

Measuring the Justice Gap

An estimated 5 billion people have unmet justice needs globally. This justice gap includes people who cannot obtain justice for everyday problems, people who are excluded from the opportunity the law provides, and people who live in extreme conditions of injustice.

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I. Introduction

The *Justice For All* report of the Task Force on Justice describes a global justice gap of 5 billion people, underscoring the urgency of realizing justice for all and demonstrating unacceptable levels of exclusion from justice. This methodological note provides an update on the progress and methodological decisions that have been made since the October 2018 meeting of the Task Force on Justice in Sierra Leone (see Box 1), as well as the broader background, development process, and measurement approach for arriving at this figure. This information is organized in the following sections:

- I. **Introduction**, including the background, objectives, and principles guiding the justice gap assessment.
- II. **Data Design for Measuring the Justice Gap**, covering the development of measurement questions, selection of data sources, and development process to date.
- III. **Measures, Definitions & Methods**, describing the definition and methodology for calculating each measure included in the justice gap framework.

The justice gap estimates presented in this note and described in the *Justice For All* report represent the first-ever effort to integrate survey data with other sources of people-centered data on the nature and scale of injustice. This synthesis was conducted by the World Justice Project (WJP) with expert input provided by Justice Gap Working Group (JGWG) members, including the Hague Institute for Innovation of Law (HiiL), the Ministry of Justice and Human Rights of Argentina, NYU Center on International Cooperation (NYU CIC), the Organisation for Economic Co-operation and Development (OECD), the Open Society Justice Initiative (OSJI), the United Nations Development Programme (UNDP), University College London, the United Nations Office on Drugs and Crime (UNODC), UNODC-INEGI Center of Excellence, White & Case, and the World Bank.

A. Background & Objectives

In 2008 the Commission on Legal Empowerment of the Poor found that “at least four billion people are excluded from the rule of law.” This figure is still widely cited, but we now have considerable amounts of new data to assess people’s needs for justice in a more multifaceted manner. This provides an opportunity to:

1. Identify categories of justice need;
2. Present data on justice needs in a format that increases understanding among decision makers of priorities for the effective implementation of Sustainable Development Goal (SDG) Target 16.3; and
3. Increase decision makers’ capacity to respond to unmet justice needs with appropriate policy.

Producing an assessment of the number of people with unmet justice needs globally (i.e. the size of the “justice gap”) will serve as an important advocacy tool in the lead-up to the 2019 High Level Political Forum (HLPF). A strengthened understanding of the scale of the justice gap will also provide a basis for examining the economic burden of injustice, thus creating a new case for action and investment (i.e. “the business case”) for ensuring access to justice for all by 2030.

Box 1. Summary of Updates

- 1. Theoretical Framework:** To ensure conceptual coherence with the groundbreaking work of the Commission on Legal Empowerment of the Poor in 2008, the justice gap framework now includes “people who are excluded from the opportunities the law provides” as a separate category of unmet justice need (see Section I-B).
- 2. Informal Economy & Housing Tenure:** In order to measure the same elements of legal exclusion studied by the Commission on Legal Empowerment of the Poor in 2008, the justice gap framework now includes additional data sources on the informal economy as well as data on land or housing tenure (see Section II-A, Table 1).
- 3. Unmet Civil Justice Need:** In October 2018, the WJP presented a conceptual framework and shortlisted legal needs survey questions for calculating unmet civil justice need. Since then, final survey questions have been selected and the methodology has been finalized (see Section III-D and Appendix I).
- 4. Crime Victimization & Reporting:** The WJP has developed a model for estimating the number of victims of violent and non-violent crime who have not reported their victimization to a competent authority using UNODC administrative and victimization survey data (see Section III-C).
- 5. Justice Gap Estimate:** Having finalized the conceptual framework and corresponding data sources for the justice gap, the WJP has populated country-level data, conducted extrapolations to countries and jurisdictions missing data, and estimated the degree of double counting to arrive at the final justice gap figure of 5 billion people (see Sections II-A, Table 1; Section III-A, and Section III-B).
- 6. Distribution of Injustice:** Preliminary figures are available regarding the number of women and children who experience various forms of injustice (see Section II-A, Table 1).

B. Core Concepts & Approach

What is the “justice gap?” The justice gap is the number of people who have justice needs and who are not able to obtain justice.

What are the guiding principles of this exercise? As per the principles outlined in the Justice Framework and *Justice For All* report, the justice gap assessment must:

1. Be people-centered
2. Be comprehensive
3. Encompass a spectrum that ranges from preventing forms of justice exclusion (e.g. instability, crime, and legal risks) through resolving justice issues (i.e. realizing rights and accessing justice mechanisms).

What is the unit of analysis for the assessment? Consultations with JGWG members have raised questions on the rights of communities, firms, and other groups and institutions. In order to ensure comparable units of analysis and consistency with the group’s principle to adopt a people-centric approach, the unit of analysis for this exercise must be people, specifically the number of people who have unmet justice needs.

How are we classifying the categories of people with unmet justice needs? Based on the guiding principles and the prevention-to-resolution spectrum referenced above, the JGWG understands the justice gap as encompassing three broad categories of people:

1. People who cannot obtain justice for everyday civil, administrative, or criminal justice problems. These people may live in contexts with functioning institutions and justice systems, but face obstacles to resolving everyday justice issues.
2. People who are excluded from the opportunities the law provides. This group was the focus of the 2008 work of the Commission on Legal Empowerment of the Poor.¹ These people are unable to access economic opportunities or public services to which they have a right because they lack legal identity, land or housing tenure, or employment in the formal economy.
3. People who live in extreme conditions of injustice. These people live in contexts where, due to systematic failures of institutions, they are completely blocked from accessing justice mechanisms, and cannot assert their rights or redress grievances.

II. Data Design for Measuring the Justice Gap

A. Key Concepts & Measurement Questions

The quantitative nature of this exercise requires translating the objectives and categories of unmet justice need in Section I into measurable research questions. Considering the need to a) identify and quantify categories of unmet justice need that range from prevention to resolution; b) to do so using a people-centric approach; and c) to evaluate the burden of injustice, the JGWG has proposed focusing on the concepts for the justice gap assessment and corresponding measurement questions outlined in Table 1.

The measurement questions under Pillar 1, "The Burden of Injustice," constitute the core of the justice gap exercise. These questions and corresponding data sources allowed the WJP to produce an estimate of the number of people with unmet justice needs globally.

The measurement questions under Pillar 2, "The Distribution of Injustice," illuminate the ways in which vulnerable populations figure into the justice gap, as well as the unique justice challenges they face. This component of the justice gap exercise will highlight injustices faced by women, children, and the poor, and will allow for an assessment of how these groups factor into the global justice gap figure. It is important to note that the consideration to focus on these particular populations is practical in nature and not ideological, and is driven by the limited availability of global data that can be readily disaggregated by ethnicity, health or ability, urban-rural status, and sexual orientation, among many other important demographic variables.

The measurement questions under Pillar 3, "The Impact of Injustice," will provide the basis for examining the burden of injustice, and creating a new case for action and investment (i.e. "the business case") in ensuring access to justice for all by 2030.

¹ Commission on Legal Empowerment of the Poor and United Nations Development Programme, *Making the Law Work for Everyone - Volume 1: Report of the Commission on Legal Empowerment of the Poor*. (New York: Commission on Legal Empowerment of the Poor and United Nations Development Programme, 2008); accessed December 20, 2018, http://www.un.org/ruleoflaw/files/Making_the_Law_Work_for_Everyone.pdf.

