



# ADVOCACY: JUSTICE AND THE SDGS

How to Translate International Justice  
Commitments into National Reform



Transparency, Accountability &  
Participation for 2030 Agenda

## About the TAP Network

The Transparency, Accountability, & Participation (TAP) Network is a broad network of civil society organisations (CSOs) that works to ensure that open, inclusive, accountable, effective governance and peaceful societies are at the heart of the United Nations' (UN) 2030 Agenda and that civil society are recognised and mobilised as indispensable partners in the design, implementation of and accountability for sustainable development policies at all levels. The TAP Network engages some of the foremost expert organisations on the issues set forth in Goal 16. TAP benefits from the invaluable expertise, experiences and unique perspectives of its members, all of who come together to collaborate under the TAP Network umbrella. This work is underpinned by recognition that we maximise reach and influence when many stakeholders speak with a unified voice.

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**ABA ROLI** | The **American Bar Association Rule of Law Initiative** has worked for more than 25 years and in more than 100 countries, with in-country partners to promote justice, economic opportunity, and human dignity through the rule of law. Our access to justice and legal empowerment programs seek to strengthen people's ability to access courts and affordable legal representation, as well as to engage effectively with law enforcement authorities, administrative tribunals, and informal, non-state dispute resolution mechanisms. ABA ROLI's work in the field is supported by the Research, Evaluation, and Learning team, which creates innovative assessment tools, monitors and evaluates the results of our programs and our progress toward sustainable change, and develops toolkits and resources illustrating the lessons we have learned.



**ILF** | The **International Legal Foundation** is the leading global advocate for the right of the indigent accused to legal representation. Driven by the belief that every person accused of a crime deserves to be represented by a well-trained lawyer, no matter their ability to pay, the ILF helps countries emerging from conflict, or in transition establish criminal legal aid systems that provide quality, effective criminal defence services to the poor. Without meaningful access to counsel, the indigent accused are often subject to pervasive abuse and injustices, including torture, psychological and physical abuse, forced confessions, dangerous prison conditions, illegal, arbitrary and excessive pretrial detention, and wrongful conviction. This abuse by authorities can erode public trust in government institutions, reinforce cycles of poverty, and derail long-term, sustainable development. The ILF's dedicated public defenders, and its advocacy at the international and national levels, highlight that access to legal aid is a key component of access to justice, and that it must be an integral part of goal 16 implementation.



**Namati** | Namati is dedicated to placing the power of law in the hands of people by building a global movement of grassroots advocates who give people the power to understand, use, and shape the law. These advocates form a dynamic, creative frontline that can squeeze justice out of even broken systems. In just five years, Namati and its partners have worked with over 40,000 clients in eight countries to take on some of the greatest challenges of our times: protecting community lands, enforcing environmental law, and securing basic rights to healthcare and citizenship. Drawing upon learnings from these experiences, we have successfully advocated for 80+ improvements to laws and systems that have affected millions of people. We've also grown to include a network of 800+ legal empowerment organisations from 150 countries around the world that are collaborating on common challenges and learning from one another.



**OSJI** | The **Open Society Justice Initiative** of the Open Society Foundations (OSF) uses law to protect and empower people around the world, supporting the values and work of the OSF. Through litigation, advocacy, research, and technical assistance, we strive to secure legal remedies for human rights abuses and promote effective enforcement of the rule of law. Justice Initiative lawyers have represented scores of individuals before domestic and international courts in cases that have sought not only to vindicate individual claims, but to establish and strengthen the law's protection for all. We also document violations, propose solutions, engage policymakers, and offer assistance that draws on our global legal experience. Our efforts focus on accountability for international crimes, racial discrimination and statelessness, criminal justice reform, abuses related to national security and counterterrorism, the promotion of freedom of information and expression, and combating natural resource-related corruption.

# Foreword

By Erna Witoelar, UN Special Ambassador for the Millennium Development Goals in the Asia and Pacific



We live in a world filled with injustices. In Tanzania, the property rights of hunter-gatherer communities are violated in illegal land-grabbing schemes. In India, villagers have their water rights infringed upon by public entities looking to make a profit. In Kenya, widows have their inheritances stolen by money-hungry relatives. In Indonesia, migrant workers go without wages and are forced to pay excessive recruitment fees to labor agents and employers. In countries from Afghanistan to the United States, poor people accused of crimes are not given meaningful access to lawyers who can defend their fundamental right to a fair trial, which means they may be subjected to arbitrary arrest, abuse, intimidation, extended pre-trial detention, and wrongful conviction.

Although laws may exist to correct these injustices, in reality, they often have little impact. Laws are frequently ignored or misunderstood by the officials charged with upholding them. Laws are also frequently unknown to the people they were created to protect. These facts severely limit access to justice as both a remedy and a means for addressing basic human needs.

Legal empowerment can change this reality. When people understand the law and legal processes, they can fight for their rights or seek the help of legal aid providers.

However, to date, only a few governments have recognised the vital role legal empowerment can play in increasing access to justice and resolving economic, social, and environmental issues. As a result, policy support and funding for legal empowerment and justice interventions are often low.

The need for access to justice is apparent. Now there is an opportunity for it to gain the attention it deserves. In September 2015, the UN launched the 2030 Agenda for Sustainable Development, and Goal 16—one of the 17 Sustainable Development Goals launched to support the 2030 Agenda—focuses on promoting access to justice for all. Its inclusion signifies a

growing awareness of the long-term impact justice has on both an individual's and a country's social and economic well-being.

It is for this reason that I am pleased to welcome the "Advocacy: Justice and the SDGs" toolkit, a collaborative effort from members of the TAP Network. This toolkit teaches civil society, activists and policy practitioners how they can use the influence of the SDGs to promote legal empowerment and advance access to justice. It is a timely and tactical resource that can help bring about positive change for people around the world.

I commend civil society, activists and policy practitioners for championing access to justice and encourage all governments to draw upon the skills and resources of the legal empowerment community. Only by working together can we achieve the profound transformation that the 2030 Agenda was created to attain.

## A Message from the Authors

We are excited to present “Advocacy: Justice and the SDGs,” a toolkit for civil society, activists, and policy practitioners. It is our hope that this toolkit will help its users use the UN’s Sustainable Development Goals (SDGs) to successfully advocate for a national justice plan in their country.

We are united in our belief that legal empowerment and access to justice are essential to the overall success of the SDGs. Legal empowerment has been used around the world to achieve visible and quantifiable results. In West Africa, frontline justice workers help communities preserve their livelihoods by protecting their land rights.<sup>1</sup> In Jordan, legal advocates assist Syrian refugees with obtaining the documentation they need for employment.<sup>2</sup> The result of such legal empowerment and access to justice initiatives is improved financial, physical, and social well-being.

Legal empowerment helps achieve sustainable development in all its dimensions. Yet, few governments are taking advantage of the various legal empowerment strategies.

The commitment by world leaders to deliver on the SDGs by 2030 provides an opportunity to promote the widespread and long-lasting benefits of legal empowerment and access to justice. If used strategically, the SDGs can help you successfully advocate for a national justice plan that will help ensure all people have equal access to the protection of the law.

We hope you find this toolkit useful as you work to advance government support for legal empowerment and justice in your country. The closer we get to making access to justice for all a global reality, the easier it will be for us to bring about the social, economic, and environmental advancements the SDGs were created to deliver.

1 Adrian Di Giovanni, Lotta Teale, and Vivek Maru, “It’s Time Canada Makes Access to Justice a Reality for All,” *Hill Times*, June 29, 2016. Accessed September 9, 2016. <http://www.hilltimes.com/2016/06/29/its-time-canada-make-access-to-justice-a-reality-for-all/71667>.

2 Ibid.

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# Acronyms

<b>2030 Agenda</b>	United Nations 2030 Agenda for Sustainable Development
<b>ALG</b>	Alternative Law Group
<b>ABA ROLI</b>	American Bar Association Rule of Law Initiative
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>AICHR</b>	ASEAN Intergovernmental Commission on Human Rights
<b>AU</b>	African Union
<b>CLEP</b>	Commission on Legal Empowerment for the Poor
<b>CSO</b>	Civil Society Organisations
<b>EU</b>	European Union
<b>HLPF</b>	High-level Political Forum
<b>IAEG</b>	Inter-Agency and Expert Group
<b>IDLO</b>	International Development Law Organisation
<b>IFI</b>	International Financial Institution
<b>IMF</b>	International Monetary Fund
<b>MDGs</b>	Millennium Development Goals
<b>NEDA</b>	National Economic and Development Agency
<b>NGO</b>	Non-Governmental Organisation
<b>NAPC</b>	National Anti-Poverty Council
<b>NSO</b>	National Statistics Office
<b>ODA</b>	Official Development Assistance
<b>OGP</b>	Open Government Partnership
<b>OHCHR</b>	Office of the United Nations Commissioner for Human Rights
<b>OSF</b>	Open Society Foundation
<b>OWG</b>	Open Working Group
<b>OAS</b>	Organization of American States
<b>SDGs</b>	Sustainable Development Goals
<b>TAP Network</b>	Transparency, Accountability, & Participation Network
<b>UN</b>	United Nations
<b>UNDP</b>	UN Development Program
<b>UNICEF</b>	UN Children's Emergency Fund
<b>UNODC</b>	UN Office on Drugs and Crime
<b>UNFPA</b>	UN Populations Fund
<b>UPR</b>	Universal Periodic Review
<b>WTO</b>	World Trade Organisation

# Introduction

## IS THIS TOOLKIT FOR ME?

If you are a member of civil society, an activist or a policy practitioner and are working to promote legal empowerment and access to justice at the national level, then this is the toolkit for you.

## WHAT IS THE PURPOSE OF THIS TOOLKIT?

The purpose of this toolkit is to support you in using the UN SDGs to advocate for the establishment of a national justice plan and vital justice reforms in your country.

## WHY IS THIS TOOLKIT IMPORTANT?

Around the world, billions of people live without the full protection of the law. Legal empowerment reformers can successfully advance access to justice, particularly for the poor and marginalised, but to scale-up their work they need political and financial support. A national justice plan can help achieve this.

From now until 2030, governments around the world will be working to achieve the SDGs. Goal 16 guarantees “access to justice for all” and legal empowerment and justice are necessary for the overall success of the SDGs. By supporting your government to achieve Goal 16 you will be better able to advocate for a national justice plan and vital justice reforms.

## WHAT WILL I LEARN BY WORKING WITH THIS TOOLKIT?

This toolkit provides everything you need to know to enable you to initiate the creation of a national justice plan for your country. It provides a step by step guide to steer you through the entire process; from broadening your understanding of the SDGs and how they can help your advocacy, to how you can hold your government accountable to the justice commitments it has made.

## TOPICS COVERED INCLUDE:

- understanding the SDGs and the important part legal empowerment plays in their success,
- funding opportunities available to you,
- what a national justice plan is,
- how to advocate for a national justice plan in your country,
- how this plan ties in with Goal 16 and all the SDGs,
- how to monitor success.
- how to hold your government to account.

You will also find unique tips and advice throughout, based on years of experience of using the SDGs as an advocacy platform for justice reforms.

# Chapter 1

## Setting the Scene: Justice and the SDGs

### A BRIEF HISTORY OF THE SDGS

In September 2015, all national governments belonging to the UN adopted the 2030 Agenda for Sustainable Development (2030 Agenda) and its accompanying 17 SDGs. The SDGs seek to end extreme poverty, fight inequality and injustice, and reverse climate change by 2030. It is the first global agenda to recognise that sustainable development cannot be achieved without equal access to justice for all.

#### TIP

It is important to understand the history of the SDGs. During your advocacy, some decision makers and members of civil society may see the SDGs as an “outside agenda” being pushed onto countries by the UN. If you understand the history, you will be able to explain that this is not the case. Unlike the Millennium Development Goals (MDGs), which were developed by a small number of technical “experts,” the SDGs were developed in an inclusive and participatory way.

Many events led to the adoption of the 2030 Agenda. Here is a timeline of the key events:<sup>3</sup>

#### 2000

- The UN launches its Millennium Agenda to address extreme poverty in all of its forms by 2015, particularly in the developing world. Although the world as a whole makes great progress toward achieving the agenda, which includes eight MDGs, many countries continue to experience increases in extreme poverty.

#### 2012

- The UN High-Level Panel on Post-2015 is established to guide the development of a new agenda to address extreme poverty after the UN Millennium Agenda comes to an end in 2015. The new agenda will address the successes and failures of the MDGs and seek to go beyond them.<sup>4</sup>
- At the UN General Assembly in 2013, it is decided that the Post-2015 framework will be a universal agenda. It will combine sustainable development with poverty eradication and ending climate change and apply to all countries.

<sup>3</sup> For more on the history of the goals, please visit: “Sustainable Development Knowledge Platform,” (United Nations). Accessed August 31, 2016. <https://sustainabledevelopment.un.org/?menu=1300> or “The Global Goals for Sustainable Development.” Accessed August 31, 2016. <http://www.globalgoals.org/>.

<sup>4</sup> About Rio+20” (United Nations). Accessed June 15, 2016. <http://www.uncsd2012.org/about.html>.



## 2013–2014

- The Open Working Group (OWG) is established and tasked with developing a set of Sustainable Development Goals.<sup>5</sup> This group of 70+ UN Member States meets several times from 2013-2014 to design and debate the SDGs.<sup>6</sup>
- Through national consultations and the My World survey by the OWG, 11 million people share their views and priorities. All countries list an honest and responsive government as one of the top priorities of the new agenda.<sup>7</sup>

## 2014

- The Justice 2015 Campaign is launched to advocate for including justice, the rule of law and legal empowerment in the SDGs.<sup>8</sup> The campaign begins with an open letter to Ban Ki Moon and the UN General Assembly that is endorsed by more than 300 legal empowerment organisations and a number of notable individuals.
- In July 2014, the OWG concludes its work with an outcome document, *The Future We Want*, which proposes 17 SDGs and 169 targets. Goal 16 supports “access to justice for all.” The SDGs build upon the MDGs and seek to correct their failures. They are more ambitious<sup>9</sup> than the MDGs and apply to both developed and developing countries alike.
- In December 2014, the Secretary General’s Synthesis Report brings together the results of the different work streams on the SDGs and identifies justice as one of the six essential elements for achieving sustainable development.

## 2015

- Throughout 2015, the UN Member States hold a series of Intergovernmental Negotiations to debate the Declaration, Preamble, and Means of Implementation for the 2030 Agenda.
- In August 2015, the 2030 Agenda, including the SDGs, is formally adopted by 193 UN Member States.

## 2016

- In January 2016, the 2030 Agenda is formally launched.



## WHY JUSTICE NEEDED TO BE IN THE SDGS

### MDGS FAILED TO ADDRESS THE LINK BETWEEN JUSTICE AND DEVELOPMENT

Sustainable development can only be realised when people are able to understand and use the law to defend their rights, secure justice and ensure that their basic needs are met. Yet, today, approximately 4 billion people live outside the protection of the law.<sup>10</sup> For these people, the law is broken. It’s an abstraction—or worse, a threat—but not something they can use to protect their basic rights.

Access to justice was not included in the MDGs. During the fifteen years governments worked to achieve the MDGs, it became clear that injustice was a major reason why many development interventions failed to bring people out of poverty. Studies have shown that MDG commitments would have been better met had there been a focus on the needs of the most vulnerable and on increasing their access to justice.<sup>11</sup>

The development of a new, post-2015 agenda was an opportunity for governments, civil society, and the UN to address the failures of the MDGs. It was chance to affirm the crucial role of access to justice and legal empowerment in achieving sustainable development.

5 Open Working Group Proposal for Sustainable Development,” (United Nations). Accessed June 15, 2016. <https://sustainabledevelopment.un.org/focussdgs.html>.

6 Ibid.

7 “My Analytics, My World Survey,” (United Nations). Accessed September 9, 2016. <http://data.myworld2015.org/>.

8 *An Open Letter to the UN*, (Namati: 2015), <https://namati.org/wp-content/uploads/2014/11/Justice2015Appeal1.pdf>.

9 “Co-Chairs’ Summary Bullet Points from OWG-2.”

10 Laura Goodwin and Vivek Maru, *Working paper: What do we know about legal empowerment? Mapping the Evidence* (Namati: May 2014), 8, <https://namati.org/wp-content/uploads/2014/05/Evidence-Review2.pdf>.

11 See generally Rosie Wagner, *The Rule of Law and the Post-2015 Development Agenda* (March 26, 2013), <https://www.innovations.harvard.edu/sites/default/files/2807279.pdf>.



**WHEN PEOPLE ARE LEGALLY EMPOWERED,  
DEVELOPMENT IMPROVES**

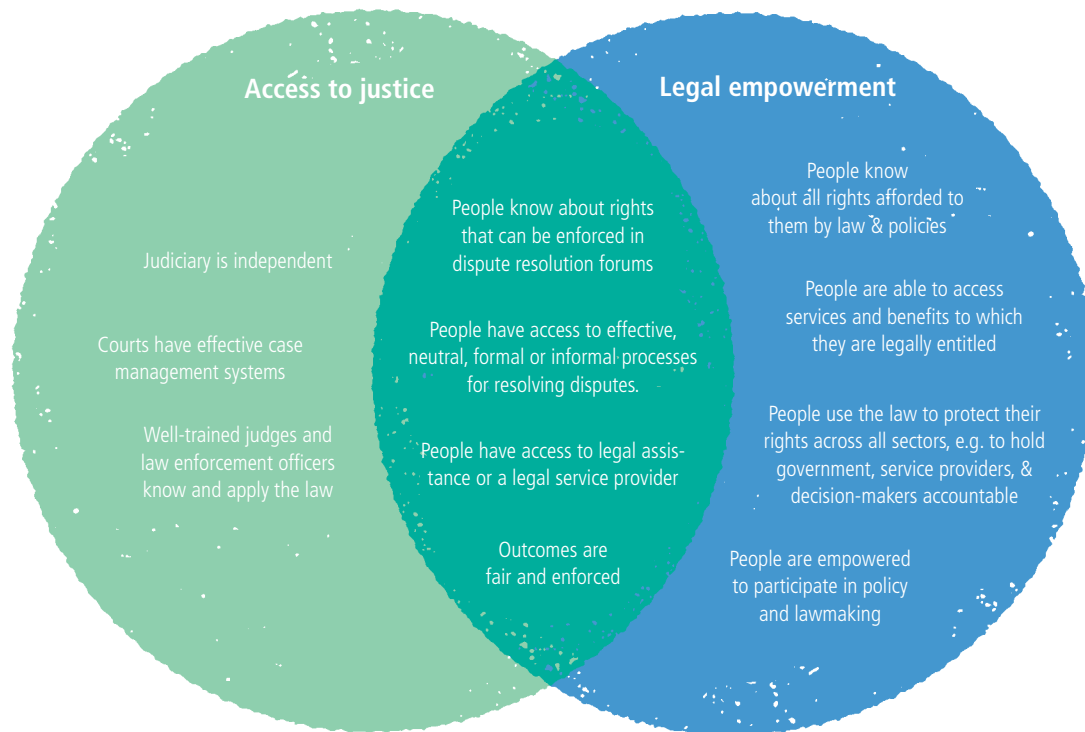
**TIP** In this toolkit, legal empowerment is defined as person’s ability to understand, use and shape the law to secure justice and ensure that their basic needs are met. In this context, “law” includes not just legislation, but also regulations and policy.

Although traditional methods of delivering justice—through formal or customary courts, police, and lawyers—are critical to ensuring peaceful and stable societies, they are not enough. These methods alone cannot help people resolve all of their day-to-day justice issues, whether due to the limited reach of the justice system, lack of access to legal aid, corruption, system overload or other constraints.

Legal empowerment places the power of law in the hands of the people. It helps people exercise their rights and pursue remedies in any and all areas affected by laws and policies, such as within administrative agencies where food aid is distributed, legal identity documents are obtained or environmental regulations are enforced. Or at the health clinic where medical treatment is provided, in the home where family disputes are settled, in village committees

where decisions on land use are made or otherwise. And in criminal courts, access to qualified lawyers can mean protecting the rights of both a victim and the accused.

Legal aid and legal empowerment are inextricably linked. Generally, legal empowerment—a person’s ability to understand, use and shape the law to secure justice and ensure that their basic needs are met—is not possible without the assistance of a legal professional who understands the intricacies of laws, legal procedure and legal institutions. Often the very people who are most likely to be disempowered—the poorest and most vulnerable in society—have no means of securing help from a legal professional without legal aid programs targeting the indigent.



