

# **BACKGROUND PAPER ON JUSTICE FOR THE GLOBAL DIALOGUE ON RULE OF LAW AND THE POST-2015 DEVELOPMENT AGENDA**

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## ***INTRODUCTION***

An estimated four billion people around the world live outside the protection of the law.<sup>2</sup> Without access to effective justice institutions, these people can be easily cheated by employers, driven from their land, and intimidated by violence. These men and women who often live at or below the poverty line, face institutional, legal and administrative barriers that limit their ability participate in society on equal terms. Despite reduction in overall poverty, it has been agreed that challenges to human development today are largely shaped by growing inequalities across income and other factors within countries, which is linked to marginalization of certain groups, such as women, ethnic minorities.

While there has been some progress in expanding legal protection worldwide, (for example, 139 constitutions include guarantees of gender equality, 125 countries outlaw domestic violence, at least 117 countries have equal pay laws, 173 guarantee paid maternity leave, 117 countries outlaw sexual harassment in the workplace and 115 countries guarantee equal rights to own property for women)<sup>3</sup>, the guarantees included within the law are not always realized on the ground, where particularly the poorest and most marginalized face many barriers to accessing justice. On any given day, an estimated three million people are behind bars awaiting trial and in the course of a year, approximately 10 million people will pass through pretrial detention – most of whom will be poor people who are not able to afford paying bribes or bail nor able to secure a lawyer.<sup>4</sup>

In 2012, the Special Rapporteur on Human Rights and Extreme Poverty outlined in detail the continuing barriers that the poor and marginalized groups continue to face in accessing justice, including costs associated with accessing justice systems, lack of information and lack of legal recognition as well as institutional barriers such as lack of resources, corruption and lengthy court procedures.<sup>5</sup> The poor and certain marginalized groups are often also penalized through law and practice, in some cases through outright criminalization, prosecution and incarceration of persons living in poverty, or through excessive regulation and control various aspects of their lives, including imposition of heavy fines, loss of child custody, disentanglement from social benefits and infringement on rights to privacy and autonomy.<sup>6</sup>

Additionally, lack of legal accountability allows corruption to flourish unchallenged, diverting resources away from those who need them the most. The 2013 Global Corruption Barometer found that the judiciary is perceived as the fifth institution most affected by corruption. In 20 countries, the judiciary is seen as the most corrupt institution.<sup>7</sup> In these countries, an average of 30 percent of the people who come in contact with the judiciary report having paid a bribe.<sup>8</sup>

Lack of legal identity leaves millions of people unable to participate fully in society or to access state benefits such as healthcare and education. Women and girls in particular are routinely denied a voice in the decisions that affect their lives.<sup>9</sup> Addressing challenges

women face in accessing justice would need to take on a holistic approach which develops interventions to strengthen gender responsiveness throughout the justice chain.

To overcome poverty and inequality, citizens must be able to understand, use, and improve the laws and institutions that govern them. Legal forums for obtaining redress and resolving conflicts must be effective. Justice systems must apply the rule of law consistently, adopting measures that account for social and economic barriers. These related principles strengthen the legal empowerment of all people, enhancing their ability to demand justice and institutions of justice to provide effective and fair outcomes.

A growing body of opinion, including the recent contributions from the Secretary General's High Level Panel of Eminent Persons (HLP), asserts that justice should have an important place in the post-2015 global development framework.<sup>10</sup> The 2013 Secretary General's report to the General Assembly also highlights respect for human rights and the rule of law, endorsing such principles as legal empowerment, access to justice, an independent judiciary, and universal legal identification.<sup>11</sup> Because justice cuts across most development issues, integrating justice-related targets and indicators throughout the development framework can help to realize, sustain, and monitor gains in multiple sectors.