Table 1. Justice Gap Framework

Measurement Question	Data Source	Total ²
1. The Burden of Injustice		
How many people have civil, administrative, or criminal justice problems and cannot obtain justice?		
How many people are victims of lethal violence?	Small Arms Survey, <i>Global Violent Deaths 2017</i>	559,590
How many victims of violence have not reported their victimization to a competent authority?	UNODC crime data; UNODC-INEGI <i>Atlas on Victimization Surveys</i>	239,392,429
How many victims of non-violent crime have not reported their victimization to a competent authority?	UNODC crime data; UNODC-INEGI <i>Atlas on Victimization Surveys</i>	1,075,486,023
How many people have unmet civil or administrative justice needs?	WJP, <i>Global Insights on Access to Justice</i> ; Hiil, <i>Justice Needs and Satisfaction</i>	1,422,489,520
How many people are excluded from the opportunities the law provides?		
How many people lack legal identity?	World Bank, <i>Identification for Development (ID4D)</i>	1,100,369,677
How many people are employed in the informal economy?	ILO, <i>Women and Men in the Informal Economy: A Statistical Picture 2018</i>	2,113,236,000
How many people lack proof of housing or land tenure?	WJP, <i>General Population Poll 2018</i>	2,293,569,248
How many people live in extreme conditions of injustice?		
How many people are stateless?	UNHCR Population Statistics	2,796,198
How many people are living in modern slavery?	ILO & Walk Free Foundation 2017, <i>Methodology of the global estimates of modern slavery: Forced labour and forced marriage</i>	40,283,000
How many people live in countries with high levels of insecurity and no rule of law?	OECD, <i>States of Fragility 2018</i>	203,488,542
2. The Distribution of Injustice		
How many women experience injustice?		
[Disaggregation of "Burden of Injustice" indicators by gender]	[See data sources under "Burden of Injustice"]	<i>Pending</i>
How many women are subject to gender-based violence annually?	UN Women, <i>Global Database on Violence against Women</i>	572,818,422
How many women are in a forced marriage?	ILO & Walk Free Foundation 2017	13,000,000
How many women are not entitled to equality before the law or afforded the opportunity to be independent by law?	World Bank, <i>Women, Business, and the Law 2018</i>	<i>Pending</i>
How many children experience injustice?		
How many births are unregistered?	UNICEF, <i>Birth Registration</i>	180,557,152
How many children are married?	ILO & Walk Free Foundation 2017	5,679,000
How many children are trapped in forced labor conditions?	ILO & Walk Free Foundation 2017	2,980,000
How many people living in poverty experience injustice?		
[Disaggregation of "Burden of Injustice" indicators by socio-economic status]	[See data sources under "Burden of Injustice"]	<i>Pending</i>
3. The Impact of Injustice		
How does injustice impact people's health, social, and economic outcomes?		
How many people experience stress-related illness, injuries, or physical ill health due to an unmet legal need?	WJP, <i>Global Insights on Access to Justice</i> ; Hiil, <i>Justice Needs and Satisfaction</i>	<i>Pending</i>
How many people experience a relationship breakdown or damage to a family relationship due to an unmet legal need?	WJP, <i>Global Insights on Access to Justice</i> ; Hiil, <i>Justice Needs and Satisfaction</i>	<i>Pending</i>
How many people lose income or employment, experience a financial strain, or need to relocate due to an unmet legal need?	WJP, <i>Global Insights on Access to Justice</i> ; Hiil, <i>Justice Needs and Satisfaction</i>	<i>Pending</i>

² The "Total" figure for each measurement question represents the total number of people who fall into a given component of the justice gap framework according to each data source. Due to the double counting of people who fall into multiple dimensions of the justice gap (e.g. victims of violence who also lack legal identity), figures by data source cannot be summed to produce an overall justice gap figure or total estimates by category of justice need. Please see section III-B for additional information on measures taken to a) estimate the extent of double counting; b) produce a total justice gap figure of 5.1 billion people; and c) calculate totals for each category of justice need.

The conceptual and measurement framework presented in Table 1 results in **a global justice gap of 5,060,921,717 people**. When viewed by category of justice need there are:

- 1,485,003,020 people who cannot obtain justice for everyday civil, administrative, or criminal justice problems.
- 4,422,944,750 people who are excluded from the opportunities the law provides.
- 244,244,110 people who live in extreme conditions of injustice.

This global justice gap figure and figures by category of justice need are adjusted to take into account the double counting of people who fall into multiple dimensions of the justice gap (e.g. victims of violence who also lack legal identity or people who cannot obtain justice for both criminal and civil justice problems). The methodology for estimating double counting across the justice gap framework and by category of justice need is described in section III-B.

B. Data Source Selection

In order to produce estimates of the size of the justice gap and provide additional insights on the distribution and impact of injustice, the data sources outlined in the second column of Table 1 were chosen based on the following considerations:

1. Country Coverage: Using as many global data sources as possible is important for ensuring comparable data collection methodologies and justice gap figures across countries. From a logistical standpoint, relying primarily on global data sources with adequate country coverage – as opposed identifying national-level data sources for each measurement question for each country – is also crucial to the feasibility of producing estimates with a lean and primarily volunteer-based working group well in advance of the 2019 HLPF.
2. Official Recognition: Using official data sources – such as those produced by UNODC, the ILO, and the World Bank – is an important consideration for ensuring buy-in for this measurement approach at the international level. This also ensures that components of this exercise are consistent with data sources and methodologies that are already incorporated into the official SDG indicator framework. For example, the justice gap measurement framework proposes using the official Inter-agency and Expert Group (IAEG) indicators and data sources for SDG Targets 16.3.1, 8.3.1, and 16.9.1 to estimate unmet criminal justice need, informal work, and unregistered births respectively.
3. Public Data & Measurement Methodology: In order to produce assessments at the country level, impute estimates for countries with missing data, and characterize the distribution of injustice for vulnerable populations, data and calculations for estimating the justice gap must be publicly available. This is also vital to producing an assessment that is perceived as rigorous and transparent by policymakers and the broader governance measurement community.

C. Development Process

The JGWG has undertaken the following process in order to develop the conceptual framework and data design for measuring the justice gap:

1. Consultations & Literature Review: The JGWG held its inaugural meeting in April 2018 to determine key elements of the conceptual framework and identify available data sources and potential

measurement issues. This consultation built on the October 2017 Consultation Report³ of the Task Force on Justice as well as an advance literature review of data advocacy strategies employed by other disciplines – such as public health – conducted by NYU CIC.

2. Data Audit: From April to July 2018, the WJP led an initial audit of more than 600 potential data sources suggested by JGWG members that could address research questions highlighted in the conceptual framework. This initial audit took inventory of global and national-level datasets as well as administrative, survey-based, and qualitative sources of data.
3. Refinement of Measurement Framework: At the second meeting of the JGWG in July 2018, held in conjunction with the OECD Roundtable on Access to Justice, the WJP proposed the core concepts and measurement questions in Table 1, which builds on and simplified the preliminary conceptual framework into a core set of measurable, people-centric research questions. This presentation included an illustrative example of the data audit exercise for Argentina using this refined measurement framework, and highlighted remaining methodological questions and challenges for consideration.
4. Refinement of Data Sources: In light of the logistical, political, and methodological considerations described above, the JGWG decided to rely on global and officially recognized data sources to the greatest extent possible. Drawing on the consultations and data audit exercise, NYU CIC, the WJP, and HiiL determined which data sources would best fit the criteria described above.
5. Producing Estimates: Building on the framework and data sources outlined in Table 1, the WJP populated figures for each data source under Pillar 1 and finalized calculations for measuring unmet civil and criminal justice need. The WJP also determined methods for extrapolating estimates to countries not covered by each data source and estimating the extent of double counting in order to produce the estimates presented in Table 1.

In the coming weeks, the WJP will continue to produce figures on the distribution and impact of injustice, and work with HiiL to incorporate *Justice Needs and Satisfaction* survey data into the justice gap framework.

³ Organizations consulted include the American Bar Association Rule of Law Initiative (ABA ROLI); Civicus; The Commonwealth Office of Civil and Criminal Justice Reform; Department for International Development (DfID) – Governance, Open Societies and Anti-Corruption; Fair Trials International; International Development Law Organization (IDLO); International Legal Assistance Consortium (ILAC); International Legal Foundation; National School of Government International; OECD Directorate on Governance; Open Government Partnership (OGP); Permanent Mission of Argentina to the United Nations; Permanent Mission of the Netherlands to the United Nations; Permanent Mission of Sierra Leone to the United Nations; SDG Fund; Swiss Federal Department of Foreign Affairs; Thomson Reuters Foundation – Trust Law; Transparency, Accountability & Participation (TAP) Network; UNDP – Rule of Law Justice, Security and Human Rights, and Global Focal Point; UN Executive Office of the Secretary-General – Rule of Law Unit; UN Foundation; UNODC – Justice Section; UN Women; World Justice Project (WJP).