**TIP**

There is no single, overarching definition for the terms “legal empowerment” and “access to justice”. These concepts overlap and are commonly used interchangeably in the justice sector.

The SDGs specifically mention “access to justice” but not “legal empowerment.” It is important to stress an inclusive definition of justice that includes legal empowerment because legal empowerment ensures that justice is for all people.

The evidence clearly shows that where legal empowerment efforts occur, the development impacts are clear and quantifiable. For example, due to the efforts of legal empowerment workers, women’s cash savings went up in Bangladesh after the financial burden of illegal dowries was lifted; civil grievances in Liberia were resolved more equitably, resulting in greater food security<sup>12</sup> and innocent prisoners in Kenya were able to return to jobs and families after successfully appealing their sentences.<sup>13</sup>

Legal empowerment covers a diverse range of approaches and strategies. It includes, for example, efforts to support people in pursuing a remedy via both government and non-government institutions when their rights have been ignored or violated. It also includes initiatives that enable people to monitor how well basic service providers, such as health centres and schools, comply with laws or policies.

Legal empowerment approaches focus not only on achieving a just outcome, but also, crucially, on enabling people to engage in law-related processes. Legal empowerment practitioners do not say, “I will solve this problem for you,” but rather, “I will work with you to solve this problem, and give you the knowledge and tools you need to address such problems in the future.”

In this way, legal empowerment is inclusive. It helps people to participate in the process of shaping the laws that govern them and in using laws to hold their government accountable. This involvement is critical to the overall success of the SDGs.

12 *Case Study—Accountability Lab, Liberia*, (Namati: 2015), <https://namati.org/wp-content/uploads/2015/09/Namati-Case-Study-%E2%80%93-Accountability-Lab.pdf>.

13 *Kenya’s Prison Paralegals at the Frontline of Justice* (Namati: 2015), <https://namati.org/news/kenyas-prison-paralegals-at-the-frontline-of-justice/>.

## Box 2: The five priority areas of justice

A coalition of civil society, governments, and the private sector identified five priority justice areas that every SDG must cover to ensure that people were legally empowered. These are:

- **Access to information:** People should know about the laws and regulations that govern their lives, particularly those concerning essential services. This gives people the ability to ensure that laws and regulations are appropriately upheld.
- **Legal identify:** People must have access to legal identity. Without government-issued identity documents, they may not be able to open bank accounts, obtain mobile phones, vote or secure the services and employment they need to provide for their families and their future.
- **Rights to land and property:** Giving communities the power to manage their land and natural resources reduces poverty and promotes sustainable development. Securing property rights for all individuals, including women, improves financial stability and personal safety.
- **Legal participation:** All people are entitled to shape the laws and policies that affect their lives. Participation should not be limited to elections. People must have a role in shaping the fundamental, everyday work of their governments. Governments, in turn, have a duty to operate transparently and respond to the needs of people.
- **Access to legal services:** People should have access to fair, effective forums for resolving conflicts, seeking protection from violence, and addressing grievances with their government. Equitable administration of justice requires quality services from a broad range of institutions, including the police, the courts, administrative tribunals, ombudsmen and legal aid services from qualified legal professionals that can hold those institutions accountable to their obligations.

## Box 3: Case Study: The impact of community paralegals in Uganda

In Lowero District, Uganda, a pilot legal empowerment program deployed community paralegals to educate people about women's land rights and address individual disputes. According to surveys, interviews with clients and paralegals, and the program's internal monitoring data, researchers found that paralegals were able to help resolve cases quickly—17% of the cases brought to paralegals resulted in mediation agreements between the disputing parties. For another 33% of cases, paralegals helped people navigate institutions such as the local council or local council court. In general, clients who were served through the program praised paralegals for being accessible and responsive, in contrast to the formal institutions which they found to be expensive, slow and hard to reach.

### WHERE IS JUSTICE IN THE SDGS?

Principles of access to justice and legal empowerment are found throughout the 2030 Agenda. Within the SDGs, Goal 16 specifically recognises the need to “promote peaceful, inclusive societies for sustainable development, to provide access to justice for all and to build effective, accountable and inclusive institutions at all levels.” Its targets include promoting the rule of law, reducing corruption,

developing accountable institutions and ensuring public access to information.

Many of the other goals contain legal empowerment elements that can help promote and support national justice reforms. For example, target 5.a under Goal 5, which commits to “achieving gender equality and empowering all women and girls,” states that reforms must be undertaken “to give women equal rights to economic

resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws.”

**TIP**

Get to know all of the goals. The SDGs are an integrated agenda, thus reforms and interventions that help achieve more than one goal will be appealing to decision makers and better serve the needs of target populations.

Principles of access to justice and legal empowerment can also be found in the main body of the 2030 Agenda. For example, the Agenda’s preamble, declaration, and the means of implementation all commit to “leave no one behind” and to “reach the furthest behind first.” The preamble and declaration also explicitly set the SDGs within the standard created by the Universal Declaration of Human Rights and other human rights treaties, by stating that the SDGs seek “to realise the human rights of all.” International human rights principles and obligations should form a basis for countries’ understanding of Goal 16, and guide overall implementation, follow up and review.

These phrases recognise that the needs of the most vulnerable and marginalised are frequently ignored or inadequately addressed by development programs. They also represent a commitment by world leaders to focus their development efforts on improving the lives of the most needy. As was discussed in the previous section, this is the same aim of legal empowerment.

**TIP**

You can use the SDGs’ commitment to “leave no one behind” to push your government to prioritise national justice reforms that address the needs of the most marginalised.

**WHAT’S MISSING?**

Although the SDGs incorporate many legal empowerment aspects, one important characteristic is missing. The SDGs do not specifically guarantee access to effective and affordable legal services, such as legal aid, community paralegals or legal advice hotlines. This is one of the five priority justice areas that civil society, governments and the private sector identified as essential for promoting legal empowerment.

Meaningful access to justice cannot exist without access to legal assistance. There is long-standing global consensus that access to

legal assistance is the lynchpin of access to justice; this is because lawyers and other legal professionals are often the only barrier between a country’s most vulnerable and the risk of significant human rights abuses. And yet, every country in the world is facing a deep crisis in access to legal assistance, largely due to the failure of States to properly prioritise this as a fundamental human right and to meaningfully discharge their obligation to provide access to justice for all.

This failure means that poor and marginalised people risk disastrous consequences in every dispute, large or small. Poor and vulnerable people accused of a crime, without access to a lawyer—including early access from the time of arrest—are often subject to illegal interrogation tactics, torture, forced confessions, arbitrary and extended pre-trial detention, wrongful convictions and deplorable prison conditions. Often conviction, incarceration and even death hinge on whether one is poor or vulnerable, instead of the merits of the criminal case; going forward, their family suffers a significant social and economic loss that in turn causes them to slip deeper into the very cycle of poverty the SDGs seek to break. In civil and administrative matters, the inability to access the advice and assistance of legal professionals leaves already marginalised communities with no recourse for enforcing their fundamental health, education, economic, environmental and political rights, leaving these people at the mercy of State or private actors with far greater resources. If mechanisms for protecting these rights do exist, poor and vulnerable people often lack knowledge of them, trust in them, or capacity to utilise them, rendering those mechanisms meaningless unless quality legal assistance is available. The inability to access meaningful, quality legal assistance in these circumstances sinks the poor and vulnerable deeper and deeper into poverty, on an individual and society-wide scale.

The ability to access counsel or other legal assistance is the most significant measure of inequality between the poor and those with means. Those individuals or entities who can afford to hire counsel will do so, recognising that a layperson is ill-equipped to efficiently and effectively navigate justice systems or dispute resolution mechanisms; as a result, in nearly every dispute, the ability to access justice and fair outcomes depends on financial means and not the merit of one’s claims. These are the very inequalities that the SDGs must tackle in their mission to eradicate extreme poverty.

**TIP**

One challenge you must overcome when pushing for national justice reforms is convincing your government that while legal services may not be explicitly named in the SDGs, they are necessary for its overall success.

## LOOKING TOWARD THE FUTURE

### NOW IS THE TIME TO ACT

When governments adopted the 2030 Agenda in September 2015, they agreed to prioritise the SDGs and work tirelessly towards their full achievement. They also agreed to set up monitoring and evaluation processes to hold themselves accountable for achieving the goals. This will involve what the UN Secretary General calls a “data revolution.”<sup>14</sup> This term acknowledges the many challenges governments face as they work to measure progress towards the SDGs.

To meet Goal 16’s promise of providing access to justice for all, governments around the world will need to work with partners to create new policies and laws and to ensure that proper metrics are used to monitor and track progress over the next 15 years.

Your government’s commitment to the SDGs is a unique opportunity to push for national justice reforms. The chapters that follow provide you with the tools and strategies to make the most of this opportunity.

**TIP**

The call for a “data revolution” provides a strong rationale for why governments must produce better justice data for policy making and greater accountability. Governments should be willing to learn from data collected by legal empowerment and access to justice organisations in line with this commitment.

### Box 4: Recap

After reading this chapter, you should:

- understand the history of the development of the 2030 Agenda and the SDGs,
- be more familiar with legal empowerment and its relationship to access to justice,
- understand why access to justice is necessary to the overall success of the SDGs,
- be able to identify where justice can be found in the SDGs and throughout the 2030 Agenda.

<sup>14</sup> Secretary-General Calls for ‘Data Revolution’, Stronger Capacity, in Message for World Statistics Day, last modified October 19, 2015, <http://www.un.org/press/en/2015/sgsm17245.doc.htm>.

# Chapter 2

## The Opportunity: A National Plan for Justice: Using the SDGs to Increase Access to Justice in your Country

### CHALLENGING THE STATUS QUO: USING THE SDGS FOR NATIONAL REFORMS

Creating or improving policies to promote equal access to justice for all is no easy task. While many countries have principles of access to justice in their constitutions, most governments have been slow to put these policies in place. This failure may be due to limited capacity, insufficient financial resources or lack of political will. The SDGs provide an unrivalled opportunity to challenge long standing practice.

National governments have promised to deliver the SDGs commitments and they will be held accountable for meeting these commitments on the international stage. Further, as part of this promise, national governments have agreed to work with a range of actors to establish new plans and frameworks to achieve the SDGs. This presents civil society and justice sector professionals with an opportunity to work in partnership with national governments to develop laws, policies, and programs that incorporate legal empowerment elements.

Although you can use the SDGs to push for one or two specific justice reforms, this toolkit recommends that you capitalise on this once-in-a-generation opportunity by aiming high and calling for a new national justice plan.

### Box 5: Case Study: child mortality and the MDGs

The MDGs proved that international development agendas can be influential in building political support and directing attention and financing towards resolving global issues. Take MDG 4 for example. MDG 4 was created to address child mortality. Between 1990 and 2015, governments raised approximately \$131.9 million to support public, private and civil society efforts to combat child mortality, with the majority of these funds gathered after the MDGs were adopted. Governments worked to increase public awareness of child mortality, push for widespread policy reforms to address it and develop new strategies for its eradication. Ultimately, this collaboration led to a 50% decline in the global under-five mortality rate in just 25 years.

## THE IMPORTANCE OF A NATIONAL JUSTICE PLAN

### WHAT IS A NATIONAL JUSTICE PLAN?

A national justice plan is a blueprint that maps out the steps that must be taken to adequately address a country's justice challenges. This objective is accomplished by coordinating the actions of the government, justice sector professionals, civil society, private sector and development practitioners who are working to address these challenges.

**TIP** Countries have committed to creating national plans and policies to implement the SDGs. This may result in several updated or new national plans and strategies on the other areas of the Sustainable Development Agenda. You should analyse these other plans to ensure that a justice plan complements any other sector plans. You can also advocate for justice sections to be included in other plans.

National justice plans tend to be very targeted and detailed. They specifically lay out the actions each partner will take to achieve the plan's objectives. Some of these actions may involve developing a policy framework, securing adequate government funding, and identifying mechanisms for implementing and monitoring the policies and programs that are created to resolve the justice issues targeted by the plan.

National justice plans are unique in that they promote community engagement by ensuring that the needs of communities, particularly vulnerable communities, are prioritised and adequately addressed.

**TIP** In sum, a national justice plan sets out the strategic aims, key approaches and actions to identify the functional responsibilities, timelines and performance indicators needed to address the justice issues your plan sets out to resolve.

The planning and execution of a national justice plan is often led by a working group made up of relevant government actors and civil society representatives. Depending on the situation in your country, this group may become a formal body or remain a more informal coalition of justice reformers. A lead agency from the government and a counterpart from civil society should be appointed to oversee the working group.

As governments begin to translate the SDGs into national policy, you can advocate for a national justice plan to be developed as part of this process. In many countries, the Ministry of Planning (or Planning Commission) will be responsible for leading this process.

**TIP** Following the adoption of the SDGs, there is a good case to be made for having a national development plan that includes a dedicated plan for access to justice. In many countries the Ministry of Planning or Planning Commission will be able to use the national development process or a national process to localise the SDGs. For example, in 2016 the Philippines incorporated a new justice section into its Philippine Development Plan.

**TIP** The lead agency for the development of a national justice plan is responsible for:

- monitoring and providing support and guidance to relevant actors who are working to develop and implement the plan,
- ensuring participation of all relevant actors and facilitating coordination and collaboration,
- tracking progress on annual work plans and agreed action plans,
- promoting, monitoring and coordinating the annual reporting process for your country's plan,
- providing policy advice to the Minister of Justice and other relevant agencies on how access to justice can be strengthened.

### HOW A NATIONAL JUSTICE PLAN WILL HELP YOU

A well-executed national justice plan will lead to the creation of new laws and policies, better implementation of existing platforms, clearer roles and responsibilities for the relevant actors and agencies and increased resources for access to justice and legal empowerment approaches. It will help improve your ability to advance legal empowerment and access to justice in your country over the long term.

A national justice plan will also allow for increased justice accountability. By setting up strong monitoring processes that rely on trustworthy data, you will be able to measure the effectiveness of your government's efforts to increase access to justice and deliver Goal 16. [See Chapter Three.]



## **Box 6: How a national justice plan can promote justice reforms**

Here are some examples of policies and laws that have been reformed through national justice plans:

- the adoption and/or amendment of legal aid legislation, administrative measures, policies, and programs that address justice needs of vulnerable groups,
- the amendment or abolition of laws, regulations, policies and practices that are incompatible with international standards related to discrimination and justice,
- the adoption of special measures to secure full and equal enjoyment of human rights and fundamental freedoms for disadvantaged groups,
- improved administration of justice, with a system committed to combating impunity and improving the remedies and resources available to victims of injustices,
- greater transparency and increased accountability of public sector actors in the delivery of essential public services,
- an increased number of effective measures taken to help fulfil the civil, cultural, economic, political, and social rights of individuals and groups facing any form of injustice or violence.

## **Box 7: Case Study: Indonesia's National Access to Justice Strategy**

In 2009, the Government of Indonesia incorporated a National Access to Justice Strategy (NAJS) into its 2010-2014 mid-term development plan. The NAJS was created to embody the Indonesian Constitution and relevant legislation, which recognise that Indonesian people have a right to access justice.

Similar to the SDGs, the mid-term development plan incorporated high-level development goals and targets that were used to measure progress towards achieving these goals. As the government looked to update this plan, civil society organisations got involved to ensure that the planning process was organised around the ideal of providing access to justice to all citizens and residents of Indonesia. This collaboration contributed to the process of building the national coalitions and partnerships needed to advance access to justice in Indonesia.

Indonesia's experience suggests that similar approaches can and should be used to promote increased access to justice in other countries. As you work implement your national justice plan, you should make sure that it incorporates specific targets that can be used to measure progress towards SDG 16 and increased access to justice in your country. One way to do this is to advocate for the inclusion of the five priority justice principles discussed in Box 2.

## Advocacy Cycle



Source: *Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners*, 33.

### IS ADVOCATING FOR A NATIONAL JUSTICE PLAN THE ONLY OPTION?

A national justice plan is an effective way to coordinate short, medium and long-term actions and to implement structural justice reforms across sectors. But it is not the only way to bring about change. In some situations, it may not be practical to push for a national justice plan.

Working to increase access to justice is different from working to improve other services like healthcare or education; access to justice is about holding the powerful accountable. As a result, it is natural that those in power may be reluctant to support it. Where the context is not suitable for a national justice plan, it may be more practical to: (1) push for individual policy reforms to improve the justice sector or (2) push for policy reforms outside of the justice sector which will directly address justice issues in other sectors.

When pushing for individual policy reforms to the justice sector, keep in mind that in many post-conflict and transitioning countries, institutions are likely to develop at different rates, depending on their external support and internal leadership. You may be met with a forward-looking and well-funded criminal justice system, but face indifference from civil or administrative courts; in such a case, you

may wish to begin where you have greater political support. In this case, a criminal-justice-sector-specific plan that would spur improvements for a huge number of individuals. You can also approach reform incrementally. In a number of countries where governments have been unwilling to create national justice plans, reformers have still been able to enact new legal aid laws or are in the process of upgrading their existing legal aid laws using the momentum created around the SDGs.

Sector-driven approaches have also been used to extend access to justice in a number of countries. This is in part because services such as healthcare or labour are often less politically sensitive. For example, in the Philippines, community paralegals have gained recognition from several government organisations—including the Department of Agrarian Reform Adjudication Board, National Labor Relations Commission, and the Department of the Environment and Natural Resources.<sup>15</sup> This has given Filipino paralegals the opportunity to provide legal support to citizens affected by labour, land and environmental justice issues, even though they are still waiting to receive formal recognition from the judiciary.

<sup>15</sup> Varun Gauri and Vivek Maru, *Bringing Law to Life: Community Paralegals and the Pursuit of Justice*, (forthcoming from Cambridge University)

## Box 8: Case Study: The public defender system in Argentina

Legal aid is provided through Argentina's Public Defender System. The Public Defender's Office is a state agency established by the National Constitution (article 120). It enjoys functional and financial autonomy and is independent from the government structures and the administration of the judiciary.

The fundamental commitment of the Federal Public Defender General is to ensure not only comprehensive legal aid, but also the design and implementation of institutional policies to facilitate access to justice for vulnerable sectors. This is stated in the first article of the Organic Law of the Federal Public Office, which states that "the Federal Public Defender's Office is an institution for the defence and protection of human rights, guaranteeing access to justice and integral legal assistance, both in individual and collective cases, in accordance with the principles, functions and regulations established in the present Law. It promotes measures to protect and defend fundamental rights of people, in particular, of those who are in a situation of vulnerability."

In line with this commitment, the Federal Public Defender General has set up a number of programs and commissions. Here are a few examples of some of the Programs and Commissions operating within Argentina's Office of the Federal Public Defender General:

- **Assistance and Legal Aid Program:** Created to guarantee equalitarian and effective access to justice for victims of crime—particularly confined victims of torture and inhumane treatment and of gender violence—and to provide legal aid to cover all internal judicial instances.
- **Program on Social Issues and Community Relations:** Created to respond to eliminate economic or social obstacles that may hinder access to the civil, economic, social and cultural rights of the people assisted by the public defence system. The Program produces socio-environmental reports to be presented along with prisoner's release and domicile arrest requests by the Public Defenders. The reports account for the family and economic situations and specifically focus on the impact that freedom deprivation has on individuals and their family environments.
- **Centres for Access to Justice:** Created to remove structural barriers and facilitate access to justice for the most vulnerable groups of the population, according to their specific legal needs. These Centres are decentralised offices of the State Department of Justice and Human Rights, located throughout the City of Buenos Aires, particularly in poor neighbourhoods. People living in the neighbourhood seek help from the centre in applying for pensions or identity documents, and filling out paperwork in the case of immigrants. They also file reports of domestic violence and application forms for social assistance payments or exemption from taxes or fees for certain services. They are run by a team of public defenders and advanced law students.
- **Program on Healthcare, Disability and Older Adults Issues:** Created to promote special policies to achieve factual equality in the exercise of people's fundamental rights of persons with disabilities, older adults and people with special needs related to health and social security, all of whom must daily face various hindrances to fully exercise the rights they hold.
- **Commission on Gender Issues:** created to facilitate women's access to justice, providing better defence to their rights and favouring the implementation of defence strategies with a gender perspective, in particular in cases where women are victims of violence or in conflict with criminal law. Also, there is a "Project on Legal Aid and Counselling for Gender Violence Victims" operating within the Commission on Gender Issues and providing legal counselling and aid to victims of gender violence, without the need to comply with the poverty requirement.