This paper starts by demonstrating how justice improves development outcomes, also highlighting the central role legal empowerment plays in the pursuit of justice. It then proposes four key justice-related principles to incorporate into the global policy agenda that will succeed the UN Millennium Development Goals in 2015, and provides illustrative targets and indicators that embody these principles. The paper contributes to a rich discussion among governments, civil society, and international institutions on forming a global development agenda that promotes peaceful, well-governed, and just societies.<sup>12</sup>

#### *JUSTICE AND DEVELOPMENT: RELATIONSHIP AND EVIDENCE*

A growing consensus of scholars, practitioners, and governments agree that justice matters to development, however, their relationship is complex.<sup>13</sup> Justice prevents and mitigates conflict, crime, and violence, all of which are major barriers to development.<sup>14</sup> It also improves the accountability of government development efforts by constraining arbitrary decision-making, promoting effective delivery of basic services, enforcing regulatory frameworks and circumventing elite capture of public resources. Economic growth is enhanced when contracts can be enforced, business disputes resolved and property rights respected.<sup>15</sup>

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The evidence for these relationships between access to justice and development can be found in the everyday experiences of the poor, as well as in policy studies and academic research. Consider the story of Kadiatu, a cigarette seller from Sierra Leone, who is brutally beaten by a drunken off-duty police officer. As she lies unconscious, bystanders steal her main income source: her cigarettes. At first, Kadiatu's complaints to the police go nowhere. Then, community paralegals — citizens trained in the workings of law and government — step in. They meet with the officer, plan to monitor how the police discipline him, and prepare to file a lawsuit for damages. The officer, realizing that he cannot get away with his actions, publicly apologizes to Kadiatu and pays compensation for her suffering and lost income.<sup>1</sup>

As with Kadiatu, people's livelihood, safety, and dignity often hinge on their legal empowerment — their ability to understand and use the law. Indeed, Kadiatu's experience resonates with the findings of many studies exploring legal empowerment's central role in the pursuit of justice and its impact on development. This small selection below, from a large body of evidence, illustrates the broader effects of legal empowerment.

In the Philippines, the Asian Development Bank studied the impact of training community members as paralegals to support agrarian reform. Paralegals assisted farmer-beneficiaries in the transfer or long-term lease of land, and represented them in hearings before provincial adjudication boards. Farmers in communities with paralegals saw higher levels of productivity, greater farm incomes, and more investment in their farms.<sup>1</sup>

In Indonesia, a local NGO called PEKKA used female paralegals to expand understanding about rights and entitlements in female-headed households. Alongside international partners, PEKKA partnered with the Indonesian government to reform state and religious justice institutions by raising awareness and assisting with women's cases. Their efforts contributed to a fourfold increase in the number of women able to access circuit courts the following year.<sup>1</sup>

In Ecuador, the World Bank evaluated five legal aid centers focused on enforcing child support payments for poor women and reducing domestic violence. The study found that the centers' clients seeking child support were 20 percent more likely to succeed than those without access to legal aid. They were also 17 per cent less likely to experience physical violence after separation from their partners.<sup>1</sup>

In India, filing claims under the Right to Information Act (RTIA) has helped New Delhi's slum dwellers to obtain ration cards for subsidized foodstuffs. A Yale University study found that 94 per cent of ration card applicants who filed RTIA inquiries into the status of their application received their cards within a year. Only 21 per cent of those who did not file a claim received their cards.<sup>1</sup>

In Sierra Leone, extended or unlawful pretrial detention damages the prosperity and health of prisoners and their families. An Oxford University study showed that a program placing paralegals in prisons to provide free legal services has reduced the numbers of prisoners held on remand by 20 per cent and increased the percentage gaining access to bail by 13 per cent.<sup>1</sup>

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Justice and legal empowerment interventions can be complicated and context specific; achieving the desired results is not a straightforward task. A post-2015 agenda with justice-related targets and indicators would produce valuable data that governments and civil society need to objectively inform better practice. Indeed, one of the key recommendations of the HLP report calls for a 'data revolution' — an investment in more research and data to improve implementation of the development agenda.<sup>16</sup> Meanwhile, national targets relating to justice would encourage efforts to scale up approaches that work.

### **JUSTICE: THE MISSING ELEMENT**

Neither a justice goal nor justice targets were included in the Millennium Development Goals. However, proposals put forth by governments, the HLP, civil society, and participants in UN global consultations reveal a widespread recognition that justice was

an important missing component. The HLP recognized that rule of law and access to justice are “both a means to an end and an end in themselves” and “help drive development and have their own intrinsic value”.<sup>17</sup> The question now is how justice can be accounted for in the post-2015 agenda. Is justice best secured through a standalone justice goal or mainstreamed across other development goals? There are credible arguments for both positions.