III. Measures, Definitions & Methods

Estimates on the size of the justice gap (i.e. “The Burden of Injustice”) were produced by synthesizing the ten sources of data outlined in Table 1, which include both administrative and survey data. Figures were calculated using the most recent UN DESA population statistics.⁴ The methods for producing estimates for each measurement question presented in Table 1 are described in greater detail under “Measures for the Burden of Injustice.”

A. Extrapolations

The country coverage of each data source used to calculate the justice gap ranges from 28% to 90%. Of the ten data sources used to calculate justice gap estimates, the Small Arms Survey’s *Global Violent Deaths 2017*, The World Bank’s *Identification for Development (ID4D)*, ILO’s *Women and Men in the Informal Economy: A Statistical Picture*, and the UNHCR population statistics on stateless persons have their own methodologies for producing global estimates and extrapolating figures for countries with missing data when necessary. The WJP did not alter or adapt these methodologies for producing country-level or global estimates for the justice gap.

Where country level-estimates were not available for the other data sources, the WJP imputed estimates based on the average values for regional and income peer countries. The WJP used the UN’s geographic classifications⁵ and the World Bank’s income classifications⁶ to establish regional and income peer groupings on which to base these extrapolations.

B. Double Counting

Across the Justice Gap Framework

From the outset of this exercise the JGWG acknowledged that double counting would be an important factor, as there are individuals who, for example, are both victims of crimes and who experience legal problems, or who lack housing tenure and are in the informal economy. Indeed, simply adding the totals by data source in Table 1 produces a total justice gap of 8.6 billion people. The WJP took a number of steps to account for double counting within the justice gap framework and to produce the adjusted totals presented after Table 1.

First, the WJP assumed that two figures in the justice gap framework would not need adjustments for double counting: victims of lethal violence and people living in states with high levels of insecurity and no rule of law. The WJP made the assumption that the 559,590 victims of lethal violence were not captured in the other data sources included in the framework. The figure of 203,488,542 people estimated to be living in countries with high levels of insecurity and no rule of law assumes that the entire population of the eight countries classified

⁴ “World Population Prospects, 2017,” United Nations DESA/Population Division, accessed January 23, 2019, <https://population.un.org/wpp/DataQuery/>.

⁵ “Standard Country or Area Codes for Statistical Use (M49),” United Nations Statistics Division, accessed January 23, 2019, <https://unstats.un.org/unsd/methodology/m49/>.

⁶ “World Bank Country and Lending Groups,” World Bank, accessed January 23, 2019, <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

as “severely fragile” on the security dimension in the OECD’s *States of Fragility 2018* report⁷ are in the justice gap.

Second, the WJP subtracted people from the eight severely fragile states from the totals for statelessness and modern slavery to produce adjusted totals for those dimensions of the justice gap framework.

Third, the WJP used its 2018 General Population Poll (GPP) data for 72 countries to estimate the extent of double counting between unreported victims of violent and non-violent crime, people with unmet civil or administrative justice needs, and people who lack legal identity, formal work arrangements, and land or housing tenure. While WJP data were not used as the official data source for justice gap estimates on crime, legal ID, and the informal economy, the 2018 GPP contains a number of questions that can serve as proxy measures for understanding the degree of overlap between groups with unmet civil and criminal justice needs and those excluded from the opportunity the law provides (see Table 2). In order to calculate an “adjustment factor” to produce the total justice gap estimate, the WJP:

1. Calculated country-level justice gap figures that do not account for double counting, using WJP proxy measures only. Each individual is counted once for every unmet justice need they have.
2. Extrapolated the estimates produced in step 1 to countries not included in the 2018 GPP dataset.
3. Summed the totals for steps 1 and 2 to produce a total “double counted estimate” based solely on WJP GPP data.
4. Calculated country-level justice gap figures that do account for double counting, using WJP proxy measures only. This figure represents the number of people who have at least one unmet justice need pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, or lack of land or housing tenure. Each individual is only counted once if they have one or more unmet justice needs.
5. Extrapolated the estimates produced in step 4 to countries not included in the 2018 GPP dataset;
6. Summed the totals for steps 4 and 5 and removed people from countries classified as severely fragile on the security dimension of the OECD’s *States of Fragility 2018* report to produce an “adjusted total estimate” based solely on WJP proxy data.

Table 2. Proxy Measures for Estimating Double Counting

Official Data Source	WJP GPP Proxy Measures
UNODC crime data; UNODC-INEGI <i>Atlas on Victimization Surveys</i>	Crime victimization survey module based on the International Crime Victims Survey (ICVS)
WJP, <i>Global Insights on Access to Justice</i> ; HiiL, <i>Justice Needs and Satisfaction</i>	Access to justice survey module*
World Bank, <i>Identification for Development (ID4D)</i>	Possession of a birth certificate or national ID card
ILO, <i>Women and Men in the Informal Economy: A Statistical Picture 2018</i>	Employment on the basis of an oral or written agreement
WJP, <i>General Population Poll 2018</i>	Possession of a title, deed, certificate or ownership, rental contract, or lease for current dwelling.*

* These data are already used for estimating official justice gap figures.

⁷ Countries classified as severely fragile on the security dimension of the OECD’s *States of Fragility 2018* include Afghanistan, Iraq, Libya, Somalia, South Sudan, Sudan, Syria, and Yemen.

7. Divided the “adjusted total estimate” based on GPP proxy measures by the “double counting estimate” based on GPP proxy measures to calculate an “adjustment factor”.
8. Summed the estimates for unmet justice needs pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, or lack of land or housing tenure calculated using official data sources to produce an “official double counted estimate.”
9. Multiplied the “official double counted estimate” by the “adjustment factor” to produce an “official adjusted total estimate.”
10. Added the “official adjusted total estimate” to the adjusted estimates for lethal violence, statelessness, modern slavery, and fragility to produce the final justice gap estimate of 5.1 billion people.

Please refer to Table 3 for summary of this process and relevant calculations described above.

Table 3. Estimating Double Counting with WJP Proxy Measures

Step	Description/Calculation	Values
Steps 1-3	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for unreported victims of violent and non-violent crime, people with unmet civil or administrative justice needs, and people who lack legal identity, formal work, and land or housing tenure. Each individual is counted once for every unmet justice need they have.	6,659,711,630 people
Steps 4-6	Calculate the <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, or lack of land or housing tenure based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs. This figure excludes populations from fragile states.	3,890,325,706 people
Step 7	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	3.9 billion ÷ 6.7 billion = 58.42%
Step 8	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, and lack of land or housing tenure calculated using <u>official data sources</u> .	Violent crime: 239,392,429 Non-violent crime: 1,075,486,023 Civil/admin need: 1,422,489,520 No ID: 1,100,369,677 Informal economy: 2,113,236,000 + Housing/land tenure: 2,293,569,248 8,244,542,898 people
Step 9	<u>Official adjusted total estimate</u> = Official double counted est. x Adjustment Factor	8.3 billion x 58.42% = 4,816,118,017 people
Step 10	<u>Justice Gap</u> = Sum of all totals for lethal violence, the <u>official adjusted total estimate</u> (violent crime, non-violent crime, civil/admin need, no ID, informal work, housing/land tenure), adjusted totals for statelessness, adjusted totals for slavery, and totals for fragile states.	Lethal violence: 559,590 Official Adjust. Total: 4,816,118,017 Statelessness: 2,588,568 Slavery: 38,167,000 + Fragile states: 203,488,542 5,060,921,717 people

For Categories of Justice Need

Following a similar approach used to estimate double counting across the entire justice gap framework, the WJP also estimated double counting by category of justice need in order to produce figures for a) the number of people who cannot obtain justice for everyday civil, administrative, or criminal justice problems; and b) the number of people who are excluded from the opportunities the law provides.

Using the GPP proxy measures outlined in Table 2, the WJP estimated the degree of overlap between unreported victims of violent crime, unreported victims of non-violent crime, and people who have unmet civil or administrative justice needs in order to produce an “adjustment factor” for the first category of unmet justice need. The WJP also estimated the degree of overlap between people who lack legal identity, formal work arrangements, and land or housing tenure in order to produce an “adjustment factor” for the second category of unmet justice need. Please see Table 4 for an overview how double counting estimates were produced by category of justice need.