Although sector-driven approaches are not as comprehensive as other approaches, they can lay the groundwork for wider reforms further down the line. If one agency is willing to demonstrate the value of investing in access to justice or legal aid, you can partner with the agency and begin pushing other agencies and the judiciary to recognise the importance of making this investment throughout the government.

Regardless of which approach you chose, the SDGs can and should be incorporated into your advocacy efforts. Although this toolkit is focused on advocating for a national justice plan, you may still find its tips and tools helpful as you push for policies to extend access to justice in your country.

If you don't think that a national justice plan is for you, there are a number of other guides that may also be useful to you as you work to develop a different strategy. Below are a select few:

- Sustainable Development Goals: A Practical Guide for National Action and Accountability (Amnesty International)<sup>16</sup>
- *Implementing the Sustainable Development Goals to Advance Women's Rights and Gender Equality: An Advocacy Guide* (Womankind)<sup>17</sup>
- *Global Agreements: Grassroots Advocacy* (Restless Development, Plan, Action Aid)<sup>18</sup>
- *Advocacy Toolkit: Influencing the Post-2015 Development Agenda* (CIVICUS and Stakeholder Forum)<sup>19</sup>
- *Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda* (CIVICUS and Stakeholder Forum)<sup>20</sup>



**TIP**

Remember, the SDGs are a once-in-a-generation opportunity to push for access to justice. We encourage you to aim high and push for a national justice plan in your country.

16 *Sustainable Development Goals: A Practical Guide for National Action and Accountability* (Amnesty International: September 2016), <https://www.amnesty.org/en/documents/act10/4699/2016/en/>

17 *Abigail Hunt, Implementing the Sustainable Development Goals to Advance Women's Rights and Gender Equality: An Advocacy Guide* (Womankind: March 2016), <https://www.womankind.org.uk/docs/default-source/resources/sdg-implementation-advocacy-toolkit.pdf?sfvrsn=>

18 *Global Agreements, Grassroots Advocacy: Youth and Governance in a Post-2015 World* (Restless Development: February 2015), [http://www.plan-uk.org/assets/Documents/pdf/Global\\_agreements\\_Grassroots\\_Advocacy-Youth\\_and\\_Governance\\_in\\_a\\_Post\\_2015\\_world.pdf](http://www.plan-uk.org/assets/Documents/pdf/Global_agreements_Grassroots_Advocacy-Youth_and_Governance_in_a_Post_2015_world.pdf)

19 *Advocacy Toolkit: Influencing the Post-2015 Development Agenda* (Civics and Stakeholder Forum: 2015), <http://www.stakeholderforum.org/fileadmin/files/Post2015AdvocacyToolkit.pdf>.

20 *Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda* (Civics and Stakeholder Forum: 2015), <http://www.stakeholderforum.org/fileadmin/files/Engagingwiththemedial.pdf>.

## Box 9: Case Study

In 2015, the legal empowerment NGO, Kituo cha Sheria, the International Commission of Jurists Kenya and the Law Society of Kenya, began advocating for a national justice plan that incorporated the SDGs' justice targets.

The organisations held a two-day meeting that brought together the Kenyan Parliamentary Human Rights Association, the Attorney General and the Human Rights Commission. The government representatives in attendance agreed that there was a need for justice reforms but stressed that a national justice plan could take years to develop. Instead, it was agreed that civil society and government work together to revise existing legislation.

The parties decided to tackle the National Human Rights Policy first because it would serve as a strong foundation on which to develop other laws and policies. The Policy had been in draft form since 2008, but by capitalising on the momentum created by the SDGs, advocates were able to get many of the recommended reforms included in the Policy to the top of the legislative agenda in less than a year.

This led to the passing of several draft policies, including the Legal Aid Bill, the Right to Information Bill and the Community Land Bill; all of which have since been signed into law.

### WHAT IF YOUR CALL FOR A NATIONAL JUSTICE PLAN IS REJECTED?

Even if your efforts to promote a national justice plan are not successful, you will still have the opportunity to engage in government discussions on Goal 16, access to justice and legal empowerment. You can use the information you collect and the relationships you build to make smaller changes at a slower rate.

You can also continue to push forward by calling for good access to justice indicators to be included in your government's SDG reporting. National indicators will continue to be highly relevant for monitoring your government's progress in delivering its commitment to provide justice to all. Governments will be reporting against their SDG commitments in regional and global spaces. You can use these platforms as a way to apply pressure to catalyse national reforms once more. [See Chapter Five.]

### THE IMPORTANCE OF ADVOCACY

If you believe that your country needs a national justice plan the next step is to begin advocating for it. Governments are unlikely to push forward with a national justice plan without sustained pressure to do so.

#### TIP

Be aware that while governments have committed to Goal 16, they may be slow or hesitant to implement justice reforms. With 17 SDGs, some governments may choose to focus on existing MDG goals, such as health and education. The SDGs are an integrated agenda and no one goal should be prioritised over another. In your advocacy, you must ensure that justice is not overlooked by your government. Establishing a national justice plan is a useful way to do this.

#### TIP

### What if your government is unwilling to work with civil society?

Many governments are either hostile or indifferent to the potential contributions of CSOs. Government actors may feel that they are unnecessary or that there are too many to effectively engage with and so they choose not to engage with any. Some believe that CSOs do a disservice highlighting gaps or shortcomings in government services and activities.

Despite this, it is imperative that you commit to working with governments on access to legal aid and legal empowerment. This toolkit will provide you with strategies to help build relationships and demonstrate your expertise and value.

Successful advocacy requires careful planning, but it is equally necessary that you remain flexible and adaptive. The advocacy cycle illustrated below will be useful for helping you develop and execute your strategy. This toolkit assumes that you have a basic understanding of an advocacy cycle. If you are unfamiliar with the concept, you should consult other guides which dive deeper into explaining the rationale and use of an advocacy cycle. We recommend the following:

- *Participatory Advocacy (VSO)*<sup>21</sup>
- *Advocacy Toolkit: Influencing the Post-2015 Development Agenda* (CIVICUS and Stakeholder Forum)<sup>22</sup>
- *Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda* (CIVICUS and Stakeholder Forum)<sup>23</sup>

## Box 10: Recap

After reading this chapter, you should understand:

- how to define a national justice plan and how to use it,
- how the SDGs can help promote national reforms aimed at increasing access to justice in your country,
- how a national justice plan can help you push for national reforms that promote access to justice and legal empowerment,
- alternatives to a national justice plan, if pursuing one is not appropriate in your context,
- the importance of advocacy in encouraging your government to pass a national justice plan.

21 *Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners* (Voluntary Service Overseas: 2009), <http://www.intrac.org/data/files/resources/674/Participatory-Advocacy-A-toolkit-for-VSO-staff-volunteers-and-partners.pdf>

22 *Advocacy Toolkit: Influencing the Post-2015 Development Agenda* (Civics and Stakeholder Forum), <http://www.stakeholderforum.org/fileadmin/files/Post2015AdvocacyToolkit.pdf>.

23 *Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda* (CIVICUS and Stakeholder Forum), <http://www.stakeholderforum.org/fileadmin/files/Engagingwiththemedias.pdf>

# Chapter 3

## The Action: Advocating for a National Justice Plan

### GETTING CLEAR: WHAT POLICY REFORMS SHOULD YOU BE ADVOCATING FOR?

Before you begin your advocacy, take a step back and actively reflect on your country's justice issues. It is important to spend time analysing what, why and how these and other justice issues, exist in your country. This will allow other individuals and groups to voice their priorities and provide valuable insight into the status of access to justice in your country.

To begin, you need to conduct a baseline assessment of the status of access to justice in your country. This will better enable you to help your government understand: (1) why they should support a national justice plan, (2) why the issue(s) you work on should be prioritised in this plan and (3) how prioritising these issues will help fulfil their SDG commitments.

The assessment tools described in this chapter will help you to understand and reflect on the following:

- what the justice issues in your country are (access to justice assessment tool),
- what your government is currently doing to address these issues (gap analysis tool),
- what needs to happen to overcome these issues (solutions tree).

It is important to note that these tools do not have to be used in any particular order.

#### TIP

In most cases, a single organisation cannot carry out a baseline assessment for all of the justice issues in a particular country, alone. Bring in partners who work on other aspects of access to justice and legal empowerment issues to share the workload and allow for a range of perspectives to contribute to your country's national justice plan. Use any existing baseline assessments on access to justice to prevent duplication of effort and resources.

#### TIP

Ask a trained facilitator to support you and your partners as you work to conduct your baseline assessments, which should be carried out with a wide range of stakeholders. Plan your sessions thoroughly to make sure your participants have sufficient time to engage in constructive dialogue. Before beginning, make participants aware of the SDGs and their justice rights.

### ASSESSING THE JUSTICE ISSUES IN YOUR COUNTRY

Baseline assessments are comprised of data collected before or at the start of a project.<sup>24</sup> They provide a basis for planning a project, measuring progress towards achieving the project's objectives and gauging the project's ultimate impact. From an advocacy perspective, a baseline assessment can help you assess where policy reforms are needed.<sup>25</sup>

A baseline access to justice assessment helps you assess the extent

<sup>24</sup> You can use ABA ROLI's Access to justice assessment tool to learn more about how baseline data can be collected through affordable, feasible, and targeted data-gathering exercises that are designed to help you engage with the people who are in the most need of legal empowerment. By using baseline assessments, you create a "culture of learning" that will enable you to use your limited resources more effectively in future projects. The data you collect may also be used to help your national government monitor progress towards achieving the SDGs as will be described in fuller detail later in this toolkit. For more information about conducting baseline assessments, contact the ABA for a hard copy of the *Access to Justice Assessment Tool: A Guide to Analyzing Access to Justice for CSOs*, (ABA: 2012) or access it online here: [http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba\\_rol\\_i\\_access\\_to\\_justice\\_assessment\\_manual\\_2012.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_i_access_to_justice_assessment_manual_2012.authcheckdam.pdf).

<sup>25</sup> You can also use the findings to support your programs and improve your research capacity.

to which ordinary people are able to access and enforce their rights and use the law, and the justice institutions that apply it, to improve their daily lives. Obtaining baseline data will help you assess whether your government's current justice efforts satisfy the justice commitments in the SDGs. It will also help you identify and plan for the reforms that should be included in your national justice plan to ensure that your country's justice issues are adequately addressed.

It is likely that you will only have the resources and the means to conduct an assessment with the members of the communities in which you work. You may also decide to narrow the focus of your assessment to access to justice in a particular sector or to a particular justice issue.

While narrowing your scope and focus is acceptable, it is important that you still strive to get a full understanding of your country's justice needs. Too often, access to justice assessments only consider whether justice institutions are effective for the users who already operate in or access them. This approach excludes the experiences of a huge percentage of the population who do not or cannot access these institutions. This is not in line with the SDGs' commitment to "leave no one behind." In narrowing the scope and focus of your assessment, you should aim to target populations whose justice needs have traditionally been ignored.<sup>26</sup>

ABA ROLI's access to justice assessment tool can help you design a questionnaire framed around "six elements of access to justice." Once designed, your questionnaire will guide your consultations with community members. The results will then help you assess whether the government and other justice service providers are currently providing ordinary people with adequate access to justice in your country.

These six elements are not meant to be viewed as comprehensive. They are just one way to illustrate the efforts a person may take to obtain access to justice—from the identification of a justice problem to the enforcement of a proposed solution.<sup>27</sup> By understanding the path a person may follow to obtain justice, you can reflect on the places where breakdowns in justice are most prevalent. By discussing each of the six elements of access to justice separately, you can identify possible reforms that could address the justice gaps.

For each element, you will find a few sample questions that you

<sup>26</sup> Participatory research can help communities obtain ownership over how the SDGs are implemented. This is in line with the SDGs' commitment to be "people led." Although you will be using this information to push for policy reforms, community members can also use this information to make an action plan that is aimed at resolving the issue at a local level. This promotes legal empowerment by giving communities an opportunity to articulate how national-level interventions should address their needs. It also helps communities articulate the actions it can take to respond to justice challenges itself.

<sup>27</sup> For more information please refer to the ABA's *Access to Justice Assessment Tool: A Guide to Analyzing Access to Justice for CSOs*.

may want to use in your own questionnaire. You can find a complete sample questionnaire in Annex 1.

You should also check to see if your government is party to any international treaties.<sup>28</sup> In your assessment, you may want to explicitly reference the numerous recommendations related to access to justice that your government has received through the Universal Periodic Review (UPR) and recommendations from UN human rights treaty bodies, other experts and from regional bodies.

Explicitly referencing these recommendations will serve two purposes. First, it will help your government report on its progress towards achieving Goal 16 in a way that is consistent with, and supportive of, its human rights commitments. It will also give your government, civil society and other stakeholders an opportunity to use data collected to implement Goal 16 to shape further assessments of your country's access to justice situation.

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**TIP** Consult ABA ROLI's justice assessment tool for more detailed information on how to plan and conduct your own national or sub-national access to justice assessment.

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**TIP** National and community level CSOs are well placed to support communities while they undertake access to justice assessments because their independence from the government and international institutions can give them credibility and greater access.

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**TIP** Help ensure objective research by purposefully considering the access to justice issues you are examining from many different angles. Use your justice assessment to draw out the opinions of decision-makers and other relevant stakeholders. Analysing your identified justice issues from multiple points of view will help improve the accuracy of your research.

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<sup>28</sup> For guidance on how to assess this, you may want to refer to this guide: *Sustainable Development Goals: A Practical Guide for National Action and Accountability* (Amnesty International: 2016), p. 17, <https://www.amnesty.org/en/documents/act10/4699/2016/en/>.



### **Box 11: Case Study: Assessing women's rights in Guinea using ABA ROLI's access to justice assessment tool**

ABA ROLI's civil society partner, La Rencontre Africaine pour la Defense des Droits de l'Homme (RADDHO), used ABA ROLI's access to justice assessment tool to establish a baseline of access to justice in Guinea, with a particular focus on women's rights. RADDHO interviewed more than 150 key stakeholders, from officials at the Ministry of Justice to victims of gender-based violence, to determine the most significant obstacles to accessing justice.

RADDHO's findings revealed that most complaints relating to domestic violence and unfair inheritance are brought before informal justice actors and that these informal processes often fail to respect the legal rights of victims.

As a result of these findings RADDHO designed and implemented a program to improve the capacity of administrative authorities to adopt a rights-based approach to cases of domestic violence.

## Using the ‘Six Elements’ of Access to Justice to carry out a justice assessment

Six Elements	Rationale for asking questions	Using answers from your consultations	Example questions
<b>Legal Framework: The existence of a set of written or unwritten laws lays the foundation on which people can be empowered to solve their justice problems.</b>	Questions should help you assess whether there are clear rules and standards, in addition to a non-discriminatory legal framework, that people understand and use to exercise their basic rights. In your discussions on legal frameworks, you should learn about the traditional and indigenous legal systems people use to exercise their rights.	Use the answers to help decide what policies or laws will need to be revised or added into a National Justice Plan. Researching laws early in the process will help guide you in thinking about what reforms could realistically be achieved and recommended later.	<ul style="list-style-type: none"> <li>• What laws, if any, has your government put into place to protect your right to access your justice system?</li> <li>• Are they simple and easy to understand?</li> </ul>
<b>Legal Knowledge: To be empowered, people must be aware of their rights and duties, and the available mechanisms to defend their rights and duties.</b>	Questions should help you understand if people recognize, in very general terms, that they have been wronged in some way or that they are not receiving something to which they are entitled. Factors influencing whether people are aware of their legal rights include education and available information from government and non-state institutions. With SDG target 16.10 recognizing the need for public access to information and the protection of fundamental freedoms, there is an even greater basis for why people should know their rights.	Use the answers to help you develop reforms that relate to freedom of information laws. Such strategies will also assist your government’s efforts to achieve SDG 16.10.	<ul style="list-style-type: none"> <li>• How would you rate your familiarity with how to access legal information?</li> <li>• Which of the following is closest to your understanding of what a lawyer is?  Select one: (1) A person who provides legal advice and representation in court; (2) A person who provides traditional dispute resolution instead of going to court; (3) A person who costs you a lot of money but does not help you.</li> </ul>
<b>Advice and Representation: To have a fair shot when they approach the dispute mechanisms available to them, people need access to effective and affordable legal aid services.</b>	Questions should assess the quality of legal services in your country, and examine the role played by civil society in providing them. Accessibility in remote areas, the cost of lawyers, and the public trust of lawyers all affect people’s access to legal advice and representation.	Use the answers to shape policies in your National Justice Plan that promote community-based paralegal programs and bring lawyers to rural areas through mobile clinics and other programs that make legal aid more available.	<ul style="list-style-type: none"> <li>• What roles do paralegals play in resolving justice problems?</li> <li>• Who was the first person you sought help from to resolve your dispute? Select one: (1) Family member/friend/neighbor; (2) Imam; (3) Paralegal; (4) Legal aid group/ NGO; (5) Bar association; (6) Police; (7) Local government official; (8) Court official; (9) Other</li> </ul>
<b>Access to a Dispute Resolution Mechanism: People must be able to afford and access dispute resolution mechanisms and disputes or complaints must be processed in a timely manner.</b>	<p>Questions should assess both formal and informal justice, state and non-state institutions. Remember, formal state institutions outside of the justice sector usually have dispute resolution mechanisms (e.g. people with environmental justice disputes should be able to access an environmental agency and have their dispute processed in a timely way). These mechanisms must also be accessible.</p> <p>Your questions should focus on the factors that affect access these mechanisms. These factors include the affordability of using the mechanism, accessibility—including the number and distribution of dispute resolution mechanisms and the quality of the transportation infrastructure in the country—and the timeliness of processing a dispute, including the mechanism’s caseload and case management procedures.</p>	Use the answers to develop strategies that combine long-term reforms with short-term measures to make the justice mechanism available. For example, where permitted by local legislation, strategies that involve making small grants or loans available to people seeking to bring a claim or diverting appropriate cases to more accessible justice mechanisms may be useful. You can also ensure that your National Justice Plan supports civic education programs to promote confidence in and positive attitudes towards justice institutions.	<ul style="list-style-type: none"> <li>• How much time did it take to travel to and from the justice institution (in days)?</li> <li>• How much money did it cost, if anything? (Do not include money paid as restitution to the other party.)</li> </ul>

Six Elements	Rationale for asking questions	Using answers from your consultations	Example questions
<p><b>Fair Procedure: People must have the opportunity to present their case in justice or other administrative forums. Disputes and complaints must be resolved impartially and without improper influence. People should be able to make voluntary and informed decisions to settle when they use mediation.</b></p>	<p>The questions should explore language difficulties and procedure because both influence whether people have the opportunity to effectively present their case. A mediator or decision-maker should not be biased in relation to any of the issues or parties involved in a dispute.</p>	<p>Use the answers you gain to promote legislative reforms to correct the rules of procedure. Consider having your national justice plan commit to building the capacity of mediators and other decision-makers to improve their practices. Your national justice plan should also consider which institutional guarantees—including independence, transparent appointment processes, protection from dismissal and fair salaries, as well as protections such as oversight and requirements for stating reasons for decisions—can help eliminate partiality and undue influence in justice institutions.</p>	<ul style="list-style-type: none"> <li>• Has your problem been resolved at this time?</li> <li>• Who was finally able to resolve the problem? Select one: (1) Family member/friend/neighbour; (2) Religious leader; (3) Paralegal; (4) Legal aid group/NGO; (5) Bar association; (6) Police; (7) Local government official; (8) Court official; (9) Other, specify.</li> <li>• How satisfied were you with the process? Select one: (1) Very satisfied; (2) Somewhat satisfied; (3) Neither satisfied nor unsatisfied; (4) Somewhat unsatisfied; (5) Very unsatisfied</li> </ul>
<p><b>Enforceable Solutions: In order for a remedy to be meaningful, people must be able to enforce it, including through the use of sanctions against individuals who refuse to comply.</b></p>	<p>The questions should help you determine whether justice and other administrative institutions are able to enforce their decisions. This may include analysing the effectiveness of using sanctions against individuals who refuse to comply with a decision.</p>	<p>Use the answers you gain to ensure that your national justice plan considers how both non-state justice institutions and can help citizens achieve enforceable solutions.</p>	<ul style="list-style-type: none"> <li>• Were you awarded compensation?</li> <li>• As of today's date, have you been able to collect this compensation?</li> </ul>

### **Box 12: Case Study: assessing women’s rights in Mali using ABA ROLI’s access to justice assessment tool**

In Mali, where ABA ROLI’s local partner conducted an access to justice assessment, heads of family, religious leaders and village chiefs are frequently involved in mediating community-level conflicts, such as domestic violence. They found that these informal institutions were far more accessible than the formal system but, because of their traditional or religious character, often permitted discrimination against women. As a result, ongoing reforms of Mali’s formal justice system, while vital, must be combined with engagement with informal institutions and efforts to increase their respect for women’s rights.