Mainstreaming justice targets across other development goals highlights how justice interventions contribute to various aspects of human development. The counter-argument is that justice targets merit their own stand-alone goal because they involve freedoms that are important in their own right and precisely *because* they are relevant to more than one development sector. For example, access to legal forums, and the legal remedies they provide, is a fundamental human right whose importance need not be justified by reference to other development goals, though it is relevant to many. Finally, the heightened visibility of a stand-alone justice goal might also better serve the mainstreaming of legal empowerment within other goals.

One compromise might be to reframe the HLP’s Goal 10 on governance as a “Governance and Justice” goal, thereby asserting that justice is a main pillar of good governance or expanding HLP’s Goal 11 to “Ensure Stable, Peaceful and Just Societies”. As the framework of the post-2015 development agenda develops, we will gain greater clarity on how justice goals, targets, or indicators might best be integrated.

#### ***INTEGRATING FOUR KEY JUSTICE PRINCIPLES INTO THE POST-2015 AGENDA***

The HLP’s report of 30 May is a groundbreaking affirmation of the role of justice in development. It cites good governance as one of five transformative shifts<sup>18</sup> that are core elements of well-being and proposes a range of justice-linked goals and targets.<sup>19</sup> It repeatedly aspires to a people-centered, legal empowerment approach where everyone has a say over the decisions that affect their lives.<sup>20</sup> It also recognizes a range of institutions, including civil society and people from all walks of life, as key to equitable and sustainable development.<sup>21</sup>

The HLP report – combined with the existing proposals of a number of governments, civil society organizations, independent experts, UN bodies, and a global network of grassroots justice practitioners – offers a platform on which to build. Drawing from a comprehensive review of these contributions, we have distilled four key citizen-centered principles for empowering people to seek justice, which can guide efforts to incorporate justice into the post-2015 development framework.

For each principle, we offer a basket of sample indicators that demonstrate the measurability of related targets.<sup>22</sup> Both the targets and indicators are illustrative. There is ongoing debate as whether the post-2015 framework will permit flexibility in the use of contextually developed targets and indicators.<sup>23</sup> The examples offered below are universally applicable, but can be easily customized for local or national use.

#### **Principle One: Access to legal identity**

Legal identity is the starting point for all legal rights and benefits. If you are not legally recognized as a person, it is difficult to make the law work for you.<sup>24</sup> And people

who do not have proof of their legal status are often vulnerable to discrimination and exploitation.<sup>25</sup>

The HLP partly recognizes this in its target 10a: “Provide free and universal legal identity, such as birth registrations.” Birth registration is a precondition for most formal identity documents, including ID cards, birth certificates, and passports. Yet, between 2000 and 2010, an estimated 49 per cent of births worldwide went unregistered.<sup>26</sup> The sample indicators below demonstrate how governments might track progress in this area.

<b>Target: Universal birth registration implemented by law for all children in all countries.</b>	
<b>Possible Indicators</b>	<b>Similar Recommendations</b>
Existence of legislation requiring births to be registered by an official institution, which makes allowances for late birth registration	IADB, Soros and Abed, Plan Int'l and UNHCR
Proportion of babies who receive registration at birth per year	Brinkman, Lawson-Remer, Langford, UNICEF, Vienna Meeting
<b>Target: Reduce the number of people who suffer for lack of secure legal identity.</b>	
<b>Possible Indicators</b>	<b>Similar Recommendations</b>
The proportion of people in a state who possess a registered form of legal identification	UNHCR
A fair, transparent and accessible process for obtaining legal identification exists	ADB, IADB, UN Commission on Legal Empowerment of the Poor
The proportion of requests for identity documents fulfilled or rejected on stated grounds within a reasonable amount of time, defined as X days	WJP
The proportion of people denied access to services (e.g. healthcare, education) because of lack of identity documentation	

If governments adopt these targets, they should also ensure that a lack of legal identity does not lead to violations of basic rights. This may mean eliminating identity requirements for critical services like health and education. It is also worth noting that acquiring legal identity inherently deprives individuals of some privacy by documenting their existence. Some governments may seek to misuse such procedures, for example to persecute or deport certain minorities. Provisions to guard against such abuses need to accompany targets for legal

identity.