Table 4. Estimating Double Counting by Justice Need Category

Step	Unmet civil, administrative, or criminal justice problem		Excluded from the opportunities the law provides	
	Description/Calculation	Values	Description/Calculation	Values
Steps 1-3	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for unreported victims of violent crime, unreported victims of non-violent crime, and people with unmet civil or administrative justice needs. Each individual is counted once for every unmet justice need they have.	2,810,845,535 people	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for people who lack legal identity, people who lack formal work, and people who lack land or housing tenure. Each individual is counted once for every unmet justice need they have.	3,848,866,095 people
Steps 4-6	Calculate <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to violent crime, non-violent crime, or civil or administrative problems, based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs.	1,496,564,729 people	Calculate <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to lack of ID, the informal economy, or lack of land or housing tenure, based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs.	3,091,117,010 people
Step 7	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	1.5 billion ÷ 2.8 billion = 53.24%	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	3.1 billion ÷ 3.9 billion = 80.31%
Step 8	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to violent crime, non-violent crime, and civil or administrative problems, calculated using <u>official data sources</u> .	Violent: 239,392,429 Non-violent: 1,075,486,023 Civil: 1,422,489,520 2,737,367,973 people	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to lack of ID, the informal economy, and lack of land or housing tenure calculated using <u>official data sources</u> .	No ID: 1,100,369,677 Informal econ.: 2,113,236,000 + House/land: 2,293,569,248 5,507,174,925 people
Step 9	<u>Official adjusted total estimate</u> = Official double counted est. x Adjustment Factor	2.7 billion x 53.24% = 1,457,443,430 people	<u>Official adjusted total estimate</u> = Official double counted est. x Adjustment Factor	5.5 billion x 80.31% = 4,422,944,750 people
Step 10	<u>Unmet civil, administrative, or criminal justice need</u> = Sum of lethal violence and official adjusted total estimate (violent crime, non-violent crime, civil/admin need)	Lethal violence: 559,590 + Official Adj. Total: 1,487,732,454 1,458,003,020 people	<u>Excluded from the opportunities the law provides</u> = Official adjusted total for this category	4,422,944,750 people

As mentioned previously in this section, for the third category of justice need – people living in extreme conditions of injustice – the populations of severely fragile states were already removed from the figures for stateless people and people living in modern slavery. Therefore, it was not necessary to calculate an adjustment factor this category in order to produce a figure of 244,244,110 people for this category of justice need.

Table 5 below provides a summary of all justice gap figures by data sources, adjusted for double counting across the entire justice gap framework, and adjusted for double counting by category of justice need in columns 3, 4, and 5 respectively.

Table 5. All Justice Gap Double Counting Adjustments

Category of Justice Need	Measurement Question	Total by Data Source	Adjustments Across Justice Gap	Adjustments for Justice Need Categories
How many people have civil, administrative, or criminal justice problems and cannot obtain justice?	How many people are victims of lethal violence?	559,590	559,590	1,458,003,020
	How many victims of violence have not reported their victimization to a competent authority?	239,392,429	4,816,118,017	
	How many victims of non-violent crime have not reported their victimization to a competent authority?	1,075,486,023		
	How many people have unmet civil or administrative justice needs?	1,422,489,520		
How many people are excluded from the opportunities the law provides?	How many people lack legal identity?	1,100,369,677		4,422,944,751
	How many people are employed in the informal economy?	2,113,236,000		
	How many people lack proof of housing or land tenure?	2,293,569,248		
How many people live in extreme conditions of injustice?	How many people are stateless?	2,796,198	2,588,568	244,244,110
	How many people are living in modern slavery?	40,283,000	38,167,000	
	How many people live in countries with high levels of insecurity and no rule of law?	203,488,542	203,488,542	
Justice Gap:			5,060,921,717	

C. Measures for the Burden of Injustice

The descriptions that follow provide information on the data sources, definitions, and calculations used to produce estimates for each measurement question of the justice gap framework.

How many people are victims of lethal violence?

- **Source:** Mc Evoy, Claire and Gergely Hideg. *Global Violent Deaths 2017: Time to Decide*. Geneva: Small Arms Survey, 2017. <http://www.smallarmssurvey.org/fileadmin/docs/U-Reports/SAS-Report-GVD2017.pdf>.
- **Definition:** This figure uses the Small Arms Survey's methodology for estimating violent deaths, understood as a composite indicator that combines data on lethal violence in both conflict and non-conflict situations. Small Arms Survey's analysis focuses on violent deaths as measured by, homicides, direct conflict deaths, and other violent deaths (i.e. unintentional homicides and killings due to legal interventions). This approach to measuring violent deaths is broadly consistent with the SDG framework for monitoring trends of lethal violence.⁸
- **Calculation:** *Global Violent Deaths 2017* analyzes data on violent deaths from 223 countries and territories. Estimates were calculated from national and cross-national specialized data sets housed in Small Arms Survey's Database on Violent Deaths. The cut-off date for the data presented in *Global Violent Deaths 2017* and used for the justice gap estimate was July 1, 2017. A similar methodology to the one employed for this study constituted the basis for the violent deaths estimates presented in the *Global Burden of Armed Violence* reports as well as the Survey's most recent Research Notes on violent deaths.⁹ For more information, please refer to the "Data Sources and Methodology" section of the *Global Violent Deaths 2017* report.

How many victims of violence have not reported their victimization to a competent authority?

- **Sources:** "Statistics and Data." United Nations Office on Drugs and Crime. Accessed January 18, 2019 <https://dataunodc.un.org/crime>.

"Atlas of Crime Victimization Surveys." UNODC-INEGI Center of Excellence for Statistical Information on Government, Crime, Victimization and Justice. Accessed January 18, 2019. <http://www.cdeunodc.inegi.org.mx/index.php/mapa/>.
- **Definition:** Number of victims of assault in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms. While some countries collect and report data on other forms of violent crime in addition to assault, the definitions and availability of data on other types of violent crime was not consistent across countries.

⁸ *Global Burden of Armed Violence 2015: Every Body Counts* (Cambridge: Cambridge University Press, 2015), <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2015.html>.

⁹ Anna Alvazzi del Frate and Luigi De Martino, "Every Body Counts: Measuring Violent Deaths, Research Notes," Geneva Declaration Secretariat, 2015, http://www.smallarmssurvey.org/fileadmin/docs/H-Research_Notes/SAS-Research-Note-49.pdf.

- **Calculation:** Depending on the availability of data for a given country, one of four calculations was used to produce country level estimates on the number of victims of assault who have not reported their victimization:
 1. *Countries with UNODC Atlas victimization survey data on the incidence of assault and reporting rates (45 countries):* The WJP multiplied the incidence of assault by the percentage of respondents who did not report their victimization to a competent authority. This was then multiplied by the population of each country.
 2. *Countries with victimization survey data on the incidence of assault but no data on whether the crime was reported (45 countries):* The proportion of people who did not report their victimization was imputed based on the average rates of regional and income peer countries with survey data. This was then multiplied by the victimization rate and the population of each country.
 3. *Countries with administrative data only (49 countries):* The WJP adjusted the available administrative data to reflect victimization and reporting rates according to surveys on the UNODC's Atlas of Victimization surveys as follows:
 - a. Divided the assault rate by 100,000 to calculate the number of cases per person. This figure was then divided by the average imputed reporting rate according to survey data from regional and income peer countries. This adjusts for the fact that administrative figures are, by nature, already reported figures. This results in a figure for the full incidence of assault according to administrative data.
 - b. Calculated an adjustment factor to adjust for the low incidence of crimes in administrative data as compared to survey data. This was done by:
 - i. Comparing the incidence of assault for countries that have both administrative and survey data (i.e. the countries group 1) to determine the factor by which administrative data would need to be multiplied to reach the survey-based incidence of assault. To address outliers (i.e. cases where administrative data severely underestimates victimization rates) adjustment factors were capped at 100. The average adjustment factor across countries was 42.18 for assault.
 - ii. Calculating average adjustment factors for regional and income groupings.
 - iii. Multiplying the full incidence of assault (derived from Step 3a) by the adjustment factor to get an adjusted incidence of assault.
 - c. Multiplied the adjusted incidence of assault (derived from Step 3b) by the imputed proportion of people who did not report their crime to a competent authority. This was then multiplied by the population of each country.
 4. *Countries with no available survey or administrative data (75 countries):* The WJP imputed assault victimization and non-reporting rates based on the average of regional and income peer countries in group 1. This was then multiplied by the population of each country.