### **Box 13: Case Study: using stakeholder data to advocate for judicial reform in the Philippines**

To improve case management in the Philippine judiciary, ABA ROLI asked judges to iterate the kinds of data they required to make improvements. Through this baseline assessment, the courts identified the following challenges: (1) delays in serving notices; (2) non-compliance with procedural time limits and (3) other trial postponements.

By using the data gathered during their assessment, ABA ROLI convinced judges in Quezon City to pilot an automated case management system. As a result the city experienced a 29% reduction in case backlog. ABA ROLI’s reputation for using good data has led to further requests for analysis by the Supreme Court of the Philippines, along with a growing relationship of trust and confidence with the government.

### **Box 14: Case Study: civil society assessments of access to criminal legal aid in Nepal**

Civil society organisations can play a pivotal role in assessing the systems they work within, particularly when they are instrumental in providing legal representation themselves.

In Nepal, legal aid services are provided by the Supreme Court’s Baitanik Wakil program, the Nepal Bar Association’s District Legal Aid Committees, and a number of civil society organisations.

The International Legal Foundation’s country program conducted a baseline assessment of criminal legal aid services in six Nepal districts in 2014, finding that the vast majority of the accused did not have legal representation at any point and the majority of those who did have representation were represented by a civil society attorney.

Using the findings of this assessment, ILF-Nepal engaged the government and other civil society organisations in detailed discussions about the state of access to counsel in Nepal and practical means of addressing challenges in the short- and long-term.

## IDENTIFYING GAPS IN YOUR GOVERNMENT'S JUSTICE EFFORTS

A gap analysis is a tool you can use to help you compare how your country's legal system or policy framework currently functions against how it should function. When the reality does not match the ideal, this is called a "gap." You can use any gaps that are identified as strategic entry points for your advocacy.<sup>29</sup>

Remember, most government agencies are stretched to capacity and are likely unsure about what they should be doing to integrate the SDGs into their work. Undertaking an analysis of

existing policies, laws and practices, and proposing recommended responses will be an enormous help. You may wish to undertake this process collaboratively with representatives from civil society and government.

There are a number of tools available to support gap analysis. This toolkit describes the TAP Network's Gap Analysis<sup>30</sup> tool.

### TIP

You will be able to use a lot of the information collected from your access to justice assessment to populate your gap analysis.

## Using the 'Six Elements' of Access to Justice to carry out a justice assessment:

### Identify who should be responsible for implementing a national justice plan

Think about which government officials or groups should be responsible for delivering access to justice and implementing SDG 16 objectives, as well as partners who can help.

- Responsible government officials should be at the national level or state level, including ministries or legislative bodies. Consider new positions or departments created for SDG implementation.
- Supporting partners can be regional or international groups. Remember that this should be as inclusive as possible to empower individuals and institutions.
- Note that at this step, you should only consider who should be responsible, not who is currently responsible.

### Assess current access to justice efforts in participatory ways

- Assess what is being done well, what could be improved and what needs to happen to promote access to justice in your country. The areas that are missing or need improvement are the gaps.
- Review existing domestic policies and plans and compare them to international Goal 16 commitments as well as other relevant international and regional commitments, like UPR.

### Identify priority areas for action and make recommendations [use a solution tree to help with this section, see page 26]

- Brainstorm and come up with a list of solutions that could be offered as recommendations or actions to responsible government official(s).
- Analyse your list and identify the solutions that could be incorporated into your national justice plan.
- Prioritise your solutions to help you identify the ones that will most empower communities to participate in the justice system.

### Identify what resources are needed for implementation

- Consider what kind of financial and human resources are required to carry out your recommendations.
- In considering what resources are needed, assess the capacities of existing stakeholder groups, task forces, and other coordinated groups.
- Include information about the budgets of the relevant government entities and donors.

### Share your gap analysis report with government

If you haven't already collaborated with government officials in creating this gap analysis, present your findings to relevant government stakeholders.

29 See e.g., Manzoor Hasan, *The Gap Analysis Methodology* (BRAC: 2010), 2, <http://www.undp-pogar.org/publications/ac/2010/beirut1/manzoor-hassan-en.pdf>.

30 *Goal 16 Advocacy Toolkit* (TAP Network: 2016), [http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP\\_Toolkit\\_FINAL\\_web.pdf](http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP_Toolkit_FINAL_web.pdf).

A solution tree analysis provides you with a visual map of the gap you are trying to address. From a justice perspective, a solution tree will help you identify the root causes and core issues that are limiting access to justice, barriers to solving these issues and potential policy solutions.<sup>31</sup> The results from this exercise should feed into your gap analysis and any future national justice plan.

You should conduct your solution tree analysis with a variety of diverse stakeholders. This will ensure that multiple viewpoints are included in your analysis. This is also a useful way to begin building relationships between different groups who may not otherwise have the means or the opportunity to collaborate with each other.<sup>32</sup>

## Determining solutions to national justice Issues

**4** What are the solutions?  
(ask: how can legal empowerment help provide a solution?  
What new laws/policies would need to be included in your  
National Justice Plan? How can the SDGs support?)

**3** What are the barriers to solving these issues?  
(ask: what are the social, political and/or  
economic barriers?  
Why have previous government policies/inter-  
ventions failed to address the issue?)

**1** What are the  
justice issues?  
(ask: what,  
when, where are  
the issues?)

**2** What are their root causes?  
(ask: why do the issues exist?  
Consider the gaps in laws/policies)

<sup>31</sup> *Successful Communication: Planning Tools* (Overseas Development Institute). Last accessed September 9, 2016. <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6461.pdf>.

<sup>32</sup> *Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners*, 35.

### IDENTIFY THE JUSTICE ISSUE(S) (THE “TRUNK”)<sup>33</sup>

- Identify the justice issue(s) (the “Trunk”)
- Write down the justice issue(s) you identified through your access to justice assessment.
- Brainstorm to determine what the “central” issue may be. Write down and display all ideas.
- Central issues should be actual and relevant, not just possible or hypothetical.
- The central issue (or interconnected issues) becomes the “trunk” of the tree, from which the discussion flows.<sup>34</sup>

### IDENTIFY THE CAUSES OF THE ISSUE(S) (THE “ROOTS”)

- Identify causes of the issue(s) at hand, writing answers on index cards and attaching to the roots of the tree.
- An important part of this portion of the solution tree analysis is the discussion about the causes and gaps in law or policy that led to these issue(s).

### IDENTIFY BARRIERS TO SOLVING THIS ISSUE(S) (THE “BRANCHES”)

- Discuss social, political and/or economic factors which prevent the resolution of the core issue. Why have previous government policies and/or interventions failed to address the issue(s)?
- Identify barriers, write them on index cards and attach the cards to the branches of the tree.
- Barriers relate closely to the elements discussed in the access to justice assessment tool. Consider how these elements can be barriers to solving the problem at hand.

### IDENTIFY SOLUTIONS TO RESOLVE THE PROBLEM (THE “LEAVES”)

- Reverse the previous negative statements to create positive solutions.<sup>35</sup> The solutions should be oriented towards empowering communities to participate fully in institutions.

- Brainstorm legal empowerment solutions, focus on solutions that solve the stated causes and barriers.
- Specifically discuss how the SDGs and Goal 16 can help resolve the problem.
- Identify the new laws or policies that will need to be included in your national justice plan to support legal empowerment solutions.
- Identify how these new laws and policies will meet international commitments, including the SDGs
- Identify as many solutions as possible. Solutions should be real and possible. Consider short, medium and long-term priorities.<sup>36</sup>

### CHECK: IS A NATIONAL JUSTICE PLAN WHAT YOUR COUNTRY NEEDS TO DELIVER ACTION?

After you conduct your solution tree analysis, you should be feeling positive and ready to move forward to develop an advocacy strategy that calls for a national justice plan. If you are not, now, is a critical time to stop and reflect on whether you want to move forward with using this approach to advance access to justice in your country. You may want to take a moment to consider the following questions:

- Is the justice issue you identified so sector-specific that it will only require one government ministry to address it (e.g. health, education)?
- Were the solutions you discussed primarily program-centred solutions or policy-centred solutions?
- Do you believe calling for a national justice plan will delay your justice issue from being addressed or dilute its importance?
- Has your government explicitly stated or taken actions that suggest justice is not a priority?

If the answer to any of these questions is ‘Yes’ then it may be better for you to pursue the sector-specific or incremental advocacy approaches discussed in Chapter 2 [page 12]. Remember, SDGs can be useful in promoting reforms of many kinds, not just national justice plans. Also, note that the above questions are not a comprehensive list, but rather a few examples to guide you in making a decision.

<sup>33</sup> *Planning Tools.*

<sup>34</sup> *Planning Tools.*

<sup>35</sup> National Centre for Sustainability, “Developing a problem tree” (presentation, November 2, 2011), <http://www.slideshare.net/ncsustainability/developing-a-problem-tree>.

<sup>36</sup> *Global Agreements, Grassroots Advocacy: Youth and Governance in a Post-2015 World*, 12.

## BRINGING IN PARTNERS: CONDUCTING A STAKEHOLDER ANALYSIS

Advocating for a national justice plan is a big undertaking. It is highly recommended that you enlist the help of other like-minded reformers. Possible partners include, but are not limited to, community members, disadvantaged groups, paralegals, other legal empowerment CSOs and representatives from relevant justice organisations. These partnerships can take the form of a network, coalition or alliance.

There are many advantages to working jointly. Collaboration can help enlarge your base of support, ensure expertise across multiple justice areas, pool existing financial and human resources, reduce duplication of efforts, ensure inclusiveness in your advocacy efforts and enhance the credibility of your advocacy strategy.

Be aware that acting as a managing partner of a joint partnership can be time-consuming. It might also be difficult for your partners to agree on a common objective, which may require you to compromise on your position or tactics.

A stakeholder analysis will help you identify the individuals and groups who will be most useful in helping you push forward a national justice plan. It will also help you target the government institutions that will have the most influence and/or who can be engaged as effective partners in helping you achieve your plan.

After identifying all of the relevant stakeholders, reflect upon the importance of each, the power they have to influence your justice agenda, their capacities, their needs and their current openness to engagement. The TAP Network Stakeholder Mapping Tool can help you identify and plan strategies for dealing with your allies, as well as your opponents and targets.<sup>37</sup> A copy of this tool has been provided for you in Annex 3.

### TIP

A national justice plan should be overseen by a working group made up of government and civil society members. Identify potential individuals you would like to be a part of this committee and involve them from the early planning stages.

### TIP

Stakeholders can support you as you develop your national justice plan and begin targeting your advocacy targets. It is important to keep partners informed throughout the entire process. An informed group of partners and stakeholders can help provide a valuable interpretation of your findings and create actionable recommendations.

## DESIGN YOUR ADVOCACY STRATEGY FOR A NATIONAL JUSTICE PLAN

Once you have established a partnership with relevant stakeholders, you can begin to develop a collective advocacy strategy that uses the SDGs to call for a national justice plan. The strategy should clearly state *why* you want to advocate for a national justice plan, *what* you want the national justice plan to include and *how* you will accomplish it. This strategy will build upon all of the information you have gathered through the justice assessment, gap analysis, solution tree and stakeholder analysis.

By developing the strategy in collaboration with your advocacy partners, you will ensure that everyone has ownership over the plan, while also tapping into a range of ideas and expertise.

You should consider the stages a national justice plan typically goes through as it is being developed for national implementation as you craft your advocacy strategy. These stages include:

- consultations and mapping,
- planning for delivery,
- drafting your national justice plan,
- adopting your national justice plan,
- tracking progress to ensure better accountability for justice.

As you develop your advocacy strategy, think about what opportunities and tactics you can use to push forward your goals. The next section provides practical guidance, examples and ideas for approaching each of the stages.

The TAP Network's Advocacy Plan template is a useful resource to help you articulate your advocacy strategy and objectives. Find a blank copy in Annex 4.

<sup>37</sup> Goal 16 Advocacy Toolkit.



**TIP**

Consider the following tactics at each stage of your national justice plan's development:

- **Interagency coordination and cooperation:** ensure all relevant government agencies are included early on and throughout the development process and that there is cooperation across these agencies. Use your stakeholder mapping results to identify all relevant institutions.
- **Common understanding:** create a common understanding within your government on the issues and policies at stake, as well as on the time and energy that will be required to achieve them.
- **Institutionalising civil society engagement:** work to ensure strategic inclusion of non-governmental stakeholders and institutionalise such platforms by forming statutory steering committees or advisory bodies.
- **Evidence building:** emphasise the importance of including your trustworthy legal empowerment data which will deepen your government's understanding on your country's justice issues, how people resolve those issues in light of the recent justice reforms, and how the public may respond to future reforms.
- **Flexible and evolving process:** ensure effective but flexible management of each stage by putting into place mechanisms and language that creates a continuity of multi-stakeholder collaboration and periodic review.

**TIP**

Ensure that your "asks" are supported by the data you have collected. Frame your key asks in terms of what motivates your targeted government official(s). One of their key motivations is sure to be advancing the SDGs. Draw attention to the fact that by helping you, they will also be satisfying their own motivations.

**TIP**

Make sure you set clear goals with specific, measurable, achievable, realistic, and time-bound (SMART) objectives. These should be based on the analysis of the justice situation, a clear understanding of key stakeholders expertise and the availability of resources.

**TIP**

Implement a simple monitoring system to help assess the progress you are making. Evaluating advocacy work can be challenging because many variables affect whether policy change happens and the causes for change—or lack of change—may be unclear. Despite this, regular learning and review will enable you to assess your work and measure the impact you are having on increasing access to justice for disadvantaged people.

## CONSIDER THE STAGES OF A NATIONAL JUSTICE PLAN IN YOUR ADVOCACY STRATEGY

### CONSULTATIONS AND MAPPING

In this stage, you should consult with relevant stakeholders on the key justice issues you are seeking to address and the potential policy solutions. If you have gone through the tools in this toolkit, you will have already carried out access to justice assessments and mapped out the roles and responsibilities of different stakeholders. However, alongside your own consultations, you must encourage your government to start a process of extensive stakeholder consultation. Your government should particularly look to consult with those who are already engaged in work focused on legal empowerment and the provision of basic legal services to poor and vulnerable groups. Governments are well placed to support and carry out national consultations, but may need help with designing these consultations.

If you did not partner with your government when you developed your gap analysis, you should share your analysis with them at this stage. You should also encourage them to review or even undertake their own gap analysis to ensure that they agree with the policy reforms you have identified.

**TIP**

As part of your mapping, review what your government has supported at the UN. All speeches and remarks made during the SDG negotiations are available to the public. Find out what your government's stated position is online. Quite often diplomats and heads of state make promises at the UN, which are not publicised at home. They may have made commitments that can support your advocacy efforts.

### Building allies

During the consultation and mapping stage, look to build alliances with those who will support your national justice plan. Gap and stakeholder analysis results will help determine which individuals you should consider targeting with your advocacy. Targets should include decision-makers within the government and in relevant justice organisations who have the power to create a national justice plan and push forward reforms. You will have both allies and opponents within these targets, so you will need to tailor your approach when dealing with each group.

For stakeholders who are already aligned with your position, include strategies persuading them to take action.<sup>38</sup> Strategies for dealing with opponents include persuading them to support your policy change, reducing their credibility by refuting their positions and finding any existing common ground.<sup>39</sup>

Government agencies are made up of different people with different priorities. Although some government officials may not be keen to partner with you, you can look for “champions” who are willing to help move your agenda forward. Even if one or more of these stakeholders is hostile or indifferent, remain open to collaboration and proactively seek to include them in your work so that, over time, they may come to better understand and appreciate your contributions.

Relationships such as these are built over time and through proactive outreach. Start by requesting meetings with the heads of government offices, organisations, or other stakeholders, explaining that you would like to hear more about their work in the justice sector and look for ways to potentially collaborate in a way that enhances the impact of their work. Invite other stakeholders to co-host or participate in events you hold. Invite their input when you are planning and implementing a new project, even if that simply means having a meeting to explain the new project as a courtesy to them. Actively participate when they invite your organisation to take part in projects or activities they have planned. Plan roundtable meetings or other events designed to bring many stakeholders together at once, which may make participation by high-level officials more likely.

Be prepared to make these efforts repeatedly; stakeholders that are resistant at first may become more open to collaboration over time. It may take months or years to build strong, productive relationships, but it will make all stakeholders’ work more nuanced and impactful in the long term. Developing a national justice plan or a sector-specific justice plan is too-large an undertaking for one CSO to effectively do it all; having relationships with all relevant stakeholders is key to drafting plans that are comprehensive, targeted, and have the necessary buy-in to succeed.

**TIP**

Building sustainable stakeholder relationships with regular interaction builds trust and offers opportunities to learn from one another and gain a more holistic view of legal empowerment issues, as well as making space for both formal and informal collaboration. Relationships between non-government stakeholders can be particularly important in the face of a hostile or indifferent government.

<sup>38</sup> Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners, 39.

<sup>39</sup> Ibid.

## Box 15: Illustrative questions

Here are some illustrative questions to help plan your engagement with advocacy targets who are opponents and allies:

### OPPONENTS:

- Why do they oppose you?
- How actively will they oppose you? Will they be reactive (just counteracting your moves) or proactive?
- What will they do to challenge you? What battleground are they likely to choose?
- How much power do they have (money, influence, numbers)?
- What are their strategies and tactics?
- What are their policies and beliefs? Are there areas where you might agree?
- Who influences them? Who is influenced by them?

### ALLIES:

- How much do they support your advocacy issue?
- Do they have any misgivings about your advocacy campaign? If so, what are they?
- What do they hope to gain from the advocacy?
- How well resourced are they in terms of the campaign?
- What are they willing to do to support the campaign?
- How involved and informed do they expect to be?
- Do they have issues with any other prospective allies?

## Box 16: Case Study: building relationships in the West Bank

The International Legal Foundation established its program in the West Bank in 2010, providing criminal legal aid services to poor and vulnerable accused through well-trained local defence lawyers. Since its creation, ILF-West Bank has developed productive relationships with key stakeholders including ministry officials, judges, criminal legal aid providers and the Palestinian Bar Association (PBA).

ILF-West Bank developed a reputation for expertise in criminal legal aid by not only training its own employees to provide quality services, but also partnering with the PBA and others to provide ongoing training to private defence lawyers, prosecutors, police, and judges on the rights of the accused. The organisation operates clinical education programs and has co-published a report analysing access to justice and access to counsel for juvenile accused in the West Bank as well as multiple internal reports to the Ministry of Justice on topics such as potential legal aid delivery models.

The relationships that ILF-West Bank has built over years help other stakeholders trust the organisation's intentions and expertise, which makes all projects—from advocating specifically for access to criminal legal aid to advocating for government planning around access to justice and the SDGs—more likely to be successful.

## Box 17: Case Study: Kenya's national justice meeting

In Kenya, partners from civil society and the National Human Rights Commission conducted a stakeholder mapping analysis to find new allies within the government who could help push forward a new national justice plan. The relationship between civil society and traditional justice actors in the government had become strained so new allies were needed to push forward reforms. The working group identified the Kenyan Parliamentary Human Rights Caucus (KPHRC) and its members as potential allies. Civil society reached out to this group, educated them on the SDGs and Goal 16, and demonstrated how a national justice plan would help achieve KPHRC's own objectives to secure human rights for all. In a few short months, these parliamentarians became huge allies and agreed to co-sponsor a national justice meeting to plan for countrywide justice reforms.

### TIP

Bringing together decision makers and practitioners is a useful way to build support for your advocacy cause. Many decision makers may be unsure or distrustful of the concept of legal empowerment. By educating decision makers on how legal empowerment has helped to tackle injustice and achieve development outcomes in your country, you can begin to build allies for your cause.

### TIP

Be aware that new appointments or departments may have been set up specifically to lead on the SDGs. You should consider such appointees as advocacy targets even if they have no previous experience working with access to justice and legal empowerment issues.