***Principle Two: Participation in services and poverty reduction***

Legal identity and transparent government are foundational principles; they help people seeking justice to not only enjoy the benefits and protection provided by the law, but also to take part in creating and implementing laws, in particular those that affect them most directly.

This includes local governance over community land and natural resources. Approximately three billion people around the world live without secure rights to what are often their greatest assets: their lands, forests, and pastures. Research shows that giving communities the power to govern their natural resources—including the ability to make and enforce rules—leads to better decisions, greater livelihood benefits, and more sustainable development.<sup>27</sup>

Another area where laws significantly affect people is the delivery of public services, including education, health, and water. Citizens can strengthen the accountability of these services by providing community oversight to ensure compliance with laws, or by working with service providers to determine what local implementation of national policies might look like.<sup>28</sup> More broadly, people should be empowered to engage in national lawmaking and constitutional processes.

The HLP alludes to this people-centered approach in its targets 10c, “Increase public participation in political processes and civic engagement at all levels,” and 1b, “Increase by x% the share of women and men, communities, and businesses with secure rights to land, property, and other assets,” as well as 10e, “Reduce bribery and corruption and ensure officials can be held accountable.”

Below, we offer more detailed targets and indicators to help flesh out the HLP’s recommendations. We start with sample indicators that assess the quality of implementation of community land rights laws, and the role citizens play in governing their land.

<b>Target: Increase the amount of land for which 1) women, men, communities and businesses have secure land tenure and 2) decisions about land and natural resource use are taken through a process of local democratic governance.</b>	
<b>Possible Indicators</b>	<b>Similar Recommendations</b>
The existence of legally recognized customary land tenure and/or community land and resource rights	Alden Wily, FAO, Global Witness, USAID
Amount of land (ha) for which a) local communities possess rights to own, use, and conserve, and b) decisions about land and natural resource use are taken through a process of local democratic governance	a) Almeida, Ubiñas b) FAO, IIED and FAO, Knight et. al., World Bank
Confidence in tenure security: The proportion of households who believe that household and community land will not be confiscated or	ILC and CAPRI

wrongfully acquired	
Proportion of households who believe they have a fair say in decisions about local land and natural resources	CAFOD, Global Witness, ILC and CAPRI
Reduction in amount/proportion of communal land expropriated per year for private purposes, or through compulsory state acquisition	World Bank
Proportion of businesses expressing confidence in enforceability of contracts in national courts	Vienna Meeting

Next, we propose additional indicators that measure people’s ability to participate in the implementation of laws and policies relating to essential services.

<b>Target: Ensure the participation of citizens in developing, monitoring, and essential services such as healthcare, water, and education.</b>	
<b>Possible Indicators</b>	<b>Similar Recommendations</b>
Existence of local and national oversight bodies for essential services that are inclusive of all stakeholders, that publicize all information, and that have the capacity to recommend remedial action	Commission on Health
A process exists by which civil society and communities can participate in the development of local/national standards and plans of action relating to essential services	JALI Health
Existence of grievance redress mechanisms for public services	

***Principle Three: Access to fair and effective justice institutions***

Everyone should have access to forums for resolving private conflicts fairly, for seeking protection from violence, and for addressing grievances with the state when rights are infringed or policy is breached. Around the world, however, justice institutions are still learning how to accomplish these objectives effectively and equitably.

Governments must commit the financial and logistical support necessary to improve justice institutions of all kinds: not only courts and police forces, but also administrative tribunals across government sectors, ombudsman offices, and customary and community-based institutions.<sup>29</sup> They must ensure that institutions respond to and learn from the lived experience of the people they are meant to serve.