This methodology is designed to calculate one component of the justice gap figure – the estimated number of people with unmet justice needs pertaining to violent crime globally. This paper describes this methodology in detail so that the WJP’s results can be replicated and validated, but it is not intended to be used to produce country-level figures on crime victimization and reporting for states that have not conducted and published a crime victimization survey.

The estimates presented in this paper were calculated based on UNODC administrative and survey data available as of January 2019. As additional data become available for more countries through UNODC-INEGI’s Atlas of Victimization Surveys and UNODC’s crime database, replicating this methodology in the future will require fewer imputations and may yield a different global estimate.

How many victims of non-violent crime have not reported their victimization to a competent authority?

- **Sources:** “Statistics and Data.” United Nations Office on Drugs and Crime. Accessed January 18, 2019 <https://dataunodc.un.org/crime>.

“Atlas of Crime Victimization Surveys.” UNODC-INEGI Center of Excellence for Statistical Information on Government, Crime, Victimization and Justice. Accessed January 18, 2019. <http://www.cdeunodc.inegi.org.mx/index.php/mapa/>.
- **Definition:** Number of victims of burglary or theft in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms. While some countries collect and report data on other forms of non-violent crime in addition to theft and burglary, the definitions and availability of data on other types of violent crime was not consistent across countries.
- **Calculation:** Depending on the availability of data for a given country, one of four calculations was used to produce country level estimates on the number of victims of burglary and theft who have not reported their victimization:
 1. *Countries with UNODC Atlas victimization survey data on the incidence of burglary and theft and reporting rates* (60 countries for burglary; 55 countries for theft): The WJP multiplied the incidence of burglary and theft by the percentage of respondents who did not report their victimization to a competent authority. This was then multiplied by the population of each country.
 2. *Countries with victimization survey data on the incidence of burglary and theft but no data on whether the crime was reported* (84 countries for burglary; 5 countries for theft): The proportion of people who did not report their victimization was imputed based on the average rates of regional and income peer countries with survey data. This was then multiplied by the victimization rate and the population of each country.
 3. *Countries with administrative data only* (0 countries for burglary; 61 countries for theft): The WJP adjusted the available administrative data to reflect victimization and reporting rates according to surveys on the UNODC’s Atlas of Victimization surveys as follows:
 - a. Divided the burglary and theft rates by 100,000 to calculate the number of cases per person. This figure was then divided by the average imputed reporting rate according to

survey data from regional and income peer countries. This adjusts for the fact that administrative figures are, by nature, already reported figures. This results in a figure for the full incidence of burglary and assault according to administrative data.

- b. Calculated an adjustment factor to adjust for the low incidence of crimes in administrative data as compared to survey data. This was done by:
 - i. Comparing the incidence of burglary and theft for countries that have both administrative and survey data (i.e. the countries group 1) to determine the factor by which administrative data would need to be multiplied to reach the survey-based incidence of each crime. To address outliers (i.e. cases where administrative data severely underestimates victimization rates) adjustment factors were capped at 100. The average adjustment factor across countries was 41.35 for burglary and 36.13 for theft.
 - ii. Calculating average adjustment factors for regional and income groupings.
 - iii. Multiplying the full incidence of burglary and theft (derived from Step 3a) by the adjustment factor to get an adjusted incidence of each crime.
 - c. Multiplied the adjusted incidence of burglary and theft (derived from Step 3b) by the imputed proportion of people who did not report their crime to a competent authority. This was then multiplied by the population of each country.
4. *Countries with no available survey or administrative data* (68 countries for burglary; 101 countries for theft): The WJP imputed burglary and theft victimization and non-reporting rates based on the average of regional and income peer countries in group 1. This was then multiplied by the population of each country.

The WJP only was only able to calculate justice gap estimates for two forms of non-violent crime and the figures presented here may therefore underestimate the true extent of crime victimization. For this reason, the WJP did not adjust the non-violent crime figures presented in Table 1 and Table 5 to account for double accounting of individuals who were victims of both burglary and theft.

This methodology is designed to calculate one component of the justice gap figure – the estimated number of people with unmet justice needs pertaining to non-violent crime globally. This paper describes this methodology in detail so that the WJP's results can be replicated and validated, but it is not intended to be used to produce country-level figures on crime victimization and reporting for states that have not conducted and published a crime victimization survey.

The estimates presented in this paper were calculated based on UNODC administrative and survey data available as of January 2019. As additional data become available for more countries through UNODC-INEGI's Atlas of Victimization Surveys and UNODC's crime database, replicating this methodology in the future will require fewer imputations and may yield a different global estimate.

How many people have unmet civil or administrative justice needs?

- **Sources:** World Justice Project. *Global Insights on Access to Justice 2018*. <https://worldjusticeproject.org/our-work/wjp-rule-law-index/special-reports/global-insights-access-justice>. (Note: Data that are currently available for 45 countries were gathered in 2017. Data gathered in 2018 are slated for publication in Spring 2019.)

Hague Institute for Innovation of Law (Hiil). *Justice Needs & Satisfaction Surveys*. <https://www.hiil.org/what-we-do/the-citizens-need-survey/>.

- **Definition:** The WJP used the OSJI and OECD definition of unmet legal need outlined in *Legal Needs and Access to Justice* as the basis for designing a measure for estimating the number of people with unmet civil or administrative justice needs:

“In broad terms, legal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with. A legal need is unmet if a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability. If a legal need is unmet, there is no access to justice.”¹⁰

OSJI and the OECD define justiciable issues as “problems raising legal issues, whether or not these are recognised as such by individuals facing them, and whether or not action taken to deal with them involves lawyers or legal process.”

- **Calculation:** Number of people whose legal need was not met for at least one justiciable civil or administrative problem experienced in the last two years.

Given the multiple dimensions of unmet legal need and access to justice described above – such as legal capability, legal support, and resolution – the WJP developed a multidimensional, survey-based measure for calculating met and unmet legal need. To calculate a global estimate, the WJP:

1. Identified respondents who experienced at least one legal problem in the last 2 years with a severity of 4 or more on a scale of 0 to 10. Problems with a severity of 0 to 3 or where respondents responding “Don’t know/ no answer” when asked about their legal problem are considered non-justiciable, or not severe enough to be considered a “legal need.”
2. Of respondents with at least one justiciable legal problem, coded individual-level responses to the questions outlined in Table 6 below from the access to justice module of the 2017 and 2018 General Population Polls (GPPs). Responses were coded on a scale of 0 to 1, where 0 indicates no access to justice and 1 indicates access to justice.
3. Averaged scores for the four dimensions in Table 6 to produce a total score for each respondent on a scale of 0 to 1. Following the approach of the *Multidimensional Poverty Index*¹¹ (MPI),

¹⁰ Pleasence, Pascoe and Nigel Balmer. “Legal Needs Surveys and Access to Justice,” Open Society Justice Initiative and the Organisation for Economic Cooperation and Development, 2019.

¹¹ “The 2018 Global Multidimensional Poverty Index (MPI).” *Human Development Reports*. <http://hdr.undp.org/en/2018-MPI>.

respondents who experience deprivations in at least one third of the four indicators in Table 6 are considered to have unmet legal need.