### Creating a working group

As outlined earlier in the toolkit, it is important that you create a working group to steer the development, adoption and implementation of your national justice plan. This should occur during the consultation and mapping stage. As you work to build allies, you should identify a lead agency who can steer the process and champion access to justice. This agency will vary from country to country. For example, in Indonesia, the lead agency is the Planning Commission, but in Nepal, it is the Supreme Court.

The lead agency should be given the necessary competences and financial means to convene meetings, lead the internal and external consultations and coordinate the drafting process. A member of civil society should be given a senior role to ensure collaboration throughout the process.

Together, members of the working group should agree on the group's structure, competences, and working procedures. Even informal coalitions should have agreed upon terms of reference.

### Building momentum

As you are collecting all of the relevant information and putting the necessary structures into place, you should also be building momentum around your national justice plan. There are a number of commonly used advocacy tactics that will help you build momentum. This section touches on a number of these tactics, including the hosting of a national justice meeting. National justice meetings are a useful way of bringing stakeholders together so that they can make a commitment to promoting your national justice plan.

Here are some advocacy tactics you should consider as you call for a national justice plan:

- **Lobbying:** includes informal or formal face-to-face meetings and advocacy letters or emails. You should present the findings of your access to justice assessment and gap analysis during these meetings to help frame discussions on what can be done to improve your country's justice situation.
- **Campaigning:** campaigning involves engaging in a series of activities to mobilise the public to rally behind your justice issue or join your particular call for the promotion of access to justice. A good campaign grows public awareness of the issue, motivates people to act and builds people's ongoing support by showing progress. Consider having an influential person support your cause. A respected voice is a great way to ensure that your campaign has credibility and could increase interest around your launch.
- **Working with the media:** mass communication is needed to spread your advocacy message across the country. Working with the media will help you effectively reach the public, potential supporters and policy practitioners with your message. Consider writing articles on the SDGs and why they can help promote justice reforms. You can also share your own research to support in-depth investigative reports on your campaign.
- **Influencing policy:** consider ways you can start to influence national policies, which could ultimately be contained in a national justice plan. Tactics to consider include: (1)

### Box 18: Case Study: The US' White House Legal Aid Interagency Roundtable

Recognising that Goal 16 is essential to end extreme poverty and ensure sustainable development, the U.S President issued a Presidential Memorandum formally establishing the White House Legal Aid Interagency Roundtable (WH-LAIR) on the eve of the 2015 UN Sustainable Development Summit. This effort is co-led by the White House Domestic Policy Council and the U.S. Department of Justice (DOJ), staffed by DOJ's Office for Access to Justice (ATJ) and it has twenty-two participating federal agencies. It works to integrate legal aid into federal programs that increase access to health care, housing, education, employment, family stability and public safety, where doing so improves federal programs and enhances justice in U.S. communities. WH-LAIR does this by bringing together federal agencies to inspire new collaborations and importantly, the Presidential Memorandum tasked the interagency effort with assisting the U.S. with implementing Goal 16.

WH-LAIR includes civil society in all of its strategic processes and through regular consultations.

providing SDG and access to justice training for policymakers; (2) commenting on draft policy documents, especially any new SDG or justice policy; (3) organising policy seminars; (4) creating publications on policy issues and (5) piloting alternative policy approaches.

You can use any of these methods individually or jointly. By using a combination of these methods you will build the influence you will need to push for your national justice plan.

### Holding a national justice meeting

A national justice meeting is a useful way of bringing key stakeholders together to discuss key justice issues in your country, the implications of the SDGs, and to brainstorm solutions. A national justice plan should be introduced as one possible solution, which would allow for multiple laws and reforms to be passed to meet Goal 16 commitments.

Ensure that you seek out a diverse group of participants and allow enough time for the group to come to a consensus on the best way to increase legal empowerment and access in your country. Remember, for many participants, this will be the first time they are hearing about the SDGs. Ensure that your agenda allows for learning as well as discussions.

The purpose of a national justice meeting is to obtain a political commitment for your national justice plan and to have your government commit to the specific themes or policies this plan will cover. Examples of a political commitment could include the establishment of an “interagency multi-stakeholder working group on access to justice”<sup>40</sup> or a participant agreement to develop and adopt a national policy framework and action plan on access to justice.

**TIP**

Frame your meeting around the SDGs and a priority issue of your government. Your national justice plan should be presented as the solution for resolving this priority issue and for achieving an SDG commitment. For example in the Philippines, an NGO framed their national justice meeting around the “SDGs and Inclusive Growth” because inclusive growth was a top priority for their government.

**TIP**

Ensure that all key stakeholders have met before the meeting and come up with some loosely agreed outcomes for the meetings as without prior consent, it is unlikely that a political commitment will be agreed to. Build in sufficient time for feedback and dialogue as well as presentations.

**TIP**

If a donor agency has a presence in your country or region, you should invite them to your national justice meeting. Their participation will help them become more aware of your national justice plan and how it supports the implementation of national SDG commitments. It will also give them an opportunity to pitch ideas for how they can support the roll out of your national justice plan.

### Box 19: Case Study: The Philippines’ national justice meeting

In the Philippines, the Alternative Law Group (ALG), an umbrella organisation of legal empowerment organisations, spearheaded an advocacy campaign that led to the adoption of a new national justice plan as part of the Philippine Development Plan 2016-2022.

ALG reached out to stakeholders in the National Anti-Poverty Council (NAPC) who agreed to co-develop a strategy to increase justice for the poor in the Philippines.

As the National Development Plan was up for renewal, NAPC suggested that a new section on justice could be added to the plan, instead of creating a stand alone national justice plan. ALG and NAPC convened a National Justice Meeting with 60 stakeholders from civil society and relevant justice organisations. It was agreed that the new national development plan should have a dedicated section on justice.

<sup>40</sup> This is a technical term. At its simplest, this could be formal recognition of your working group and political support from the group to develop a mandate

## Box 20: The opportunity to promote recognition and financing of community-based paralegals

This may be an ideal opportunity for you to advocate for formal recognition of grassroots legal advocates, also known as “community-based paralegals.” Formal recognition might entail the integration of community-based paralegals into a nationwide approach to legal aid, in which paralegals are coordinated, regulated, and funded (at least in part) by an independent legal aid board. It might also entail more sector-specific arrangements with government, such as authorising paralegals to work on specific issues such as land.

Paralegal movements seek formal recognition for a variety of reasons including to make government officials and private actors more responsive to paralegals’ efforts. Recognition can improve prospects for sustainable financing and ensure against fraud and abuse.

On the other hand, state recognition and regulation also poses risks. Too much state involvement can curtail paralegals’ ability to hold the state accountable or unduly influence their work. Pursuing recognition through a legal aid scheme has its own set of risks; it can run into opposition from the private bar, which typically seeks to maintain a monopoly over legal services. Legal aid schemes are underfunded and legal aid providers have to prioritise criminal defence. As such, recognition under a legal aid scheme does not always translate into much-needed funding for paralegals.

As a result, some paralegal movements have sought recognition and financing on a sector-specific basis. Through this route, paralegals have carved a role for themselves within a range of government ministries and organs and are now recognised and supported by labour tribunals, dispute resolution mechanisms for agrarian reform, municipal or local governments, and police stations, among others. Sierra Leone recently won recognition for paralegals in a national land policy, which requires firms investing in land to pay into a basket fund that will support legal representation via paralegals for land-owning communities.

A resilient paralegal movement must delicately balance the need for both recognition and independence. Formal recognition – whether through national legal aid schemes, sectoral departments, or local governments – combined with diverse revenue sources – ideally a mix of domestic financing, development aid, social enterprise, or client contributions – will go a long way toward empowering paralegal groups to strike that balance and achieve large scale, durable impact. It’s worth discussing with your partners which options for recognition and financing make the most strategic sense in your situation.

Excerpted from Varun Gauri and Vivek Maru, *Bringing Law to Life: Community Paralegals and the Pursuit of Justice*.

### PLANNING FOR DELIVERY

#### Defining priorities, roles and responsibilities

After you and your partners have agreed on which policy areas will be covered in your national justice plan, you will need to determine how and when these issues will be addressed. Your working group should have overall responsibility for prioritising which policy issues will be covered. It should collectively decide how to address each issue in the short, medium and long term.

At a most basic level, your plan should require actions across three key areas, including justice system enabling priorities, priority jus-

tice issues and priority groups.<sup>41</sup> Legal empowerment approaches must be at the centre of all stages of this process. Different organisations and actors will have different priority issues that they will wish to see addressed. At this stage, you will need to focus your advocacy on preventing the justice reform you are pushing from being overlooked.

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<sup>41</sup> Your national justice plan should work across these areas with the aim to: (1) improve your justice system’s ability to effectively identify and meet the specific needs of diverse groups (particularly vulnerable groups); (2) eliminate the conditions which cause or perpetuate discrimination and injustice; (3) identify and effectively address the high prevalence of unmet justice needs and relevant risk factors (especially for specific marginalised groups); and (4) identify the factors contributing to increased vulnerability in some groups so that actions can be taken to bring individual justice outcomes to optimal standards.

Once actions are agreed upon; define roles and responsibilities.

Consider:

- who will write the plan,
- how government agencies will feed into this plan,
- how civil society and other actors will feed into the plan,
- how citizens will be made aware of the plan and feedback,
- any legislative process you will have to consider.

### Resource mapping

Resource mapping means assessing the required, and available, resources for developing your national justice plan. Sourcing resources from multiple government agencies, justice organisations and other development partners is of critical importance. No single source will be able to provide all of the resources that will be required to deliver your national justice plan.

Conducting a resource mapping exercise will help you start determining where and how the resources that are needed to deliver your national justice plan are obtained. You can use the OSF's Justice Sector Resource Mapping tools to support this process. Below, you will find an example of how you can use the tool to access a national or local government agencies, such as your country's Ministry of Justice, Judiciary or Office of the Attorney General. You can find tools to assess donor organisations and CSOs in Annex 7.

Name of National/Local Government Agency	
<b>Total Budget:</b>	
<b>Justice Sector Programs:</b>	1. Legal Aid 2. Legal Empowerment/Awareness Raising 3. Anti-Corruption 4. Court Reform 5. Rule of Law 6. Legal Education 7. Research/Monitoring & Evaluation 8. Customary Law 9. Alternative Dispute Resolution 10. Other _____
<b>Program Details</b>	
	<b>Program Name:</b>
	<b>Timeframe:</b>
	<b>Budget:</b>
	<b>Objectives:</b>
	<b>Methodology:</b>
	<b>Selected Achievements:</b>
	<b>Opportunity for Partnership:</b>
	<b>Contacts:</b>

### **Box 21: Case Study: The US' White House Legal Aid Interagency Roundtable (LAIR)**

The U.S.'s LAIR has proven that a well executed, interagency approach to access to justice can reduce costs and increase the effectiveness of legal aid implementation. In the three years LAIR operated before becoming officially established, it significantly improved the U.S.'s A2J's legal aid efforts and launched more than two dozen federal grant programs related to healthcare, citizenship, housing and federal priorities that incorporate legal aid funding to further program goals.

This same approach can and should be used to reduce the cost of increasing access to justice throughout your country by spreading the cost of implementing Goal 16 to various government and non-government partners.

### **Box 22: Case Study: Sustainable financing for basic legal services**

In June 2016, over 80 experts and senior justice sector officials from 19 countries gathered in Ottawa to discuss scaling access to justice to leave no one behind. The conference scrutinised findings of a report entitled *Developing a Portfolio of Financially Sustainable, Scalable Basic Legal Service Models*.\*

This report seeks to set out a path for thinking about how the justice sector could go to scale, by proposing a five-step approach to quantifying the costs and benefits of basic legal services, benchmarking costs against other sectors and considering the extent to which these services are affordable in a particular country. It further breaks down the different ways basic legal services could be financed, before examining the political conditions that enable justice models to be taken to scale.

A number of global working groups were established to "divide and conquer" the areas of need that justice sectors around the world face. These include financing innovations, the role of technology, the political economy of legal services, research methods for measuring justice, and working with customary law systems.

\* This report was prepared by Law and Development Partnership, commissioned by OSF and the International Development Research Centre, available at <https://www.idrc.ca/sites/default/files/sp/Documents%20EN/resources/bls-briefing-paper-en.pdf>

## **DRAFTING YOUR NATIONAL JUSTICE PLAN**

How your national justice plan is drafted will depend on your country's legislative process and the process agreed to by your working group. Regardless of what drafting process your national justice plan will go through, every plan should incorporate some overarching characteristics. The plan should be:

- based on human rights standards,
- comprehensive in scope,
- likely to lead to significant improvements in access to justice,
- a national undertaking,
- grounded in interagency collaboration and coordination,
- action orientated,
- a public document,
- a continuing process,
- international in dimension,
- time bound.



The following Goal Worksheet will help you develop your plan:

## Goal Worksheet

Goal	Goal 1	Goal 2
<b>Objectives</b>	Objective 1 related to the goal 1 Objective 2 related to the goal 1	Objective 1 related to the goal 2 Objective 2 related to the goal 2
<b>Action/Activity</b>	all activities related to the goal 1	all activities related to the goal 2
<b>Responsible Agency/Actors</b>	names of relevant agencies actors for each activity	names of relevant agencies and actors for each activity
<b>Target Date</b>	target dates for completion of each activity and any midpoint progression	target dates for completion of each activity and any midpoint progression
<b>Performance Indicators</b>	Performance indicators related to the goal	Performance indicators related to the goal
<b>Mechanisms to measure Progress</b>	Mechanisms for monitoring and track progress; reporting mechanisms and plans (annual reports, quarterly working group meeting etc.)	Mechanisms for monitoring and track progress; reporting mechanisms and plans (annual reports, quarterly working group meeting etc.)

### TIP

The performance indicators and mechanisms in your national justice plan can influence, or be supported by, the national indicators your country chooses to use in monitoring the SDGs.

### ADOPTING YOUR NATIONAL JUSTICE PLAN

Once your national justice plan has been drafted, it will need to go through all of the necessary political deliberations and redrafts as required by the government before it is officially adopted. At this stage you need to work hard to sustain pressure on your government to adopt your plan in a timely manner and to ensure that the plan's ambitions are not reduced. To keep up the momentum for your national justice plan, consider using outside global processes. These processes will be discussed further in the next section.

### TIP

If you are unable to be in the room when the plan is being redrafted, try to use innovative solutions to feed in your responses. In Kenya, MPs set up a WhatsApp Group between all of the members of their justice working group. The MPs used this group to send questions to civil society during closed deliberations and fed in the information provided by civil society in real time.

### TRACKING PROGRESS: ENSURING BETTER ACCOUNTABILITY FOR JUSTICE

Once your plan is adopted, good monitoring and review will be critical to ensure that your government delivers its commitment to increase access to justice for all. Your national justice plan will have outlined performance indicators for measuring success. All justice stakeholders will have a critical role to play in ensuring that your government collects data to measure these indicators in a timely and participatory way.

The SDGs can help ensure better accountability in a number of different ways. The SDGs have opened global and national discussions on how to achieve better monitoring and accountability of access to justice. The SDGs have made a commitment to producing better quality data, using new data sources from civil society and the private sector and making this data publicly available. The SDGs have also recognised that to fulfil these commitments, many governments will require support and capacity building and additional funding will be required. A number of new initiatives have been established to support better data gathering on access to justice.<sup>42</sup>

<sup>42</sup> The Praia City Group on Governance Statistics and the Global Partnership for Sustainable Development Data are examples of new initiatives that have been established to support better data gathering on access to justice.

If governments are serious about measuring progress on increasing access to justice, then they will need to have good national justice indicators in place. Such indicators would sit nicely in a national justice plan. However in many countries governments have already begun to develop national justice indicators as part of their SDG planning. Therefore, rather than waiting for your national justice plan to be adopted, you should consider pushing for new national indicators now. Any new indicators could ultimately sit within your national justice plan and the data collected can be used to improve your plan as you push for its adoption.

Whether you choose to push for indicators now or when your national justice plan is drafted, it is important to understand the process of how to develop and select good quality justice indicators using the SDGs. Remember, many governments will be unfamiliar with how to collect data on access to justice. If you are an organisation who knows how to gather this data you will be a valuable asset to them.

### The importance of national monitoring

Although the MDGs were recognised as one of the most successful movements in reducing poverty globally and paved the way for the SDGs, a key challenge to their success was tied to the limited tracking mechanisms for measuring success and identifying challenge areas where more work might be needed.<sup>43</sup> To avoid this problem, the SDG development process focuses more strongly on putting proper metrics in place early on in the process to track and evaluate national progress toward the full achievement of the SDGs by 2030. Steps should also be taken, as necessary, to help countries reform and improve their data tracking tools over time.

It will be difficult to choose and refine the right indicators to measure progress towards the SDGs' justice commitments.<sup>44</sup> Many CSOs, however, already have access to a broad range of justice data and many have already designed programs to use this data to track the effectiveness of their own efforts. As a result, CSOs that already work to increase access to justice and promote legal empowerment will have a critical role to play in the development of national indicators to monitor access to justice.

<sup>43</sup> The Millennium Development Goals Report 2015 (United Nations: 2015), [http://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%2015\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%2015).pdf).

<sup>44</sup> In the course of developing the SDGs, many stakeholders expressed a certain amount of concern over the ability of governments or national CSOs to effectively define and gather data on access to justice under Goal 16, because "access" and "justice" are both broad, multi-faceted terms that touch on a huge number of aspects related to sustainable development. Others, though, highlighted this as an opportunity for a "data revolution" for access to justice and all of the SDGs.

This gives you an opportunity to help develop national indicators on access to justice and to ensure that your own indicators align with, and reinforce, those national indicators. As you work with your government to develop national indicators for access to justice, you will have an opportunity to proactively learn from those who are already successfully gathering development data. You will also have an opportunity to consider creative and forward-looking uses of technology and to be part of the data revolution that is necessary to fully and effectively implement the SDGs generally and its justice commitments specifically.<sup>45</sup>

Good national indicators should generate the data needed for tracking SDG progress, while also providing you with insight on the status of legal empowerment in your country and the effectiveness of your own work. This data can also be used to promote accountability at the regional and global levels as will be discussed in chapter 5.

#### TIP

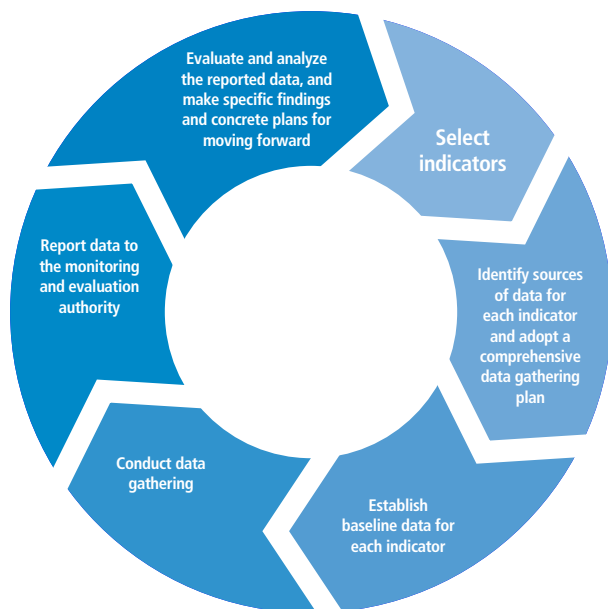
Your working group should be maintained after the publication of your country's national justice plan to coordinate its roll out, develop periodic updates of the plan and to track progress. A mandate of your working group could be to publish an annual progress report on the implementation of the national justice plan. The working group should also seek to address the need for generating evidence on the magnitude and causes of unmet justice needs particularly for vulnerable groups, identify links for inclusive growth and development and use the evidence to advocate greater political and financial commitment for access to justice.

### Setting good national indicators using the SDGs

This section of the toolkit shows you how to develop effective and efficient indicators. It walks you through six steps for developing indicators to measure the effectiveness of national efforts to achieve Goal 16 and increase access to justice in a way that promotes legal empowerment. These steps will help create robust data and analysis that you can use to develop indicators to measure national efforts to achieve the SDGs' justice commitments. You can use these same indicators to monitor the effectiveness and efficiency of your own work.

<sup>45</sup> The SDG 16 Data Initiative has already begun to compile existing global data that can be used to help track progress towards the achievement of SDG 16. For more information, please visit their website: "SDG16 Data Initiative." Last accessed September 10, 2016. <http://www.sdg16.org/>.