The HLP addresses this priority in its targets 11b, “Ensure justice institutions are accessible, independent, well-resourced and respect due-process rights,” and 11d, “Enhance the capacity, professionalism and accountability of the security forces, police and judiciary.” These are well-established objectives for which targets and indicators have been widely

discussed. In June 2013, the members of the UN Task Team leading the Conflict and Fragility Global Consultation and other international partners convened a meeting of experts in New York. They formulated a range of indicators building from the HLP's indicative list of targets particularly on supporting justice institutions to contribute to stable and peaceful societies, among other areas.<sup>30</sup>

The HLP also proposed targets aimed at reducing violence, crime, and corruption, responsibilities falling within the domain of justice institutions. These targets include 2a, "Prevent and eliminate all forms of violence against girls and women," 11a, "Reduce violent deaths per 100,000 by x and eliminate all forms of violence against children," and 11c, "Stem the external stressors that lead to conflict, including those related to organized crime." A number of international efforts in recent years have identified indicators for the measurement of progress against crime, including the United Nation's *Rule of Law Indicators* handbook, which elaborates 135 separate metrics.<sup>31</sup> The United Nations Office on Drugs and Crime convened a meeting of technical experts in Vienna in June 2013 to address the place of security and justice in the post-2015 development agenda. The group articulated 42 potential indicators for measuring progress on security and justice in the development context.

The indicators below draw from the recommendations of the above groups, among others.

<b>Target: Increase the number of people with access to justice institutions that are affordable, fair, and timely.</b>	
<b>Possible Indicators</b>	<b>Similar proposals</b>
The proportion of the population who live within reasonable reach (measured in km, time of travel, or perception) of a legal forum whose resolutions are fair and enforced	G7+, Lawson-Remer, WJP
The proportion of overall budget allocated to the justice sector as ratio of total government expenditure	DfID, G7+
Percentage of the population who express confidence in police and justice institutions	DfID, DPKO and OHCHR, G7+, Glen Cove Meeting, Vienna Meeting,
Intentional homicide or violent injury rate per 100,000	DfID, Glen Cove Meeting, Vienna Meeting
Percentage of people who paid a bribe to a security, police or justice official during the last 12 months	CIGI, DfID, DPKO and OHCHR, Vienna Meeting, WJP

Percentage of total detainees in presentence detention	Vienna Meeting
Number of deaths in custody per 100,000 persons detained within the last 12 months	Vienna Meeting

***Principle Four: Legal Information, Assistance and Legal Aid***

Legal aid schemes, public interest lawyers, community paralegals and other civil society legal empowerment actors have proven effective in helping people to understand and use the law. These valuable intermediaries have aided people in navigating administrative and legal procedures, taking part in governance, and resolving disputes. A growing body of evidence shows that such legal aid and empowerment efforts have led to tangible benefits, including greater personal safety and material well-being.<sup>32</sup>

Legal aid and paralegal support also has a key role to play in fulfilling the HLP’s goal to empower women and girls, especially target 2c: “Ensure equal right of women to own and inherit property, sign a contract, register a business and open a bank account.” Legal empowerment programs often help women overcome the barriers they face in accessing justice.<sup>33</sup> In Morocco, for example, unwed mothers seeking identity papers for their children often face discrimination and unwarranted prosecution for extramarital relations. Local legal empowerment groups accompany them through the administrative process and help them to resist abuse.<sup>34</sup>

A comprehensive effort to ensure access to well-resourced justice institutions should include support for civil society, autonomous bodies like ombudsman offices or public legal aid boards.<sup>35</sup> Establishing a global fund could narrow the financing gap for legal empowerment efforts.

Additionally specific interventions supporting legal aid and one-stop shops to respond specifically to issues such as domestic violence and other forms of sexual and gender based violence as well as support for women in securing their access to inheritance and property rights and address discrimination in family and personal law has been seen to be effective.<sup>36</sup>

The indicators below encourage greater accessibility to legal forums by measuring the equitable and systematic delivery of high quality legal aid services. For the purposes of this sample set, we adopt a definition of ‘legal aid’ that is inclusive of legal empowerment services.

