

JUSTICE 2015

MEASURING JUSTICE IN THE POST-2015 DEVELOPMENT FRAMEWORK

In February 2014, leading global thinkers and practitioners on justice and legal empowerment issued an **Appeal to the Member States of the United Nations that Justice Should be Included in the Post-2015 Development Goals**. This fact sheet demonstrates how justice themes can be concretely measured in a new development framework. Since the Millennium Declaration, countries around the world have made progress towards justice but impacts remain piecemeal: the post-2015 development framework represents an unprecedented opportunity to consolidate gains and make development more just and inclusive. The post-2015 framework should include access to justice and legal empowerment targets in a governance goal to address issues critical to human development: access to information, legal identity, rights to land and property, legal participation, and legal services. Access to justice and legal empowerment targets and indicators should be included in other goals too, including those aimed at ending poverty and using natural resources sustainably. These targets will help to secure broad development gains by addressing structural barriers to fuller participation in society.

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



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ACCESS TO JUSTICE TARGETS

Each of these targets build on the recommendations of the *Secretary General's High-Level Panel on the Post-2015 Development Agenda* and can be clearly incorporated into the development framework through relevant indicators.

1. GUARANTEE THE PUBLIC'S RIGHT TO INFORMATION AND ACCESS TO GOVERNMENT DATA¹

People should know about the laws and regulations that govern their lives, particularly those concerning essential services. States should commit to disseminating simple and clear statements of law and policy. They should also grant people an enforceable right to information to ensure that laws and regulations are implemented effectively.

2. ENSURE NO ONE SUFFERS FROM A LACK OF SECURE LEGAL IDENTITY²

Without state-issued identity documents, individuals may not be able to open a bank account, obtain a mobile phone, or secure the goods and services necessary to work and save for their families and their future. Government should ensure that access to legal identity is universal, and that no-one suffers from lack of it.

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

3B. INCREASE THE SHARE OF WOMEN AND MEN WITH SECURE RIGHTS TO LAND AND PROPERTY³

Approximately three billion people around the world live without secure rights to what are often their greatest assets: their lands, forests, and pastures. Increasing demand for land is leading to exploitation and conflict. Giving communities the power to manage their land and natural resources would reduce poverty and promote sustainable development. Securing property rights to all individuals, including women, is necessary to improve financial stability and personal safety.

4. ENSURE THE PARTICIPATION OF CITIZENS IN MONITORING ESSENTIAL SERVICES, INCLUDING HEALTHCARE, WATER, AND EDUCATION⁴

All persons are entitled to shape the laws and policies that affect their lives. Just as communities should govern their land and natural resources, people should have a voice in how services like health care and education are delivered. Participation should not be limited to elections every few years. Citizens must have a role in shaping the fundamental, everyday work of their governments, which in turn have a duty to operate transparently and respond to the needs of their citizens.

5. ENSURE ALL PEOPLE HAVE ACCESS TO JUSTICE INSTITUTIONS AND LEGAL AID SERVICES THAT ARE AFFORDABLE, FAIR, AND TIMELY⁵

Everyone should have access to fair, effective forums for resolving conflicts, for seeking protection from violence, and for addressing grievances with the state. Equitable administration of justice requires quality services from a broad range of institutions, including the police, the courts, administrative tribunals, ombudsmen, and customary authorities. For people to have a fair shot when they approach those institutions, they need access to affordable legal services. Creative legal aid efforts, such as those that combine a small corps of public interest lawyers with a larger frontline of community paralegals, can seek effective solutions and engage the full range of justice institutions.

1 High-Level Panel of Eminent Persons on the Post 2015 Development Agenda, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development*, May 30, 2013, ("HLP Report") available at <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>. Target 10d.

2 Amended from HLP Report, Target 10a.

3 Amended from HLP Report, Target 10b.

4 Amended from HLP Report, Target 10c.

5 Amended from HLP Report, Target 11b.

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

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

Civil society and international organizations are also helping to gather important sources of data. Afro- and Latino-barometer gather experiential data through population-based surveys throughout Africa and Latin America. The Ibrahim Index of African Governance and the World Justice Project Rule of Law Index track progress towards administrative and criminal justice. The United Nations Children's Fund helps governments to collect national data on birth registration and legal identity. The United Nations Office on Drugs and Crime supports national data collection around criminal justice themes including homicides and conviction rates in more than 80 countries. The Organisation for Economic Co-operation and Development is working with the G7+ to develop ways to track progress towards the Peacebuilding and Statebuilding Goals to measure justice and security across many of the world's post-conflict states.