The graphic below broadly illustrates six steps you can take to develop effective and efficient indicators:



Each of these steps is discussed in more detail below. As you read about them, it is crucial to keep in mind that these steps should be viewed as a cycle that must be consistently repeated. This will ensure that the indicators you develop are re-evaluated and

changed where appropriate. It will ensure that data gathering processes can be streamlined and improved and that reporting and evaluation can be made more comprehensive.

### SELECT INDICATORS

National indicators should be developed through the collaborative efforts of all the relevant stakeholders. These stakeholders should be involved in every step of the indicator process—from drafting, to data gathering, to reporting and analysing.

As part of your advocacy efforts, you should work to ensure that your government includes you and other CSOs in the process of developing official indicators around Goal 16. Your advocacy should highlight the fact that non-government stakeholders with expertise in legal empowerment and access to justice often have highly specialised knowledge because they often focus on particular sub-groups or sub-issues—not just access to justice for all. They often focus on access to justice for particularly vulnerable groups such as the poor, women and indigenous groups and access to specific aspects of justice such as lawyers, pre-trial detention facilities, fair and impartial adjudicators.

You and your government should engage substantively with as many of these groups as possible to benefit from their special knowledge and expertise, because non-government stakeholder can help draw out a country’s most pressing access to justice issues.

### Box 23: Case Study: Measuring Access to Justice in Indonesia

Indonesia developed indicators to measure access to justice as part of its National Strategy on Access to Justice as illustrated by the table below.

STRATEGY	PROPOSED INDICATORS (OUTCOME)
Access to non-discriminative and affordable basic rights and public service	Score of public service integrity Number of legal identity distributed
Access to effective and accountable courts and other conflict resolution mechanisms that respect human rights	Level of public trust in courts and existing conflict resolution mechanisms
Access to accessible, sustainable, and credible legal aid service	Percentage of justice seekers that receive legal assistance
Access to fair and just national resources use, ownership, and management	Percentage of natural resources use and control distribution for poor and marginalised people

**TIP**

Vulnerable populations are often excluded from political conversations. Before your government agrees to consider the input of vulnerable populations, you may first need to focus your advocacy on showing them why such input is important. You can use the tools discussed in Chapter 3 to develop an advocacy plan to this effect, and the arguments discussed in more detail below to refine it.

**THE NATIONAL INDICATOR DEVELOPMENT PROCESS SHOULD NOT BE CONSTRAINED BY THE CURRENT STATE OF ACCESS TO JUSTICE PROCEDURES OR DATA.**

The SDGs are aspirational. They were designed as a 15-year process because they recognise that many countries are very far from fulfilling the goals. They recognise that governments will need to spend years slowly working towards them before they can be fully realised. The SDG process specifically envisions adding new and more meaningful global indicators over time.

This design should impact the way national indicators are developed to measure access to justice. National indicators should also be aspirational, seeking to measure not only the current state of access to justice, but also the anticipated state. Notably, aspirational indicators are a valuable way of setting the long-term national development agenda without being hemmed in by the long political processes of passing new legislation to set that agenda.

Similarly, indicators should not be overly constrained by the sources of data or capacity for data gathering that is currently available. For example, even if your country does not have a current apparatus for providing access to free defence services for poor people accused of crimes, it should still include an indicator on access to counsel for the indigent accused. Doing so puts that issue firmly on the agenda for proactive development, and means that the indicator will already be in place when your country moves to develop a criminal legal aid program.

Indicators can and should be set in a way that will require the development of better and/or new data sources, such as those that include legal empowerment efforts, which can take place over time. Annex 8 includes a list of parameters you should also keep in mind as you start this development process.

**Box 24: Case Study: Developing National Indicators in Kenya**

From 2013-2015, legal empowerment CSOs in Kenya focused their advocacy efforts on gaining official recognition for community paralegals. In 2016, their efforts yielded fruit; the Kenyan government recognised paralegals as justice service providers in the Legal Aid Law. Additionally, CSOs successfully advocated for Kenya's draft National Policy and Action Plan on Human Rights to integrate justice components into its objectives. Paralegal presence and their impact is being tracked in three outcome indicators relating to the plan's access to justice goals.

**CREATE YOUR DATA GATHERING PLAN**

Drafting and adopting a comprehensive and clear plan for gathering indicator data on justice is crucial to ensuring complete and organised data gathering and reporting. This plan must start with identifying sources of data; both existing sources that are well-developed and sources that need to be created or improved.

If any indicators do not have existing data sources feeding into them, use this opportunity to incorporate specific strategies for developing new data sources; in your data gathering plan. These sources will allow comprehensive data to be gathered in the future.

Your government's own national monitoring and evaluation plan should clearly state which individuals or offices are responsible for this data gathering as well as how and when it is reported.

You can help your government effectively identify sources of data by highlighting the following:

**GOVERNMENT AND NON-GOVERNMENT DATA SOURCES**

For indicators tracking access to justice, key government sources of data include courts, police, detention centres, government-run legal service providers and any ministries providing support or services in relation to legal matters. Key non-government data is likely to come from CSOs, development indices published by regional and international bodies and studies or publications from domestic or international academic institutions.

**National Statistics Offices** (NSOs) should lead the data collection and reporting process for the monitoring of official government

indicators. The data they collect comes from both government and non-government sources.

Many NSOs already carry out specific data-gathering activities to meet national, regional or global reporting requirements that pre-date the SDGs. These activities should be regularly reviewed and updated to ensure that NSOs are adequately gathering data on national, regional, and global SDG indicators.

**Non-government actors, academics, the media and the private sector** can also be invaluable sources of data. They often are already collecting data and have experience with data systems and strategies. Key non-government data is likely to come from CSOs, development indices published by regional and international bodies and studies or publications from domestic or international academic institutions.

**TIP**

If your government expressed doubts about the measurability of access to justice during the SDG drafting process, you should remind them that they are already gathering access to justice data. Remind them that police, prosecutors, legal service providers and courts of all types keep administrative records for their day-to-day functioning. Although many do so incompletely or imperfectly, the monitoring systems are already in place. You can work with your government to ensure that these systems are reviewed and improved to accurately measure access to justice.

**TIP**

The 2030 Agenda commitment to “leave no one behind” is to ensure that governments consider vulnerable and underserved populations as they work to implement the SDGs at home. But reliable data on vulnerable and underserved populations is typically hard to collect. If your organisation works to legally empower these groups, you have valuable data on the status of its current efforts to provide these groups with access to justice that your government could incorporate into its data plan. If you collect case data look at ways to pull out trends from this valuable information.

**TIP**

Many international and regional indices on access to justice and legal empowerment already exist. Some well-established international and regional indices include the: World Justice Project Rule of Law Index; Global Barometer Survey; United Nations Global Study on Legal Aid; World Values Survey; Afrobarometer; Arabbarometer; Latinobarometer; Asiabarometer

## BUDGETING FOR DATA GATHERING

Governments should budget for data gathering on Goal 16 and access to justice in the short- and long-term. Some data sources will not require new or additional budget expenditures. For example, data that is already gathered in court records merely needs to be aggregated. New or expanding sources of data will likely require additional government funding.

**TIP**

Here are some potential sources of data that you and your government could use to develop a national budget for gathering data on Goal 16 and access to justice in general:

- **Constitutions, legislation, and written policies and procedures:** Constitutional and legislative provisions and official policies and procedures can provide limited information on access to justice. It is useful to know whether written protections exist for key rights related to access to justice, such as the right to an impartial adjudicator, the right to a fair trial, and the right to counsel.
- **Administrative data:** Administrative data includes records kept by CSOs, police, prosecutors, and courts (and other adjudication mechanisms) in the course of their work. Although it is unlikely to be tailored exactly to the needs of the indicator, it will be more precise than other more subjective forms of data, such as household surveys. Also, when data has been collected for administrative reasons unrelated to indicators, it is less likely to be subject to wilful misrepresentations aimed at making the data appear more favourable. Administrative records are particularly useful for factual data related to measuring access to justice, such as dates, locations and criminal charges.
- **Analytical reports:** Reports produced by CSOs, academic institutions, or the media can serve as significant sources of data, especially with regards to the ability of vulnerable groups to access justice. This can include conference reports, reports made to funders, internal databases used by CSOs or media reports.
- **Household surveys:** Household surveys are an excellent source of data—particularly on issues as varied as legal empowerment and access to justice. They can show the relationships and linkages between key demographic groups and selected outcomes. **Legal needs surveys:** Legal needs surveys are a type of household survey. They look specifically at the extent to which people are able to resolve their disputes in everyday life. Legal needs surveys can be used to identify justice gaps and measure people’s perceptions about their ability to access justice.

**TIP**

There are costs associated with developing legal needs and household surveys, employing and training survey takers and analysing the large amount of data they produce. CSOs who work at the community level are already structured to collect this type of data. If you work at the community level, you can advocate for increased funding for your work so that you can begin conducting these types of surveys to help with national efforts to measure Goal 16 and access to justice.

**ESTABLISHING BASELINE DATA**

It is important to have baseline data for each indicator. Baseline data is simply data that shows the initial or current state of an indicator. All future data should be compared to the baseline data to help you determine whether the situation around an indicator has improved, declined or remained the same.

Legal empowerment and access to justice was not part of the MDGs and therefore baseline data from that source does not exist. Governments will have to look to existing data from government and non-government sources to create a justice baseline.

Governments should also seek to find as much relevant additional information on an indicator as possible. Useful secondary sources may include, development reports made to international bodies such as the UN or World Bank, data gathered by CSOs, publications from local or international academic institutions or surveys of experts in various aspects of legal empowerment.

**TIP**

Conducting a baseline assessment will help with your advocacy efforts and yield important data for your government's efforts to promote access to justice. You can advocate for increased funding to conduct more detailed assessments to support national monitoring of access to justice, which will also help you more accurately measure the effectiveness of your own work.

**DATA GATHERING**

Data gathering should begin as soon as possible after national indicators are adopted and data sources are identified. It is likely that some national indicators will require that data be collected on a rolling basis, rather than at a single point in time. In the case of legal empowerment for example, an indicator on 'how much time passed between a person's arrest and when they first had access to a lawyer' is best assessed through police records providing data on the date of arrest and the date counsel first appeared.

You can work with your government to ensure that existing data is tracked immediately, while new sources are being developed. Governments should begin gathering data from whatever sources are currently available, as well as add new data sources as they become viable.

**REPORT DATA TO THE MONITORING AND EVALUATION AUTHORITY**

National monitoring and evaluation of Goal 16 will result in a significant amount of data, from a range of sources. In order for this data to be useful it must be regularly collected and compiled into a comprehensive report. Requirements for this reporting, including who is ultimately responsible for producing it as well as what format it should take, should be clearly laid out in the data gathering plan adopted at the beginning of this cycle.

Report Timing : Make your reporting work with your government's schedule. Consider how your annual review cycle fits into your government's annual review cycle. In order to effectively be a part of national monitoring and evaluation of Goal 16, you must provide complete and reliable data from your projects on a timely basis, ideally at the very start of your government's annual review.

**EVALUATE, ANALYSE AND MAKE FINDINGS**

In addition to producing a comprehensive data report, produce a clear evaluation of progress toward both your own and your government's access to justice indicators. This report should include:

- specific project-level plans for continuing to advance legal empowerment and access to justice,
- specific recommendations for how other stakeholders can improve their access to justice initiatives,
- data gathering in order to collectively move the agenda forward.

Your annual evaluation will ensure all stakeholders remain focused, proactively engaged, and ultimately effective on the development agenda year after year. The data alone provides significant information, but evaluation and analysis are necessary to identify key learnings including:

- the groups or issues that are being left out of legal empowerment efforts,
- the initiatives that are working well and why,
- the initiatives that are not having the anticipated impact,
- when new or different data gathering methods should be incorporated to maximise efficiency and effectiveness,
- when the national indicators should be changed or supplemented.

If you help your government work proactively to complete these steps, it will make significant and measurable progress toward achieving Goal 16 and the SDGs in general by 2030.

### **Box 25: Recap:**

After reading this chapter, you should:

- understand how you can use the “six elements” of justice to conduct a baseline assessment to assess to status of access to justice in your country,
- be able to identify gaps in your government’s current efforts achieve equal access to justice,
- be able to identify solutions to the root cause and core issues that are negatively impacting people’s ability to access justice,
- understand how you can use a baseline assessment, gap analysis and solutions tree to shape the advocacy strategy you use to push your national justice plan,
- recognise the importance of using a stakeholder analysis to identify partners to assist you through the different stages of developing a national justice plan—from the initial consultation and mapping stage all the way through indicator development stage.

# Chapter 4

## Overcoming Challenges: Troubleshooting Blockers to Justice

### COMMON CHALLENGES AND RISKS

You will face a number of risks and challenges when you begin advocating for and developing your national justice plan. It is useful to be aware of these challenges and the fact that you may need to address them periodically. The best advocacy requires constant reflection, evaluation and revision to overcome challenges.

Here are some of the most likely challenges and risks you may face as you work to push your national justice plan, along with tips and tricks for overcoming them:

#### IF YOU RUN INTO LOW LEVELS OF POLITICAL WILL AND SUPPORT FOR YOUR PLAN:

- find new allies to champion your cause,
- bring together community members, community paralegals and decision makers to stimulate conversation.

#### IF GOVERNMENT OFFICIALS ARE TELLING YOU THAT THE SDGS ARE NOT IMPORTANT:

- look at statements your government has made at the UN and quote it back to them,
- encourage celebrities and eminent persons support your campaign and the SDGs – the Global Goals campaign has already built an archive of endorsements you can use,<sup>46</sup>
- build community support for the SDGs.

#### IF YOUR GOVERNMENT IS UNWILLING TO WORK WITH CIVIL SOCIETY:

- build relationships with all access to justice stakeholders. Relationships such as these are built over time and through proactive outreach. Be prepared to make these efforts repeatedly; stakeholders that are resistant at first may become more open to collaboration over time.
- display your expertise and value.

#### IF THE PROCESS FOR DEVELOPING YOUR PLAN IS NOT TRANSPARENT AND PARTICIPATORY:

- remind decision makers that the SDGs have promised to be transparent and people centred. Target 16.7 specifically commits to “ensure responsive, inclusive, participatory and representative decision-making at all levels.

#### IF THERE IS A WEAK BASELINE STUDY UNDERLYING YOUR PLAN:

- produce independent data by carrying out an access to justice assessment yourself,
- advocate for new indicators to be introduced so that new baselines can be built.

#### IF YOUR PLAN LACKS PRIORITISATION AND ACTION-ORIENTED PLANNING:

- use the Goal worksheet to encourage action orientated planning,
- ensure that civil society are included during consultations and review.

<sup>46</sup> “Goal 16: Peace, Justice and Strong Institutions. Last accessed September 10, 2016. <http://www.globalgoals.org/global-goals/peace-and-justice/>.



**IF THERE ARE WEAK PARTICIPATORY MECHANISMS  
WEAK PARTICIPATORY MECHANISMS FOR MONI-  
TORING AND EVALUATION:**

- use the SDG national indicators to push for new, ambitious indicators.

**IF THERE IS INADEQUATE COMMITMENT OF  
RESOURCES:**

- carry out resource mapping to ensure that you have sufficient funds to deliver your plan,
- use an interagency approach to pool funds from multiple stakeholders,
- use the SDGs to source new funds from donors and the private sector.

**IF THERE IS A CHANGE OF GOVERNMENT IN YOUR  
COUNTRY AND A LACK OF CONTINUATION OF PRE-  
VIOUS GOVERNMENT PLANS OR PROGRAMS:**

- remember that the SDGs are a 15 year plan of action and that they can provide some level of continuity,
- remember that Planning Commissions and Offices of Statistics should be apolitical and less likely to change plans when a new government is elected.

**IF THERE IS A LACK OF EFFICIENT AND EFFECTIVE  
COORDINATION BETWEEN ALL LEVELS OF YOUR GOV-  
ERNMENT, PARTICULARLY AT THE FEDERAL LEVEL:**

- have an effective interagency working group,
- carry out regional consultations to ensure that regional priorities are addressed by your plan.

**IF THE PLANNING PROCESS FALLS APART AND/OR  
YOUR GOVERNMENT REFUSES TO ADOPT YOUR  
NATIONAL JUSTICE PLAN:**

- remember that you can still pass many relevant laws and policies that would have sat in your justice plan and use the allies you have built to move forward with these reforms,
- reflect on why the process fell apart and consider how you can adapt your strategy to better push for a national justice plan in the future.

**USING REGIONAL AND GLOBAL PLATFORMS  
TO SUPPORT NATIONAL REFORM**

If you are struggling to make headway with your plan at the national level, it is important to think about the regional and global spaces that can help support your advocacy. So far this toolkit has focused on national mechanisms and reforms, but the 2030 Agenda was endorsed as a “unified vision to guide the actions of every country around the world”. In that sense, it is both a national and an international program of action. International actors and processes will remain important to efforts to achieve Goal 16 and deliver access to justice to all.

This section will provide you with an understanding of international actors and review processes. It will also share learnings and ideas on how global and regional platforms can support your advocacy at the national level.

**INTERNATIONAL ACTORS AND PARTNERS**

With a variety of agencies, task-forces and working groups established to support the development and implementation of the SDGs, navigating the international development scene can be complicated. Broadly, there are six key groups working internationally who will be actively engaging with all SDGs, placing additional focus on access to justice and legal empowerment.

**Box 26: Case Study: Justice Reform in Kenya**

In 2015 the legal empowerment NGO, Kituo cha Sheria, the International Commission of Jurists Kenya and the Law Society of Kenya, began advocating for a national justice plan to incorporate the SDG justice targets and existing national justice priorities. Although, their efforts did not result in the passing of a national justice plan, it did result in the passing of Kenya’s first Legal Aid Law which recognises the vital role of legal empowerment to achieve sustainable development. It also resulted in the passing of the Freedom of Information and Community Land Laws. These are all laws that could ultimately sit within a national justice plan.

## UN AGENCIES

The UN and its many funds and agencies will contribute significantly to the implementation of the 2030 Agenda. The UN Country Team will help governments engage with the SDGs and could be great entry points for civil society to support national planning and monitoring processes. The agencies that have demonstrated interest to support access to justice include International Development Law Organisation (IDLO), UN Development Programme (UNDP), UN Office on Drugs and Crime (UNODC), Office of the UN Commissioner for Human Rights (OHCHR), UN Children’s Emergency Fund (UNICEF), and UN Populations Fund (UNFPA).

If these agencies have a presence in your region or country, they would be useful partners to support your advocacy and provide technical and financial support for your National Justice Plan. It is worth keeping abreast of new UN initiatives that are supporting Goal 16’s ambition to advance access to justice. For example, in May 2016, the UN Commission on Crime Prevention and Criminal Justice passed Resolution 25/2 on promoting legal aid, including through a network of legal aid providers.<sup>47</sup>

## MULTI-STAKEHOLDER INITIATIVES

The 2030 Agenda has called for more collaborative multi stakeholder initiatives to support the implementation of the SDGs. These initiatives can include government, civil society and private sector partners. The Open Government Partnership (OGP) is a good example of a multi stakeholder initiative that has committed to supporting national efforts to implement Goal 16. OGP’s Joint Declaration for the Implementation of the 2030 Agenda<sup>48</sup> specifically states that OGP will “promote the rule of law ... *through transparency, openness, accountability, access to justice and effective and inclusive institutions.*”

At the national level, OGP national action plans can support reforms by including justice commitments and references to Goal 16. OGP’s Special SDG Guide<sup>49</sup> can be used to develop national justice commitments. The Global Partnership on Sustainable Development Data is another example of a multi stakeholder initiative that works to galvanise commitments, build capacities and foster collaborations to address data gaps and harness the data revolu-

tion to meet the Sustainable Development Goals by 2030. You may find it useful to partner with both of these groups in your advocacy.

## REGIONAL INTERGOVERNMENTAL BODIES

Regional and sub regional bodies are uniquely placed to assist governments with implementing and monitoring justice commitments made through the SDGs. Learnings from the MDGs show that countries who integrated the MDGs into existing regional strategies were far more successful in meeting the MDGs’ objectives than countries who did not have the support of an existing regional strategy. Regional political, economic and social intergovernmental bodies operate as effective intermediaries between international agendas and their national uptake at increasing rates.

Organisations like the African Union (AU), the European Union (EU), the Organisation of American States (OAS), the Association of Southeast Asian Nations (ASEAN) and the Arab League will all play key roles in supporting national governments to move this agenda forwards. ASEAN and the African Union have already hosted Goal 16 planning meetings as the below case study below details.

