinary organization working to create knowledge, build awareness, and stimulate action to advance the rule of law worldwide. WJP collects, organizes, and analyzes original, independent rule of law data, including the *WJP Rule of Law Index*; supports research and scholarship about the importance of rule of law, its relationship to development, and effective strategies to strengthen it; and connects and builds an engaged global network of policy-makers and advocates to advance the rule of law through strategic partnerships, convenings, coordinated advocacy, and support for locally led initiatives. Find more information at <https://worldjusticeproject.org/>.

- *Global Insights on Access to Justice 2019* is the first-ever effort to capture comparable data on legal needs and access to civil justice on a global scale, representing the voices of more than 100,000 people in 101 countries. Available at <https://worldjusticeproject.org/our-work/research-and-data/global-insights-access-justice-2019>.
- *Measuring the Justice Gap 2019: A People-Centered Assessment of Unmet Justice Needs Around the World* is the first-ever effort to estimate the global number of people who have unmet justice needs. Available at <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>.

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