UNODC, UNDP & OECD

16.3.3 Indicator Proposal on Access to Civil Justice

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About the Proposal
Position within the SDG Framework

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

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

• **Indicator 16.3.3**: Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism.
How It Works

An Overview

1. Did you experience a legal problem in the last two years?

2. What was the most recent problem?

3. Did you take it to an authority to resolve the problem?

4. [IF YES] Where did you take it?
   [IF NO] Why not?
1. Since [DATE], have you had any problems or disputes to do with:
   a. **Land or buying and selling property** (for example, dispute over title or boundaries, the right to pass through property, illegally occupying land, or problems to do with land transfers)
   b. **Government and public services** (for example, problems to do with citizenship or residency status, obtaining certificates, identity documents, marriage/divorce papers; obtaining access to or being excluded from public services)
   c. **Government payments** (for example disputes concerning your entitlement to, or the amount of, suspension of, or registration for government payments; or compensation for damages suffered, or cash transfers)
   d. **Family and relationship break ups** (for example, contested divorce, child support/child custody, contested inheritance (excluding land disputes)
   e. **Debt, money, or commercial** (for example, enforcement of business agreement, repayment of loans, (excluding land disputes and disputes with family members or government), insurance claims being denied, repeated unfair bank charges)
   f. **Employment or labor** (for example employment-related problems like being dismissed unfairly, changes to contract terms, discrimination, or difficulty obtaining wages)
   g. **Housing** (for example, problems or disputes with landlord or tenant)
   h. **Other** type of interpersonal, commercial or administrative dispute
How It Works (cont’d)

Four Survey Questions

2. Out of the disputes that you mentioned, which is the most recent one that you or any member of your household had?

3. Did you, somebody acting on your behalf, the other party or anybody else, make a claim to a court or turn to any other third-party individual or organization to intervene to resolve the problem?
How It Works (cont’d)

Four Survey Questions

4. [IF YES] Which individual or organization did you or the other party turn to for resolving the problem?

a. A court or tribunal
b. The police (or other prosecution authority)
c. A government office or other formal designated authority or agency
d. A religious authority or community leader or organization
e. A lawyer, a paralegal, a third-party that help mediate the problem, or a formal conciliation or arbitration
f. A formal complaints or appeal process
g. Another institution or actor
4. [IF NO] Why did you not go to anybody?
   a) I thought the problem was not important enough [NOT IN DENOMINATOR]
   b) I was confident that I could easily resolve it by myself [NOT IN DENOMINATOR]
   c) I caused the problem / It was up to the other party [NOT IN DENOMINATOR]
   d) I did not know where to go to
   e) I could not obtain legal assistance
   f) It was too far away or hard to get to
   g) It was too expensive or inconvenient
   h) I did not trust the authorities
   i) I was afraid of the consequences for me or my family
   j) Other reason
How It Works

In Sum...

1. Did you experience a legal problem in the last two years?

2. What was the most recent problem?

3. Did you take it to an authority to resolve the problem?

4. [IF YES] Where did you take it?  
   [IF NO] Why not?
Rationale for Inclusion
Why Civil Justice Matters

• Current official indicators for target 16.3 only measure criminal justice.

• 1.4 billion people have unmet civil justice needs, due to low levels of legal capability, inability to access appropriate help, poor resolution process, and poor outcomes. See: World Justice Project, Measuring the Justice Gap, 2019.

• The civil justice gap undermines human development. 43% of people with legal problems report that it adversely impacted their life. More than 1 in 4 reported stress-related or physical ill health. More than 1 in 5 reported that they lost their job or had to relocate. See: World Justice Project, Global Insights on Access to Justice 2019.

• The civil justice gap undermines economic development. Lost income, damaged health, and the cost of seeking redress cost OECD countries 0.5-3% of annual GDP, and more than 2% of GDP in most low-income countries. See: Task Force on Justice. Justice For All – The report of the Task Force on Justice.
1. UN member states agreed that an indicator on civil justice should be added to more meaningfully measure target 16.3.

2. This is the only civil justice indicator being proposed

3. There is not another methodology that can measure access to civil justice. Administrative data does not exist for many countries. Where it does, it’s fragmented. Administrative data cannot measure access to justice.

4. The proposal is simple. It relies on 4 questions that can be added into ongoing surveys.

5. A massive body of resources exists for NSOs.
UN Handbook on Governance Statistics

Chapter B-4:
Access to and quality of justice

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Perspectives on the Process
Perspectives on Process

- No opportunities to answer questions and provide clarifications
- Feedback received to date reflects limited review of the proposal
- Obtaining information on the status of the proposal has been a challenge
- Hopeful that discussions in Addis will be substantive and meaningful
Thank You