## INTERNATIONAL FINANCIAL INSTITUTIONS (IFIS)

The IFIs generally include the World Bank, International Monetary Fund (IMF) and World Trade Organisation (WTO), as well as the regional development banks. To advance justice, IFIs should be seen as both a partner and an advocacy target. All of these organisations have committed to supporting Goal 16, including through technical support and financing national interventions. Technically, IFIs are well placed to gather data, and increase statistical capacity of governments to gather data, on legal needs and the provision of justice.

The World Bank has already inserted justice and legal needs survey questions into its National Poverty Surveys, allowing new data to be gathered at a limited cost. However, since the adoption of the SDGs, no IFI have committed specific funding for civil society led access to justice and legal empowerment work. Increasing financial support to civil society is one way IFIs can demonstrate their commitment to increasing access to justice for all. At the national and international level, civil society and policy practitioners should be advocating for increased support from IFIs.

<sup>47</sup> The full text of the resolution can be found here: *Resolution 25/2: Promoting Legal Aid, Including through a Network of Legal Aid Providers* (UNODC: 2016), [http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ\\_Sessions/CCPCJ\\_25/2016\\_Resolutions\\_Decisions/03.CCPCJ\\_2016/Resolution\\_25\\_2.pdf](http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_25/2016_Resolutions_Decisions/03.CCPCJ_2016/Resolution_25_2.pdf).

<sup>48</sup> Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development (Open Government Partnership), [http://www.opengov-partnership.org/sites/default/files/attachments/OGP\\_declaration.pdf](http://www.opengov-partnership.org/sites/default/files/attachments/OGP_declaration.pdf).

<sup>49</sup> Global Partnership for Sustainable Development Data. Last accessed October 25, 2016. <http://www.data4sdgs.org/>.

**TIP** The World Bank’s flagship Development Report is focused on “Governance and the Law” in 2017. This report may be a useful tool to support your advocacy in this area.

### **Box 27: Case Study: The Inter-American Association of Public Defenders (AIDEF)**

In many Latin American countries, legal aid is provided through a Public Defender System. The Inter-American Association of Public Defenders was founded in October 2003, during the II Inter-American Congress of Public Defender's Offices held in Rio de Janeiro, Brazil. It consists of Public Defender's Offices and Associations from eighteen Latin American countries. AIDEF's main objective is to foster institutional strengthening of public defender's offices by creating an inter-institutional permanent coordination to ensure the respect of human rights of people in conflict with the law.

In addition to supporting legal aid institutions at the national level, AIDEF has also succeeded in strengthening legal aid frameworks and services at the regional level. AIDEF has promoted and lobbied for the General Assembly of the OAS (Organisation of American States) to adopt five resolutions to stress the importance of public defenders' work in guaranteeing access to justice, especially for vulnerable persons. In those resolutions the General Assembly also recognised the importance as part of the Member States' efforts to ensure a public service that should be efficient, free of inappropriate interference and control by other branches of government.

Recently, these standards were consolidated in a unique document, Principles and Guidelines on Access to Legal Aid in the Americas. AIDEF also supported the adoption of the 2013 Inter-American Commission on Human Rights report by the Rapporteur on Human Rights Defenders on "Guarantees for the independence of justice operators. Towards strengthening access to justice and the rule of law in the Americas". This report recognises the role of public defenders as a guarantee of the accused person's inalienable right to be assisted by counsel provided by the State.

Similar regional approaches can and should be used to support national efforts to increase access to legal aid.

#### **DEVELOPMENT PARTNERS**

Domestic budgets alone cannot deliver access to justice to all. Although the new SDGs are intended as a universal agenda applicable to all countries equally, official development assistance (ODA) is still a core part of the implementation framework. In July 2015, the Addis Ababa Action Agenda was endorsed by governments in support of the 2030 Agenda. It recognised that a mix of ODA, domestic financing and private-sector financing would need to be harnessed if implementation of the SDGs was to be achieved.

For justice, ODA has historically been limited. Between 2007-2013, only 1.8% of total ODA was directed to justice and only towards a small number of countries. As touched on in Chapter 1, the SDGs provide you with an opportunity to garner greater financing for your legal empowerment and access to justice efforts. Donors must commit to funding civil society-led legal empowerment and access to justice initiatives in order to achieve the SDGs' justice commitments. As a result, you should think of them as advocacy partners and targets to support and finance your national justice plan.

#### **INTERNATIONAL NGO COALITIONS**

The TAP network and the Global Legal Empowerment Network continue to advocate at a global level to ensure that the SDGs' justice commitments are effectively implemented. Members of these coalitions are organising in global and regional networks to share learnings, advocate for increased financing for justice and ensure that all stakeholders are held accountable for delivering justice commitments. Coalitions can be particularly useful in making sense of the complexities of multilateral processes, making it easier for you to channel your inputs into regional and international discussions

The World Justice Project<sup>50</sup> has launched a new Goal 16 survey module, which will monitor how over 100 countries are meeting justice commitments. These results will be fed into the SDG16 Data Initiative,<sup>51</sup> a global initiative which monitors official and complementary indicators for all of the Goal 16. The data produced by both of these initiatives can be used to build an evidence base for national advocacy work.

50 "Rule of Law Index 2016," (World Justice Project). Last accessed September 10, 2016. [www.worldjusticeproject.org](http://www.worldjusticeproject.org).

51 "The SDG16 Data Initiative" <http://www.sdg16.org/>

## Box 28: Case Study: ASEAN's Commitment to Support National Efforts to Achieve Goal 16

In January 2016, ASEAN adopted its new 2025 Community Vision. This guiding document acknowledges the complementary relationship between the UN's 2030 Agenda, and ASEAN's development. By adopting this vision, ASEAN became the first regional body to acknowledge its unique ability to support its members' efforts to implement and monitor the SDGs.

Following this, ASEAN; in collaboration with key stakeholders, held the first SDG-focused sub-regional meeting in May 2016.

The consultation brought together representatives of the ASEAN Secretariat and ASEAN Intergovernmental Commission on Human Rights, members of the Open Government Partnership, ASEAN Member State government representatives civil society leaders and international experts to discuss and explore challenges, lessons learned, and potential strategies for strengthening access to justice and implementing Goal 16 in the ASEAN region.

The meeting resulted in the creation of the Jakarta Recommendations on SDGs, Access to Justice, and Legal Aid in ASEAN, which sets out action points to enhance access to justice and strengthen multi-stakeholder collaboration in ASEAN member states.

Following this meeting, government and civil society have been collaborating to push forward national reforms, in Indonesia, a multi stakeholder coalition has secured government financing for national and local roll out of the new national justice plan.

### TIP

This excerpt from the Jakarta Recommendations is an example of how an international NGO coalition can be formed to support national efforts to achieve Goal 16:

- We recommend the following action points for consideration by ASEAN member states and all other relevant stakeholders, including international and intergovernmental organisations, regional bodies, CSOs, and the private sector:
- Engage all justice stakeholders, including legal aid providers, central and local government, parliaments, judiciary, bar associations, civil society and private sector in the development, implementation and monitoring of national justice plans and policies.
- Ensure that equal access to justice for all is fully integrated into and properly funded through national plans and policies for implementation of SDGs.
- Ensure that equal access to all and the right to legal aid are included in national and regional level indicators for achievement of the SDGs, and progress on these indicators is shared in an inclusive manner
- Establish a Thematic Working Group to strengthen access to legal aid in ASEAN, cooperating and collaborating with existing platforms including the ASEAN Intergovernmental Commission on Human Rights (AICHR), Council of ASEAN Chief Justices, ASLOM, ALAWMM, and civil society
- Encourage development partners to provide support and technical assistance to all relevant stakeholders in the implementation of the above recommendations.

Jakarta  
27 May 2016

**Box 29: Recap: After reading this chapter, you should:**

- be able to identify some of the risks and challenges you may face while advocating for your national justice plan and potential tips and tricks to address them,
- know how you can use the regional and international platforms to gain support for your advocacy.

# Chapter 5

## International Review

The 2030 Agenda includes a commitment to robust follow-up and monitoring frameworks, both nationally and internationally, to enable the public to ensure that governments and other duty-bearers are held accountable for meeting the SDGs. Even if your own work is locally focused, it will be useful to remain aware of major developments at the international level so that you can identify opportunities to leverage support for your own efforts through international forums and processes as appropriate.

At the global level, the 2030 Agenda has two main accountability pillars. The first is a set of quantitative indicators and data that tracks progress towards the SDGs. The second is the qualitative follow-up, review and reporting processes at national, regional and global level. The HLPF sits at the apex of these accountability processes.<sup>52</sup>

There is considerable opportunity for you to engage in these accountability processes. The UN has pledged to consider “rigorous and independent” work of non-UN actors in progress reviews, and to “champion innovative practices to engage non-state actors”<sup>53</sup>. This recognition provides extra level of scrutiny on progress towards achieving the SDGs, with civil society having greater legitimacy for assessing the progress of governments.

### GLOBAL INDICATORS

Global Indicators are a tool you can use to track your government’s progress towards achieving the SDGs. Global Indicators are different from national indicators, as they need to be applicable to all countries. Good global indicators are an effective way to track progress and identify which regions and issues are failing to make progress. There has never been comparable global data on justice or legal empowerment. Having this information and understanding where your country ranks globally is a useful advocacy tool when pushing for national reforms.

52 Anna Moller-Loswick, *Crowding Out Accountability: The Follow-Up and Review of the 2030 Agenda* (Saferworld: July 28, 2016), <http://www.saferworld.org.uk/news-and-views/blog-post/40-crowding-out-accountability-the-follow-up-and-review-of-the-2030-agenda>.

53 SG Report 2016

That said, the current global indicators for justice are weak. The UN body responsible for the development of indicators, the Inter-Agency and Expert Group (IAEG), identified two global indicators on access to justice. The two selected focus on elements of the criminal justice system: (1) the percentage of detainees in pretrial detention and (2) the percentage of victims of violent crime who report their victimisation to competent authorities.

The indicators selected were influenced by the data that currently exists and they are not as ambitious as they should be. Alone, these global indicators do not sufficiently help monitor progress towards addressing most people’s justice problems. By focusing exclusively on criminal justice systems, they overlook the most frequent justice and development needs people face around the world and how these issues are effectively addressed.

Numerous NGOs, UN agencies, the World Bank, and a diverse coalition of civil society groups recommended survey-based indicators focused on strengthening public access to effective and just dispute resolution, and on access to effective legal aid:

- Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal,

### Box 30: Case study: global review at the High Level Political Forum

The High-level Political Forum (HLPF) on sustainable development is the main UN platform on sustainable development. The HLPF provides political leadership, guidance and recommendations. It follows up and reviews the implementation of sustainable development commitments and the 2030 Agenda, addresses new and emerging challenges, promotes the science-policy interface, and enhances the integration of economic, social and environmental dimensions of sustainable development.

alternative or traditional dispute resolution mechanism and who feel the process was effective and just.

- Proportion of citizens who can access effective and independent legal aid.

Unfortunately, these indicators were not adopted. However, the UN has outlined the need for indicators to be reviewed and updated over the coming years so there will be opportunities to advocate for more inclusive justice indicators. As an interim solution, the SDG 16 Data Initiative will monitor and compare progress more inclusive Goal 16 data on access to justice for all.<sup>54</sup>

**TIP**

The current global indicators must not limit your national efforts for measuring justice. If you are meeting with your government, you should be prepared to discuss why these global indicators are limited and why, based on your own national experience, more inclusive justice measurement is required. In addition, you should highlight examples from countries where justice needs and services are effectively measured, the technical methodologies used for this measurement, and the benefits of having this data for policy making.

You can influence the global process by advocating for and encouraging national statistic representatives to push for more inclusive justice indicators at the UN. You can also influence the process by drafting and signing onto global civil society coalition positions.

**TIP**

Find out who represents your country at the UN Statistical Commission and/or on the IAEG. These representatives and the offices they represent have been tasked with a huge mandate, to report on all 17 SDGs. Statistical departments are meant to be apolitical and independent from government, and as a result they are often open to support to build capacity and develop methodologies to effectively measure justice. They can be a good ally for national reform.

## GLOBAL REVIEW

The 2030 Agenda promises a systematic review process “to support accountability to our citizens”. At the first HLPF in 2016, global indicators had not been officially adopted and were not discussed in detail. Qualitative reviews were also limited and mostly focused on discussing the progress that was made towards attaining the MDGs. Many countries simply focused their reviews simply

on the work they had done in setting up structures and coordinating mechanisms for implementing the 2030 Agenda. While these implementation processes are important, it is still not clear how they will help address political, development or social challenges at the national level. Countries were reluctant to discuss challenges in a meaningful way.

On a more positive note, some countries did take steps to include civil society. National civil society actors spoke during official government presentations and posed critical questions to their governments. In some countries civil society were consulted by their governments ahead of its review, although in most countries civil society were only able to comment on almost-finalised drafts of official national reports.<sup>55</sup>

At time of publication it is difficult to know how useful a space the HLPF will prove to be. However there is still time to influence how it functions. To be successful, the HLPF needs to become a dynamic forum for genuine and honest conversation between and among member states, civil society and other stakeholders about progress made, challenges ahead and ways to overcome them.

## GLOBAL MONITORING AND REVIEW SUPPORTING NATIONAL ADVOCACY AND REFORMS

### REFLECTION

Global reporting must be used as a time for genuine reflection and for real problem solving around the world. At the national level, you can use the annual HLPF to reflect on national progress made on justice and legal empowerment, critique official narratives against your own experiences, and discuss challenges to progress. It is important that civil society do not let governments control this narrative. Civil society must influence and monitor what governments are saying at the UN and ensure any facts or commitments are publicised at the national level. You should incorporate time for this annual reflection and use it to reignite discussions on justice in your country, this is particularly useful if these discussions have stalled.

### CIVIL SOCIETY CONSULTATIONS

Every country has committed to civil society consultations as part of their HLPF review. These consultations should be a space to ensure government plans are setting the right priorities and proceeding in the right way. During the first HLPF, this happened to varying degrees. Civil society from Sierra Leone spoke of how they were pleased that their government had involved them in the drafting of

54 “SDG16 Data Initiative.”

55 *Crowding Out Accountability: The Follow-Up and Review of the 2030 Agenda.*

their national review. Others spoke of token consultations. If you are involved in HLPF reporting, avoiding tokenism is crucial to meaningful accounting.

Find out who is responsible for leading your national review process and ensure meaningful consultations are built into the process. Work with them to agree timelines for civil society to make submissions, review drafts and ensure stakeholders have access to official government documents and statistics. Where consultation is not happening, governments should be reminded they have signed up to produce progress reviews that “draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders.” If your government has not yet undertaken its own justice consultations, you can use this platform to push for them to happen. This data can feed upward to the global review but more importantly for your national justice plan.

#### CO-REPORTING

Ambitious governments should go further and actually co-produce national progress reports with other stakeholders including civil society. Evidence has shown that co-reporting of government and civil society can add credibility and legitimacy to international commitments.<sup>56</sup> The OGP reviews are a good example of co-reporting. Show your government how existing civil society data and push for it to feed into this process.

#### SHADOW REPORTING

If your government is not allowing for meaningful consultations or if you do not agree with their findings, you can consider submitting your own reports directly to the UN and other relevant bodies. This is already very common in the human-rights sector, where many NGOs submit their own reports on treaty implementation to relevant human-rights treaty bodies in order to provide different or supplemental perspectives on the government’s official treaty report. National civil society organisations could develop simple Goal 16 or Access to Justice Reports to track how well countries are delivering their justice commitments. If you are struggling to make headway at the national level request that UN agencies and other international governments ask your government critical questions from the findings of your report.

There are benefits and drawbacks to submitting a shadow report. The benefits are (1) publicising and making an official record of a more accurate assessment of a State’s progress toward one or

more SDGs, (2) pressuring the government to be accurate in their reporting going forward, and (3) showcasing your expertise. The primary drawback is potentially creating or exacerbating a hostile relationship between your organisation and the government. Shadow reports can reflect poorly on governments, exposing them to the perception in the international community that their official report was done either incompetently or dishonestly. The best case scenario following a shadow report would be the government understanding that it needs to improve its efforts going forward, and that collaborating with expert stakeholders is necessary to do so; however, many governments will instead try to exclude, discredit, or dismantle shadow report authors, and before publishing you must carefully consider the benefits and drawbacks.

#### A GLOBAL STAGE FOR YOUR JUSTICE ISSUE

Aside from written submissions, the HLPF is also an opportunity to give voice to your justice issue. At the 2016 HLPF, Germany and Finland both invited national civil society actors to speak during their official presentations. This allowed civil society to pose some critical questions to their governments and shine a spotlight on issues. Consider lobbying your government for a similar speaking role when they report to the UN. This will help you to build strong national allies and you can use global exposure to raise awareness at the global and national level for your work developing your country’s national justice plan.

#### Box 31: Recap: After reading this chapter, you should:

- understand how you can use global indicators and the global review process to monitor your country’s efforts to increase access to justice.

<sup>56</sup> May Miller-Dawkins, *Global Goals and International Agreements: Lessons for the Design of the Sustainable Development Goals* (Overseas Development Institute: November 2014), <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9295.pdf>.



# Helpful Links

## UNDERSTANDING THE SDGS

- Getting Started with the Sustainable Development Goals A Guide for Stakeholders: <http://unsdsn.org/wp-content/uploads/2015/12/151211-getting-started-guide-FINAL-PDF-.pdf>
- The Global Goals for Sustainable Development: <http://www.globalgoals.org/>.
- UN Open Working Group Proposal for Sustainable Development: <https://sustainabledevelopment.un.org/focussdgs.html>
- UN Sustainable Development Knowledge Platform: <https://sustainabledevelopment.un.org/?menu=1300>

## GOAL 16 POLICY ISSUES

- Defining and Articulating the Importance of Legal Empowerment
- Legal Empowerment: Practitioners' Perspectives: [http://www.idlo.org/publications/legal\\_empowerment\\_practitioners\\_perspectives\\_book.pdf](http://www.idlo.org/publications/legal_empowerment_practitioners_perspectives_book.pdf)
- Legal Empowerment Strategies at Work: Lessons in Inclusion from Country Experiences: <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Access%20to%20Justice%20and%20Rule%20of%20Law/Legal-Empowerment-Strategies.pdf>
- Working paper: What Do We Know About Legal Empowerment? Mapping the Evidence: <https://namati.org/wp-content/uploads/2014/05/Evidence-Review2.pdf>

## ADVOCACY

- Sustainable Development Goals: A Practical Guide for National Action and Accountability <https://www.amnesty.org/en/documents/act10/4699/2016/en/>
- Goal 16 Advocacy Toolkit: [http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP\\_Toolkit\\_FINAL\\_web.pdf](http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP_Toolkit_FINAL_web.pdf)
- Participatory Advocacy: A Toolkit for VSO Staff, Volunteers and Partners: <http://www.intrac.org/data/files/resources/674/Participatory-Advocacy-A-toolkit-for-VSO-staff-volunteers-and-partners.pdf>

- Advocacy Toolkit: Influencing the Post-2015 Development Agenda: <http://www.stakeholderforum.org/fileadmin/files/Post2015AdvocacyToolkit.pdf>
- Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda: <http://www.stakeholderforum.org/fileadmin/files/Engaging-withthemedi.pdf>

## ADVOCATING FOR ALTERNATIVES TO A NATIONAL JUSTICE PLAN

- Implementing the Sustainable Development Goals to Advance Women's Rights and Gender Equality: An Advocacy Guide: <https://www.womankind.org.uk/docs/default-source/resources/sdg-implementation-advocacy-toolkit.pdf?sfvrsn=>
- Global Agreements: Grassroots Advocacy (Restless Development, Plan, Action Aid): [http://www.plan-uk.org/assets/Documents/pdf/Global\\_agreements\\_Grassroots\\_Advocacy-Youth\\_and\\_Governance\\_in\\_a\\_Post\\_2015\\_world.pdf](http://www.plan-uk.org/assets/Documents/pdf/Global_agreements_Grassroots_Advocacy-Youth_and_Governance_in_a_Post_2015_world.pdf)
- Advocacy Toolkit: Influencing the Post-2015 Development Agenda: <http://www.stakeholderforum.org/fileadmin/files/Post2015AdvocacyToolkit.pdf>
- Engaging with the Media: A Companion to the Advocacy Toolkit for Influencing the Post-2015 Development Agenda: <http://www.stakeholderforum.org/fileadmin/files/Engaging-withthemedi.pdf>

## CONDUCTING AN ACCESS TO JUSTICE ASSESSMENT

- Access to Justice Assessment Tool: A Guide to Analyzing Access to Justice for CSOs: [http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba\\_rol\\_access\\_to\\_justice\\_assessment\\_manual\\_2012.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/misc/aba_rol_access_to_justice_assessment_manual_2012.authcheckdam.pdf)

## CONDUCTING A GAP ANALYSIS

- Goal 16 Advocacy Toolkit: [http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP\\_Toolkit\\_FINAL\\_web.pdf](http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP_Toolkit_FINAL_web.pdf)
- The Gap Analysis Methodology: <http://www.undp-pogar.org/publications/ac/2010/beirut1/manzoor-hassan-en.pdf>

#### **PREPARING A PROBLEM/SOLUTIONS TREE**

- Developing a problem tree: <http://www.slideshare.net/ncsustainability/developing-a-problem-tree>
- Goal 16 Advocacy Toolkit: [http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP\\_Toolkit\\_FINAL\\_web.pdf](http://tapnetwork2030.org/wp-content/uploads/2016/04/TAP_Toolkit_FINAL_web.pdf)
- Successful Communication: Planning Tools: <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6461.pdf>

#### **MONITORING AND ACCOUNTABILITY**

- Sustainable Development Goals: A Practical Guide for National Action and Accountability: <https://www.amnesty.org/en/documents/act10/4699/2016/en/>
- Crowding Out Accountability: The Follow-Up and Review of the 2030 Agenda: <http://www.saferworld.org.uk/news-and-views/blog-post/40-crowding-out-accountability-the-follow-up-and-review-of-the-2030-agenda>

## ANNEX 1: Sample Access to Justice Questionnaire\*

### THE WORLD JUSTICE PROJECT: GENERAL POPULATION 2016 - OPINION POLL

Read: I am going to read a list of types of disputes that a household may have with others, including family, individuals, other households, or the government. For this section we are only interested in serious problems that you or your household were not able to resolve quickly and that occurred during the last 12 months: (between [today's

month 2015] and now). Some of these disputes may be hard to talk about, so we appreciate your courage and honesty.