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

What would baskets of justice indicators look like?

In selecting indicators, policymakers should embrace 'baskets' of indicators which can triangulate progress through multiple data sources. No single indicator can effectively measure diverse outcomes associated with justice themes, and baskets offer the opportunity to capture varied experiences: **Administrative indicators** can document government effort and inputs; **'Objective' situation indicators**⁵ can impartially identify broad trends over time; **Experience and perception indicators**, typically gathered through surveys, can ensure that the real experiences of people inform overall assessments of progress.

The following table sets out how the post-2015 development framework might measure progress in practice. The table includes five access to justice and legal empowerment targets with examples of corresponding baskets of indicators. These indicators draw on existing sources of data and proposals for measurement and should be refined and adapted based on international and national priorities and expert consultation. Data collected for each indicator should be disaggregated to help governments to design better policies, identify inequalities, and focus development efforts on those who need them most.⁶

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

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

ILLUSTRATIVE BASKETS OF INDICATORS FOR ACCESS TO JUSTICE TARGETS⁷

Administrative data	'Objective' situation data ⁸	Experiential & perception data
1. GUARANTEE THE PUBLIC'S RIGHT TO INFORMATION AND ACCESS TO GOVERNMENT DATA		
Existence of an RTI law that establishes (1) citizens' access to information, including laws, budgets, and expenditures, (2) defines a time limit for responding to RTI requests, and (3) establishes a mechanism for appeal in the event of denial	The proportion of requests for information lodged and answered fully in a reasonable amount of time, defined as X days	% of people who report knowledge of where to find information about the provision of [particular] state services
2. ENSURE NO ONE SUFFERS FROM A LACK OF SECURE LEGAL IDENTITY		
% of children under 5 whose births have been registered	The proportion of people in a state who possess a registered form of legal identification	Reduction in the % of people who report being denied access to services [health / education / etc] because of lack of identity documentation
3A. INCREASE THE AMOUNT OF LAND FOR WHICH COMMUNITIES HAVE SECURE TENURE AND DECISIONS ARE TAKEN THROUGH A DOWNWARDLY ACCOUNTABLE PROCESS		
The existence of national legislation and corresponding implementing regulations recognizing customary land tenure and/or community land and resource rights	Amount of land for which local communities possess rights to own, use and conserve	Proportion of households who believe they have a fair say in decisions about local land and natural resource governance
3B. INCREASE THE SHARE OF WOMEN AND MEN WITH SECURE RIGHTS TO LAND AND PROPERTY		
The extent to which the law guarantees secure land rights for women and other vulnerable groups	% of women and men with documented rights to land	% of women and men who do not fear arbitrary dispossession of land
4. ENSURE THE PARTICIPATION OF CITIZENS IN MONITORING ESSENTIAL SERVICES, INCLUDING HEALTHCARE, WATER, AND EDUCATION		
Existence of local and national oversight bodies for essential services that are inclusive of stakeholders, and publicize all information, with capacity to recommend remedial action	The number of people who report participating in some law-making or rule-making process in the last year	Proportion of public that believe that they can receive timely services for [health / water / education / etc] without having to pay a bribe
5. ENSURE ALL PEOPLE HAVE ACCESS TO JUSTICE INSTITUTIONS AND LEGAL AID SERVICES THAT ARE AFFORDABLE, FAIR, AND TIMELY		
The % of the population who live within reasonable reach [measured in km or time of travel] of affordable and effective basic legal service providers and of a justice institution whose resolutions are fair, timely, and enforced	Average time to resolve criminal case; Average time to resolve civil case	Confidence in systems: <ul style="list-style-type: none"> • % confidence in customary justice system; • % confidence in formal justice system; • % confidence in accessing affordable and effective legal services (lawyer/paralegal/other legal aid services provider)

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

8 Saferworld, February 2013