Table 6. Legal Needs Survey Questions for Measuring Access to Civil Justice

Legal Needs Survey Question	Coding <i>(1=access to justice, 0=no access to justice)</i>
Access to Justice Score <i>[Average of Legal Empowerment & Capability, Legal Assistance, Resolution Process, Outcome]</i>	
1. Legal Empowerment & Capability	
I knew where to get good information and advice about resolving the problem.	<ul style="list-style-type: none"> - Strongly agree/Agree: 1 - Strongly disagree/ Disagree: 0
2. Legal Assistance	
<p>Did you, or someone acting on your behalf, obtain information, advice or representation from any person or organization to help you better understand or resolve the problem? [IF YES] Which advisers did you contact?</p> <p>[IF NO] What was the main reason why you did not consider getting information, advice, or representation from anyone?</p>	<p>[IF YES]</p> <ul style="list-style-type: none"> - A relative, friend, or acquaintance: 0 - A lawyer, professional advisor or advice service: 1 - A government legal aid office: 1 - A court, government body, or the police: 1 - A health or welfare professional: 1 - A trade union or employer: 1 - A religious or community leader or organization: 0 - A civil society organization or charity: 1 - Other organization: 0 <p>[IF NO]</p> <ul style="list-style-type: none"> - I thought the issues was not important or not difficult to resolve: 1 - Thought the other side was right: 0 - I did not think I needed advice: 1 - I was concerned about the financial cost: 0 - I had received help with a problem before and did not find it useful: 0 - I did not know who to call or where to get advice: 0 - I did not know I could get advice for this problem: 0 - Was scared to get advice: 0 - Advisers were too far away or it would take too much time: 0 - Other: 0
3. Resolution Process <i>[Average of 3.1, 2.3, and 3.3]</i>	
3.1. Timeliness	
How many months did it take to resolve the problem, from the moment you turned to a court, government office, or third party?	<ul style="list-style-type: none"> - <1 year: 1 - >1 year: 0 - Unresolved: • (missing value)
3.2. Cost	
Did you, personally, incur costs (other than your time) in order to solve the problem? [IF YES] How difficult was it to find the money to meet these costs?	<ul style="list-style-type: none"> - Very easy/Somewhat easy: 1 - Nearly impossible/difficult: 0
3.3. Fairness	
Regardless of the outcome, do you think that the process followed to solve the problem was: Fair?	<ul style="list-style-type: none"> - Yes: 1 - No: 0
4. Outcome	
Is the problem ongoing or done with? By 'done with' I mean that the problem is either completely resolved or that it persists, but that you and everybody else have given up all actions to resolve it further.	<ul style="list-style-type: none"> - Ongoing: • (missing value) - Too early to say: • (missing value) - Done with, problem persists: 0 - Done with, problem fully resolved: 1

Note: Responses are coded only for respondents who experienced at least one legal problem with a severity of 4 or more on a scale of 0-10.

4. Calculated the proportion of people with unmet justice need by country. This figure was multiplied by each country's population.
5. For countries without legal needs survey data, the proportion of unmet legal need was imputed based on the averages of regional and income peer countries, and multiplied by each country's population.

Estimates presented in Table 1 and Table 5 were calculated using WJP data for 103 countries. These figures will be updated to include data from the 12 countries where HiiL has conducted *Justice Needs & Satisfaction* surveys, and may change slightly as a result.

Please see Appendix I for more information on the theoretical framework and process followed to develop this measure for unmet civil justice need.

How many people lack legal identity?

- **Source:** "Data Note – ID4D Global Dataset and ID4D-Findex Survey." World Bank. Accessed January 23, 2019. <https://id4d.worldbank.org/sites/id4d.worldbank.org/files/2018-08/ID4D%20Data%20Notes%20revised%20082918.pdf>.
- **Definition:** The number of people in a given country who lack proof of legal identity. Because "proof of legal identity" is not defined in a standard way between countries, the World Bank's Identification for Development (ID4D) datasets consider birth registration, voter registration, and national or foundational identification documentation as different sources of proof of legal identity.
- **Calculation:** The ID4D Global Dataset uses a combination of self-reported data from ID-issuing authorities as well as other publicly available data – such as UNICEF birth registration and voter registration rates – to produce a global estimate of the ID gap. For 2018, this estimate stands at 1 billion based on data from 151 economies. The ID4D Dataset uses different metrics to estimate the unregistered population (UP) for those under and over a cut-off age, which varies by country, depending on the type of data available. Birth registration is used to estimate the unregistered population below the cut-off age (UPA ~ children); direct administrative data or voter data are used to estimate unregistered population above (and including) the cut-off age (UPB ~ adults). These estimates are then added together to produce the total UP estimate. For more information, please refer to the ID4D Data Note.

How many people are employed in the informal economy?

- **Source:** *Women and Men in the Informal Economy: A Statistical Picture*, Third Edition. (Geneva: International Labour Office, 2018). https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf
- **Definition:** The informal economy is composed of two distinct concepts in international standards: employment in the informal sector and informal employment. Employment in the informal sector is an enterprise-based concept and it is defined in terms of the characteristics of the place of work of the worker. The ILO uses four primary criteria to define employment in the informal sector based on 1) the

institutional sector of employment; 2) the final destination of production; 3) registration of the economic unit under national legislation; and 4) bookkeeping.

By contrast, informal employment is a job-based concept and it is defined in terms of the employment relationship and protections associated with the job of the worker. The ILO uses four primary criteria to define informal employment, which are based on 1) the employment status of an individual; 2) contributions to social security; 3) entitlement to and benefit from annual leave; and 4) entitlement to and benefit (when need) from paid sick leave.

- **Calculation:** The ILO's *Women and Men in the Informal Economy 2018* estimates that 61.2% of the world's employed population of 3.45 billion work informally. Thus, an estimated 2,113,236,000 people are in the informal economy. For more information, please refer to the methodological appendices of the *Women and Men in the Informal Economy: A Statistical Picture* report.

How many people lack proof of housing or land tenure?

- **Source:** "The World Justice Project General Population Poll 2018." World Justice Project (forthcoming).
- **Definition:** The number of people with secure tenure rights to housing or land, with legally recognized documentation.
- **Calculation:** The proportion of people responding "No" to the question "Does your household have any of the following documents for your current dwelling: a title, deed, certificate of ownership, rental contract, or lease?," multiplied by the population of each country. Estimates are based on data gathered by the WJP from representative samples of 1,000 citizens in 73 countries in the fall of 2018, and extrapolated to other countries based on regional and income groupings.

These data provide a global estimate and proxy measure for housing and land tenure, but do not take into account the perceived security of land tenure nor what documentation is counted as legally recognized in each country as per SDG guidelines for 1.4.2,¹² which falls beyond the scope of the justice gap assessment.

How many people are stateless?

- **Source:** "UNHCR Population Statistics, The World in Numbers." UNHCR, The UN Refugee Agency. Accessed November 1, 2018. <http://popstats.unhcr.org/en/overview>.
- **Definition:** Persons who are not considered as nationals by any State under the operation of its law. In other words, they do not possess the nationality of any State. UNHCR statistics refer to persons who fall under the agency's statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality.
- **Calculation:** Sum of the recorded number of stateless people in each affected country.

¹² "SDG Indicators Metadata Repository" United Nations Statistics Division. <https://unstats.un.org/sdgs/metadata/files/Metadata-01-04-02.pdf>.

How many people are living in modern slavery?

- **Source:** International Labour Office (ILO) & Walk Free Foundation 2017, *Methodology of the global estimates of modern slavery: Forced labour and forced marriage*, ILO. Available from: http://www.ilo.org/global/topics/forced-labour/publications/WCMS_586127/lang--en/index.htm.
- **Definition:** Modern slavery encompasses both forced labor, which is any form of labor which is done under coercion and for which the individual has not offered himself or herself to do voluntarily.
- **Calculation:** The number of people worldwide who experience exploitation and are unable to leave due to threats, violence, coercion, deception, and/or abuse of power. The figures of the incidence of forced labor and forced marriage among adults (aged 18 and over) were calculated using data from 54 national household surveys in 48 countries between 2014 and 2016. These data were also used to approximate estimates of forced labor and marriage among children between the ages of five and 17. The figures for state-imposed forced labor were obtained through expert review of secondary sources based upon the definition of forced labor in the Forced Labor Convention of 1930 and the Forced Labor Convention of 1957.

How many people live in countries with high levels of insecurity and no rule of law?

- **Source:** *States of Fragility 2018*. Organisation for Economic Co-operation and Development. Paris: OECD Publishing, 2018. <https://doi.org/10.1787/9789264302075-en>.
- **Definition:** Countries classified as “severely fragile” on the security dimension in the OECD's *States of Fragility 2018* report. This dimension of fragility measures the vulnerability of citizen security as a result of social and political violence. States that are severely fragile on the security dimension face a high number risks of social and political violence and have insufficient coping capacity to manage, absorb, or mitigate the risks.