In the past 12 months, has your household experienced any of the following disputes or problems?

	Dispute Type Code		
q36a	A	Land disputes (disputes over land title, land grabbing, disputes related to selling or buying property, expropriation, etc.)	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36b	B	Problems obtaining ID cards or birth certificates	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36c	C	Problems obtaining marriage or divorce certificates	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36d	D	Problems obtaining land or property titles	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36e	E	Problems obtaining public benefits (for example, social security and medical treatment)	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36f	F	Divorce or separation	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36g	G	Child custody or child support	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36h	H	Domestic violence	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99
q36i	I	Dispute involving inheritance of land or property	Yes ..... 1 No ..... 2 (DON'T READ) Don't know/No answer 99

q36j	J	Neighbor disputes (disputes over boundaries, shared wall, property, etc.)	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36k	K	Landlord / Tenant disputes	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36l	L	Workplace disputes (i.e. unpaid wages, harassment, injury at work, wrongful firing)	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36m	M	Disputes over a business agreement	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36n	N	Disputes over an unpaid debt	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36o	O	Disputes over undelivered or incomplete goods or services	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36p	P	Physical assault / fighting / beating	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36q	Q	Theft (burglary/looting, pick-pocketing, motor vehicle theft, livestock stolen, etc.)	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36r	R	Traffic disputes	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36s	S	Arrest or detention without any justifiable reason	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36t	T	Harassment by the police	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36u	U	Corruption, extortion, or bribery	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer 99
q36v	V	Other: In the past 12 months, has your household had any other disputes with other people or with government officials?	Open Response [Text]

<b>q37</b>	Of those disputes that you or your household experienced, can you please tell me the one MOST IMPORTANT to you or your household?	Most important: _____ [Enter letter code of dispute type (A-V)] <b>(DON'T READ)</b> Don't know/No answer . . . . .99 (GO TO q47a)
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<b>q38</b>	Who was the dispute with?  <b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK A SINGLE ANSWER]</b>	1=Your family 2=Another family 3=An individual 4=A group of people or an organization 5=A company 6=The police 6=The local government 7=The national government 8=Other 99=Don't know/No answer
<b>q39</b>	During the dispute resolution process, did you or anyone in your household receive legal advice or legal help from another person or group, for example, a local leader, an attorney, or a paralegal?	Yes . . . . . 1 No . . . . .2 (GO TO q41) <b>(DON'T READ)</b> Don't know/No answer . . . . .99 (GO TO q42)
<b>q40</b>	From whom did you receive it?  <b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK ALL MENTIONED ANSWERS]</b>  <b>[SURVEYOR: GO TO q42]</b>	1=A family member or a friend 2=A local religious leader 3=A local community leader 4=A private attorney or law firm 5=A government legal aid office 6=A paralegal 7=A civil society organization 8=Other organization <b>[SURVEYOR: GO TO q42]</b>
<b>q41</b>	Why didn't you attempt to get legal advice or legal help?  <b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK ALL MENTIONED ANSWERS]</b>	1=I did not think I needed advice or legal help 2=I did not know who to call 3=I did not think that I could afford a legal assistant or a lawyer 4=I do not trust legal assistants or lawyers 5=Lawyers and legal aid offices are ineffective 6=Other (specify) q41_other If "Other" is selected, specify:  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99
<b>q42</b>	Did any of the parties resort to threats or physical violence during the dispute or in the process of settling the dispute?	Yes . . . . . 1 No . . . . . 2 <b>(DON'T READ)</b> Don't know/No answer . . . . . 99

Read: Now, I am going to ask you some questions about how you or other members of your household resolved the dispute that you indicated as the most important one.

<p><b>q43</b></p>	<p>Did you (or the person in your household) or the other party go to a person, group, or institution to look for a resolution to your problem or dispute?</p>	<p>Yes . . . . . 1 No . . . . . 2 (GO TO q45a) <b>(DON'T READ)</b> Don't know/No answer . . . . . 99 (GO TO q42a)</p>
<p><b>q44</b></p>	<p>Why did you or other members of your household not go to another person, group, or institution to look for a resolution to your problem or dispute?</p> <p><b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK ALL MENTIONED ANSWERS]</b> <b>[SURVEYOR: GO TO q47a]</b></p>	<p>1=A peaceful resolution was reached by the two parties 2=I caused the problem/I thought the other person was right 3= Not important enough/No material loss or damage took place 4=It would only waste time/ It would be useless anyway (sense of powerlessness) 5=Did not have evidence 6=Did not know what to do or where to go 7=The person who could assist was too far 8=It would cost too much 9=The courts are too lengthy 10=Afraid it would result in violence 11=The other party is much more powerful than we are/No chance of winning 12=It would create problems for my family 13=It would damage the relationship with the other party 14=It was a private family matter 15=The courts are not impartial/The courts are incompetent 16=Other [SPECIFY] q44_other If "Other" is selected, specify:</p> <p><b>[SURVEYOR: GO TO q47a]</b></p>

q45		q46 (If applicable)	
<p>a. Where was the dispute taken?</p>	<p>1=To a court or small-claims court 2=To commercial arbitration 3=To a chief or traditional ruler 4=To the police 5=To a government office 6=To a civil society organization or a non-profit 7=To a third-party (family, friend, local leader) for mediation or negotiation 8=Other 99=Don't know/No answer</p>	<p>1=To a court or small-claims court 2=To commercial arbitration 3=To a chief or traditional ruler 4=To the police 5=To a government office 6=To a civil society organization or a non-profit 7=To a third-party (family, friend, local leader) for mediation or negotiation 8=Other 99=Don't know/No answer</p>	
<p>b. Who chose to take the dispute to this person, group, or institution?</p>	<p>1=You or your household 2= The other party (GO TO q45d) 3= Both 99=(Don't Read) Don't know/No answer</p>	<p>1=You or your household 2= The other party (GO TO q45d) 3= Both 99=(Don't Read) Don't know/No answer</p>	

	q45	q46 (if applicable)
<p>c. What was the main reason why you or someone in your household decided to go to this particular person, group, or institution instead of going somewhere else?</p> <p><b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK A SINGLE ANSWER]</b></p>	<p>1=Cost  2=Person/group/institution has community respect  3= Person/group/institution has skills/knowledge  4= Person/group/institution is impartial  5= Person/group/institution is very prompt  6=Would cause least disruption to life  7= Person/group/institution is familiar to me  8=Everybody goes to this person/group/institution  9=They have responsibility/authority  10=I am most comfortable with this person/group/institution  99=(Don't Read) Don't know/No answer</p>	<p>1=Cost  2=Person/group/institution has community respect  3= Person/group/institution has skills/knowledge  4= Person/group/institution is impartial  5= Person/group/institution is very prompt  6=Would cause least disruption to life  7= Person/group/institution is familiar to me  8=Everybody goes to this person/group/institution  9=They have responsibility/authority  10=I am most comfortable with this person/group/institution  99=(Don't Read) Don't know/No answer</p>
<p>d. What was the one main outcome that you hoped to achieve from this person, group, or institution?</p> <p><b>[SURVEYOR: DO NOT READ OUT OPTIONS. ALLOW RESPONDENT TO ANSWER FREELY. MARK A SINGLE ANSWER]</b></p>	<p>1=A fair application of the law to my dispute/grievance  2=Revenge  3=Apology  4=Monetary compensation  5=Other  99=Don't know/No answer</p>	<p>1=A fair application of the law to my dispute/grievance  2=Revenge  3=Apology  4=Monetary compensation  5=Other  99=Don't know/No answer</p>
<p>e. Was the dispute resolution process conducted in your preferred language?</p>	<p>Yes . . . . . 1 (GO TO q45g)  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Yes . . . . . 1 (GO TO q46g)  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>
<p>f. Did you have access to an interpreter?</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>
<p>g. Did this institution come to a resolution for the dispute?</p>	<p>Yes . . . . . 1  No . . . . . 2 (GO TO q45r)  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99  (GO TO q45r)</p>	<p>Yes . . . . . 1  No . . . . . 2 (GO TO q47a)  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99  (GO TO q47a)</p>
<p>h. How long did it take between taking the dispute to this person, group, or institution and finding a resolution?</p>	<p>Less than one month . . . . . 1  Between one month and one year . . . . . 2  Between one and three years . . . . . 3  More than three years . . . . . 4  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Less than one month . . . . . 1  Between one month and one year . . . . . 2  Between one and three years . . . . . 3  More than three years . . . . . 4  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>
<p>i. Did you comply with this resolution?</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>
<p>j. Did the other party comply with this resolution?</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>
<p>k. Do you think that this resolution was fair?</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>	<p>Yes . . . . . 1  No . . . . . 2  <b>(DON'T READ)</b> Don't know/No answer . . . . . 99</p>

	q45	q46 (If applicable)
l. After the resolution was reached, did you have another dispute or conflict with the same party?	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99
m. During the process were you asked to pay a bribe?	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99
n. In total, how much money (if anything) did your household spend on legal fees?	[ ..... ] LOCAL CURRENCY <b>[Surveyor: If nothing, write "0"]</b>	[ ..... ] LOCAL CURRENCY <b>[Surveyor: If nothing, write "0"]</b>
o. Regardless of the outcome, do you think that the process was fair?	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99
p. Do you think that the process was slow?	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99
q. Do you think that the process was expensive?	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99	Yes ..... 1 No ..... 2 <b>(DON'T READ)</b> Don't know/No answer ..... 99
r. In addition to this person, group, or institution, did someone in your household, or the other party, take the dispute somewhere else? For example, to look for a different outcome, appeal the decision, or find a faster solution?	Yes ..... 1 (GO TO q46a) No ..... 2 (GO TO q47a) <b>(DON'T READ)</b> Don't know/No answer 99 (GO TO q47a)	Not Applicable

\* This questionnaire is a sample section taken from the The World Justice Project General Population Opinion Poll 2016. <http://worldjusticeproject.org/questionnaires>. You can also consult Himelein, Kristen; Menzies, Nicholas; Woolcock, Michael. 2010. Surveying Justice: A Practical Guide to Household Surveys. Justice and development working paper series no. 11. World Bank, Washington, D.C.



## Annex 2: Undertaking a Gap Analysis

**Step 1: Identify who is responsible for implementation**

**Step 2: Assess current implementation in participatory ways**

**Step 3: Identify priority areas for action / make recommendations**

**Step 4: Identify what resource are needed for implementation**

**Step 5: Share gap analysis report with Government**

## Annex 3: Stakeholder Analysis Tool

Stakeholder analysis grid	
<b>High power to influence change</b>	
<b>Little power to influence change</b>	
	<b>Doesn't matter much to them and/or does not work closely on issues</b>
	<b>Matters a lot to them and/or works closely on issues</b>

## Annex 4: Developing an Advocacy Tool

Developing an Advocacy Plan			
<b>What needs to change?</b>			
<b>Who do we need to influence? What do we need them to do?</b>	1.		
	2.		
	3.		
	To do	By whom	By when
<b>What will we do to target this stakeholder?</b>			
<b>Managing risks</b>			
<b>Monitoring Success</b>			

(Adapted from Plan International, Global Education First Initiative Youth Advocacy Group, UNESCO, and A World At School (2014) An Advocacy Toolkit: The Education We Want, p. 50, <https://plan-international.org/advocacy-toolkit>)

## Annex 5: Developing Advocacy Messages

**Primary Message: Describe your statement, goal and actions desired resulting from your advocacy**

Audience (Examples)	Concerns	Possible Messages
<b>Decision-makers (government ministers, legislators, administrators, corporation heads)</b>		
<b>General public</b>		
<b>Journalists</b>		
<b>Civil society organizations</b>		
<b>Donors (foundations, bilateral agencies, multilateral agencies)</b>		
<b>Issue-related practitioners such as trade unions</b>		
<b>Opinion leaders (religious leaders, chiefs and traditional/community leaders)</b>		

## Annex 6: Goal Worksheet

Goal	Goal 1	Goal 2
<b>Objectives</b>	Objective 1 related to the goal 1  Objective 2 related to the goal 1	Objective 1 related to the goal 2  Objective 2 related to the goal 2
<b>Action/Activity</b>	all activities related to the goal 1	all activities related to the goal 2
<b>Responsible Agency/Actors</b>	names of relevant agencies actors for each activity	names of relevant agencies and actors for each activity
<b>Target Date</b>	target dates for completion of each activity and any midpoint progression	target dates for completion of each activity and any midpoint progression
<b>Performance Indicators</b>	Performance indicators related to the goal	Performance indicators related to the goal
<b>Mechanisms to measure Progress</b>	Mechanisms for monitoring and track progress; reporting mechanisms and plans (annual reports, quarterly working group meeting etc.)	Mechanisms for monitoring and track progress; reporting mechanisms and plans (annual reports, quarterly working group meeting etc.)

## Annex 7: Resource Mapping Tool

[Insert Name of National/Local Government Agency]	
<b>Total Budget:</b>	
<b>Justice Sector Programs:</b>	1. Legal Aid 2. Legal Empowerment/Awareness Raising 3. Anti-Corruption 4. Court Reform 5. Rule of Law 6. Legal Education 7. Research/Monitoring & Evaluation 8. Customary Law 9. Alternative Dispute Resolution 10. Other _____
<b>Program Details</b>	
	<b>Program Name:</b>
	<b>Timeframe:</b>
	<b>Budget:</b>
	<b>Objectives:</b>
	<b>Methodology:</b>
	<b>Selected Achievements:</b>
	<b>Opportunity for Partnership:</b>
	<b>Contacts:</b>

[Insert Name of Donor Organisation]	
<b>Vision and Mission:</b>	
<b>History in the Country:</b>	
<b>Total Budget:</b>	
<b>Justice Sector Programs:</b>	1. Legal Aid 2. Legal Empowerment/Awareness Raising 3. Anti-Corruption 4. Court Reform 5. Rule of Law 6. Legal Education 7. Research/Monitoring & Evaluation 8. Customary Law 9. Alternative Dispute Resolution 10. Other _____
<b>Program Details</b>	
	<b>Program Name:</b>
	<b>Timeframe:</b>
	<b>Budget:</b>
	<b>Objectives:</b>
	<b>Methodology:</b>
	<b>Selected Achievements:</b>
	<b>Opportunity for Partnership:</b>
	<b>Contacts:</b>

[Insert Name of CSO]	
<b>Vision and Mission:</b>	
<b>History in the Country:</b>	
<b>Total Budget:</b>	
<b>Justice Sector Programs:</b>	1. Legal Aid 2. Legal Empowerment/Awareness Raising 3. Anti-Corruption 4. Court Reform 5. Rule of Law 6. Legal Education 7. Research/Monitoring & Evaluation 8. Customary Law 9. Alternative Dispute Resolution 10. Other _____
<b>Program Details</b>	
	<b>Program Name:</b>
	<b>Timeframe:</b>
	<b>Budget:</b>
	<b>Objectives:</b>
	<b>Methodology:</b>
	<b>Selected Achievements:</b>
	<b>Opportunity for Partnership:</b>
	<b>Contacts:</b>



## Annex 8: Parameters for Indicator Development

Parameters for Indicator Development	
WHAT	WHY
<b>A. Start by considering the ultimate outcomes sought, and work backward to develop indicators.</b>	Working backward helps define the key components of the 2030 Agenda's justice commitments, such as Goal 16's commitment to achieve "access to justice for all." These components will help you design a cohesive and logical indicator framework for measuring access to justice at the national level. It will help you ensure that the key actors (i.e. your Ministry of Justice) and processes (i.e. your Judiciary) responsible for achieving this goal are included in the indicator development process.
<b>B. Develop well-balanced baskets of indicators</b>	No single indicator can effectively measure diverse outcomes associated with justice themes. A "basket of indicators" is a grouping of indicators that are all related to the same outcome. It allows multiple indicators to be considered together, from a range of different perspectives and data sources, which results in richer evaluation. Administrative indicators can document government effort and inputs, while "objective" situation indicators 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. Ultimately, different sources of data will appeal to different audiences.
<b>C. Design indicators that highlight the experiences of particularly vulnerable groups</b>	Generally, the poor, women, children, indigenous peoples, victims, and other particularly vulnerable or underrepresented groups are either entirely ignored or abused by justice institutions and processes. You can help your government set indicators that specifically highlight these people's needs and experiences. The data produced by these indicators can illuminate access to justice overall, because those on the margins of society experience access issues first and most acutely.
<b>D. Clearly disaggregate each indicator's data</b>	Another strategy for highlighting the access to justice shortcomings for particularly vulnerable groups is to ensure that data for each indicator is disaggregated, where possible, according to income, gender, age, and location (geographic region and/or level of urbanisation). Doing so will help stakeholders see whether some groups are experiencing access to justice differently—either better or worse—than the general population, so that they can adjust their efforts accordingly.
<b>E. Indicators should address both government and non-government justice mechanisms, where necessary</b>	In many countries, individuals turn to non-government justice mechanisms, such as religious or elder counsels, when a dispute arises or a crime occurs. You can help your government understand the importance of having indicators to address these types of mechanisms. To ignore them risks leaving out a significant portion of the non-government justice mechanisms that are being used to promote legal empowerment and improve access to justice.
<b>F. Minimise perverse incentives through indicators</b>	A perverse incentive exists when an indicator unintentionally encourages negative or counter-productive behaviour. For example, an indicator that measures the amount of time between arrest and the final resolution of a criminal case would, on its face, seem to effectively measure the efficiency of criminal courts with the goal of finding ways to make them more efficient. However, this indicator creates a perverse incentive for courts to speed up justice processes without regard for maintaining fairness and protecting the accused's due process rights. When developing indicators, governments must critically assess whether each proposed indicator creates perverse incentives and, if so, whether those incentives can be mitigated or if the indicator needs to be discarded.
<b>G. Make indicators sensitive to changes over short time periods</b>	Indicators should be capable of communicating changes over a time period of one year or less. This is important because indicators are not meant to measure progress in a vacuum; they are meant to measure progress for the purpose of informing stakeholders about whether their activities are having a positive or negative impact on the desired outcome. This information should be used to guide decisions on an ongoing basis. For access to justice, this means selecting indicators that focus on legal processes and legal empowerment instead of legal outcomes, because reaching a final outcome in a legal matter can often take years.
<b>H. Make indicator language as simple as possible</b>	As much as possible, indicators should be written in non-technical, layman's language. Legal empowerment and access to justice indicators clearly deal with complex processes and issues, but simple, accessible language will improve the understanding and acceptance of the indicators on a broad scale.



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