The OECD's *States of Fragility* identifies 13 indicators of security risk and the state's capacity to cope with these risks. Security risk indicators include statistical risk of violence in the next one to four years; homicide rates; level of violent criminal activity; deaths by non-state actors per capita; impact of terrorism; and battle-related deaths per capita. The state's capacity to cope with risk is assessed using indicators pertaining to the number of police officer per 100,000; armed security officers per 100,000; rule of law performance; control over territory; government effectiveness; restricted gender physical integrity value; and formal alliances.

For more information on the dimensions of fragility, corresponding indicators, and country classifications, please refer to the methodological annex of the *States of Fragility 2018* report.

- **Calculation:** The entire population of the following countries classified as severely fragile on the security dimension of fragility: Afghanistan, Iraq, Libya, Somalia, South Sudan, Sudan, Syria, and Yemen.

D. Measures for the Distribution of Injustice

The descriptions that follow provide information on the data sources, definitions, and calculations used to produce estimates for gender-based violence and unregistered births. Additional estimates on the distribution of injustice are forthcoming.

How many women are subject to gender-based violence?

- **Source:** UN Statistics Division. “Violence Against Women.” *The World's Women 2015: Trends and Statistics*, (2015), accessed January 24, 2019, <https://unstats.un.org/unsd/gender/chapter6/chapter6.html>.

Methodologies for gathering the underlying data presented in *The World's Women 2015* is available for download at:

UN Women. *Global Database on Violence against Women* (2019), accessed January 24, 2019, <http://evaw-global-database.unwomen.org/en>

- **Definition:** The number of women who experienced physical and sexual violence, committed by any perpetrator, in the past twelve months.
- **Calculation:** This estimate draws on the data from UN Women’s *Global Database on Violence against Women* database, which draws on administrative and survey data to provide percentages of the number of women that that have experienced physical or sexual violence in the past twelve months or ever, committed by any perpetrator or by an intimate partner.

The WJP gathered data on the proportion of women who have experienced physical or sexual violence in the past twelve months. Because violence committed by “all perpetrators” includes “intimate partners,” the WJP included in its analysis data for “all perpetrators” when available and in these cases removed data for “intimate partners.” When data for “all perpetrators” was not available for a given country, WJP included data for “intimate partners” in its place.

The *Global Database on Violence against Women* has data for only 114 out of the 224 countries included in this study. The WJP extrapolated rates of physical or sexual violence from these 114 countries to those which lack data, using the extrapolation methodology described in section III-A.

While this methodology does not account for double counting between the population of women who have experienced physical violence and those who have experienced sexual violence, rates of violence are underestimated for countries where data is only available on violence committed by intimate partners as opposed to all perpetrators. For figures on physical violence, this is the case in 27 countries. For figures on sexual violence, this is the case in 43 countries.

Please refer to chapter 6 of *The World's Women 2015: Trends and Statistics* for a complete list of country-level data sources. The methodologies for collecting these data are described in more detail on UN Women’s *Global Database on Violence against Women*.

How many births are unregistered?

- **Source:** UNICEF. *Birth Registration*, accessed January 10, 2019. <https://data.unicef.org/topic/child-protection/birth-registration/>.
- **Definition:** The number of children under the age five whose births are unregistered. Registered births include children reported to have a birth certificate, regardless of whether or not it was seen by the interviewer collecting these data, and those without a birth certificate whose mother or caregiver says the birth has been registered.

The two main household survey programmes that collect data on birth registration are the Demographic and Health Surveys (DHS) and the Multiple Indicator Cluster Surveys (MICS). To assess the levels of birth registration, the MICS questionnaire asks all mothers (or primary caregivers) of children under age 5 to respond to questions regarding the possession of a birth certificate or registration with civil authorities and knowledge of how to register a child. The standard household questionnaire used in DHS includes a question on whether all children under age 5 are registered.

- **Calculation:** Number of children without a birth certificate or whose birth was not reported as registered with civil authorities at the time of the survey, multiplied by the population aged 0 to 4 in each country.

All other available figures on the distribution of in justice come from the ILO and Walk Free Foundation's *Methodology of the global estimates of modern slavery: Forced labour and forced marriage*. Please refer to the report's methodology section for additional information on the data sources, definitions, and calculations for those estimates.

Appendix I. Measuring Access to Civil Justice

While there is growing recognition that access to justice is foundational to economic and social development – due in large part to the inclusion of Goal 16 in the SDGs – much of the conversation around policy planning, budgeting, and performance indicators has focused on criminal justice, as demonstrated by the current official indicators endorsed by the IAEG for Target 16.3. However, there is a growing body of literature showing that a majority of people’s legal problems are civil, rather than criminal, problems.^{13,14} What’s more, in 2016, UN member states agreed that an indicator focused on access to civil justice should be considered to more meaningfully measure Target 16.3.¹⁵

Many governments have attempted to understand and address civil legal issues by relying on administrative data within the court system, such as the amount of time required to resolve particular legal disputes.¹⁶ Such an approach adopts a narrow definition of access to justice, and fails to capture the experience of individuals who seek justice from state administrative processes, civil society organizations, and informal mechanisms, or who choose not to take their legal problems to a third party for mediation or adjudication.

Legal needs surveys, on the other hand, provide policymakers and advocates with a people-centered approach to understanding the frequency and range of legal problems, as well as the diverse ways in which ordinary people navigate their legal problems. For this reason, the WJP has constructed and tested the validity and reliability of survey-based measures of access to civil justice in close coordination with JGWG members – in particular NYU CIC, the OECD, and HiIL – as a component of the justice gap assessment.

A. Indicator Development Process

1. Inventory of Justice Dimensions: In order ensure that the consensus of the justice community is captured in any proposed civil justice indicators, the WJP took inventory of the key dimensions of access to justice according to literature on the topic and other justice frameworks. These included: 1) the comprehensive inventory of access to justice dimensions, appropriate data sources, and related legal needs survey questions detailed in *Legal Needs Surveys & Access to Justice: A Guidance Document*;¹⁷ 2) the Colombian Departamento Nacional de Planeación’s (DNP) *Índice de Acceso Efectivo a la Justicia*¹⁸, which includes a large legal needs survey component; 3) the conceptual Justice Framework produced

¹³ Pascoe Pleasence, Balmer, Nigel J. and Sandefur, Rebecca L. “Paths to Justice: A past, resent, and future roadmap.” London: UCL Centre for Empirical Legal Studies, 2013.

<http://www.nuffieldfoundation.org/sites/default/files/files/PTJ%20Roadmap%20NUFFIELD%20Published.pdf>.

¹⁴ Open Society Justice Initiative and World Bank Group. “Public access to effective and just dispute resolution: An additional indicator to measure Sustainable Development Goal 16.3.” 2016. <http://deliver2030.org/wp-content/uploads/2016/03/Technical-Brief-Public-access-to-effective-and-just-dispute-resolution.pdf>.

¹⁵ United Nations Economic and Social Council. “Report of the Inter-agency and Expert Group on Sustainable Development Goal Indicators.” 2016. <https://unstats.un.org/unsd/statcom/48th-session/documents/2017-2-IAEG-SDGs-E.pdf>.

¹⁶ Pleasence, Pascoe and Nigel Balmer. “Legal Needs Surveys and Access to Justice,” Open Society Justice Initiative and the Organisation for Economic Cooperation and Development, 2019.

¹⁷ Lead authors of “Legal Needs Surveys and Access to Justice” are Professor Pascoe Pleasence and Nigel Balmer of the University College of London (UCL) along with the Open Society Justice Initiative (OSJI) and the Organisation for Economic Co-operation and Development (OECD). Expert input and consultations for this guidance have been provided by Departamento Nacional de Planeación, Colombia; the Hague Institute for Innovation of Law (HiIL); Instituto Nacional de Estadística y Geografía, México; Instituto Nacional de Estadística, Cabo Verde; Law and Justice Foundation of New South Wales, Australia; Ministerio de Justicia y Derechos Humanos, Argentina; Statistics South Africa; United Nations Development Programme (UNDP); United States Department of Justice; World Bank; and the World Justice Project (WJP).

¹⁸ “Índice de Acceso Efectivo a la Justicia,” Departamento Nacional de Planeación, accessed January 23rd, 2019, <http://sej.minjusticia.gov.co/AccesoJusticia/Paginas/indice-de-Acceso-Efectivo-a-la-Justicia.aspx>.

for the Pathfinders Task Force on Justice; and 4) the WJP's own sub-factors for measuring civil justice as part of its global and Mexican states *Rule of Law Indices*®.

2. Data Mapping: The WJP identified existing cross-country survey data that can be used to measure the justice dimensions identified in Step 1.
3. Indicator Criteria: In order to further refine the dimensions and data points for further analysis, the WJP identified a set of core criteria for any proposed indicators resulting from this exercise. These include:
 - a. **Conceptual coherence** with other accepted access to justice frameworks;
 - b. **Feasibility of measuring** concepts with existing cross-country survey data;
 - c. Ability to create a “**counterfactual**” that can facilitate analyses of the impact of access to justice, and therefore the business case for investment;
 - d. Existence of a clear **policy response** that would allow governments to improve their performance; and
 - e. Ease of **replication and communication** to ensure that the indicator can be readily understood by non-data producers and replicated by governments in the context of SDG reporting.
4. Refined Framework. Steps 1 through 3 above resulted in a simplified framework to guide the development of a menu of viable indicators for measuring access to civil justice. That framework is summarized in Box 2, and described in greater detail in the section that follows.

Box 2. Key Indicator Dimensions for Access to Civil Justice

 1. **Legal Empowerment & Capability**
 2. **Legal Assistance** – Availability & Quality
 3. **Resolution Process** – Timeliness, Cost & Fairness
 4. **Outcome**
5. Indicator Construction: The WJP considered three main approaches to building survey-based indicators using survey data identified in Step 2 and the justice dimensions summarized in Step 4. Those included simple, composite index approaches (e.g. the *Human Development Index*), multidimensional index approaches (e.g., the *Multidimensional Poverty Index*), and logic tree approaches described in *Legal Needs Surveys & Access to Justice: A Guidance Document*.

It is worth noting that there are a few key dimensions of access to justice that were identified in Step 1, and that are not included in the simplified framework in Box 2. Those include:

- Substance of the law: This dimension cannot be measured using legal needs survey data.
- Incidence of specific legal problems: While important for context, the intended policy implication of a 16.3.3. global indicator should not necessarily be to eliminate legal problems altogether.
- Favorable environment: It is not clear how to create a counterfactual or targeted policy implication based on this dimension.
- Inclusivity: Rather than being a core, standalone indicator, this might better serve as a dimension against which a 16.3.3. indicator could be analyzed (e.g. access to justice for the poor, for women, those with disabilities, etc.).

B. Proposed Approach & Survey Questions

Producing a single indicator for civil justice is uniquely challenging given that access to justice is a multidimensional issue that cannot simply be boiled down to whether a legal problem is resolved or unresolved. Consider the two hypothetical scenarios described in Box 3.

Box 3. Hypothetical Civil Justice Scenarios

Paul's Small Business Dispute. Paul earns a living selling fruit from a small stand next to a busy intersection. He and his brother run this operation together, and get into a serious argument when Paul suspects that his brother is stealing money from the fruit stand. Paul received very little schooling, and because his business is not formally registered with any government authority, he does not feel that he can pursue any form of arbitration or adjudication to resolve this disagreement. They stop running their business together over this disagreement and, because Paul is struggling financially, he is worried that he cannot pay for any form of help. This problem drags on and begins to affect Paul's relationship with the rest of his family. After several months of stress and financial hardship, Paul's brother finally gives in and decides to pay him the money he was accused of stealing, which Paul eventually uses to set up a new fruit stand.

Sally's Child Custody Battle. Sally and her husband recently separated on relatively good terms but are involved in an ongoing disagreement over who should have primary custody over their children. Sally has an advanced degree and has done a considerable amount of research to understand her parental rights, options, and available resources. She earns a good salary at a white-collar job and has decided to hire a mediator with legal training to help her and her ex-husband navigate this problem. Despite their amicable relationship and the resources available to Sally, both parties are upset by the prospect of not living with their children full-time and have not been able to come to an agreement for over a year.

Considering these two scenarios, would it be fair to say that Paul's legal need was met or that he truly accessed justice simply because his problem was ultimately resolved and the outcome was in his favor, despite his low level of legal capability and negative justice journey? Is it accurate to say that Sally did not access justice simply because her custody dispute remains unresolved, despite her having a high degree of legal capability and a relatively smooth justice journey? Furthermore, which person is more likely to struggle to resolve future legal problems? Which should receive the primary focus of policy interventions to improve access to justice?

Addressing this type of dilemma has led the WJP to conclude that using a multidimensional indicator would be best suited to accurately measuring access to civil justice. Such an indicator would require establishing a threshold for how many deprivations a person must face across different dimensions of access to justice to be considered as having unmet legal need. For example, one could establish that a person must be deprived of access to justice in one third of the key justice dimensions in Box 2 in order to be considered to have unmet legal need. Indeed, this is the threshold used to calculate the estimates for people with unmet civil and administrative justice needs in Table 1, following the approach of the *Multidimensional Poverty Index*¹⁹ (MPI). However, this threshold could be lowered to 25%, increased to 50%, and so on.

Table 6 below provides an overview of the key indicator dimensions and corresponding survey questions that form the basis of the WJP's measure for unmet legal need. Table 6 also illustrates how the hypothetical scenarios in Box 3 would be coded for Paul and Sally. Depending on where the threshold for justice deprivations is set, following this proposed measurement approach, the WJP estimates that the number of people with unmet civil and administrative justice needs could range from 600 million to 2.3 billion people globally.

¹⁹ "The 2018 Global Multidimensional Poverty Index (MPI)." *Human Development Reports*. <http://hdr.undp.org/en/2018-MPI>.

Table 6. Legal Needs Survey Questions for Measuring Access to Civil Justice

Legal Needs Survey Question	Coding (1=access to justice, 0=no access to justice)	Paul	Sally
Access to Justice Score [Average of Legal Empowerment & Capability, Legal Assistance, Resolution Process, Outcome]		.33	1
1. Legal Empowerment & Capability			
I knew where to get good information and advice about resolving the problem.	- Strongly agree/Agree: 1 - Strongly disagree/ Disagree: 0	0	1
2. Legal Assistance			
Did you, or someone acting on your behalf, obtain information, advice or representation from any person or organization to help you better understand or resolve the problem? [IF YES] Which advisers did you contact? [IF NO] What was the main reason why you did not consider getting information, advice, or representation from anyone?	[IF YES] - A relative, friend, or acquaintance: 0 - A lawyer, professional advisor or advice service: 1 - A government legal aid office: 1 - A court, government body, or the police: 1 - A health or welfare professional: 1 - A trade union or employer: 1 - A religious or community leader or organization: 0 - A civil society organization or charity: 1 - Other organization: 0 [IF NO] - I thought the issues was not important or not difficult to resolve: 1 - Thought the other side was right: 0 - I did not think I needed advice: 1 - I was concerned about the financial cost: 0 - I had received help with a problem before and did not find it useful: 0 - I did not know who to call or where to get advice: 0 - I did not know I could get advice for this problem: 0 - Was scared to get advice: 0 - Advisers were too far away or it would take too much time: 0 - Other: 0	0	1
3. Resolution Process [Average of 3.1, 2.3, and 3.3]			
3.1. Timeliness			
How many months did it take to resolve the problem, from the moment you turned to a court, government office, or third party?	- <1 year: 1 - >1 year: 0 - Unresolved: • (missing value)	1	•
3.2. Cost			
Did you, personally, incur costs (other than your time) in order to solve the problem? [IF YES] How difficult was it to find the money to meet these costs?	- Very easy/Somewhat easy: 1 - Nearly impossible/difficult: 0	0	1
3.3. Fairness			
Regardless of the outcome, do you think that the process followed to solve the problem was: Fair?	- Yes: 1 - No: 0	0	1
4. Outcome			
Is the problem ongoing or done with? By 'done with' I mean that the problem is either completely resolved or that it persists, but that you and everybody else have given up all actions to resolve it further.	- Ongoing: • (missing value) - Too early to say: • (missing value) - Done with, problem persists: 0 - Done with, problem fully resolved: 1	1	•

Note: Responses are coded only for respondents who experienced at least one legal problem with a severity of 4 or more on a scale of 0-10.