<b>Target: Increase the number of people with access to high quality legal aid.</b>	
<b>Possible Indicators</b>	<b>Similar Recommendations</b>
The proportion of overall budget allocated to legal aid services as ratio of total government expenditure.	DFID, G7+

The proportion of the population who live within reasonable reach (measured in km, time of travel, or perception) of a legal aid provider (e.g. a qualified lawyer, paralegal, or other person trained to act as a legal advisor)	Lawson-Remer, UNDP
The proportion of persons who report confidence that they can access affordable and effective legal aid in the event that they need legal advice or assistance	Brinkman, CAFOD, DPKO and OHCHR, UNDP, WJP
Ratio of legal aid providers per capita (on national, provincial, and local level)	Government of Mongolia, G7+
The proportion of citizens satisfied with cost/quality of legal services provided	DfID, UNDP, Willis
Percentage of defendants in criminal cases who are represented in court by legal counsel or by non-lawyers, where relevant	Vienna Meeting

## CONCLUSION

This paper outlined four principal ways in which justice can be incorporated into the post-2015 development framework. It offered illustrative targets and indicators for each. The prospects for integrating justice into the global policy agenda are improved if it can be shown that justice matters to development, and that justice targets can be measured with credible metrics. At the same time, we must continue to develop creative ways to measure progress towards meaningful targets, rather than crafting our targets to reflect what can be easily measured.

The HLP report recommends that goals and targets need to be easy to understand and communicate without jargon, compelling, widely applicable and consensus-based.<sup>37</sup> This is essential. Ultimately, the post-2015 agenda should aim to set justice targets and indicators that are meaningful and responsive to the lived reality of the poor.<sup>38</sup>

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*from: Target and Indicator Tables*

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## Endnotes

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\*For a list of the sources we cited as “similar recommendations” in the target and indicator tables, refer to the bibliography. For more details on the selection criteria for the illustrative targets and indicators outlined in this paper, visit <http://www.namati.org/consultations> to download Namati’s discussion note and annex.

<sup>1</sup> Namati is an international organization dedicated to putting the law in people’s hands through innovations in legal empowerment. Namati produced the initial draft of this paper, which has been shaped to fit the specific needs of the Global Dialogue on Rule of Law and the Post-2015 Development Agenda.

<sup>2</sup> UN Commission on Legal Empowerment of the Poor. (2008). *Making the Law Work for Everyone*, 19.

<sup>3</sup> UN Women. (2012). *Progress of the World’s Women: In Pursuit of Justice*, 24.

<sup>4</sup> Open Society Justice Initiative and UNDP (2011). *The Socio-Economic Impact of Pretrial Detention*, 12.

<sup>5</sup> Report of the Special Rapporteur on extreme poverty and human rights (access to justice). 2012. (A/67/278)

<sup>6</sup> Report of the Special Rapporteur on extreme poverty and human rights (penalization of poverty). 2011 (A/66/265)

<sup>7</sup> These countries are: Afghanistan, Albania, Algeria, Armenia, Azerbaijan, Bulgaria, Cambodia, Croatia, Democratic Republic of Congo, Georgia, Kosovo, Kyrgyzstan, Lithuania, Madagascar, Moldova, Peru, Serbia, Slovakia, Tanzania, Ukraine. Transparency International (2013). *Global Corruption Barometer*, p.17.

<sup>8</sup> Idem

<sup>9</sup> Open Society Foundations and Namati. (2013). Justice 2015 Factsheet: Justice plays a fundamental role in eliminating poverty, 1. Retrieved from <http://www.namati.org/entry/justice-2015-justice-plays-a-fundamental-role-in-eliminating-poverty>

<sup>10</sup> High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. (2013). *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, 9.

Civil society organizations who have issued public statements supportive of a strong role for justice in the post-2015 framework include: Advocats sans Frontiers; Amnesty International; Center for Economic and Social Rights; Hammerskoljd Foundation; Human Rights Watch; Namati; Open Society Institute; Save the Children; Saferworld; Vera Institute; World Justice Project and World Vision. In June 2013 the chairpersons of the UN’s ten human rights treaty bodies issued a public statement saying: “*We highlight the critical link between development and human rights, including the rights of the most vulnerable groups.*” (Office of the High Commissioner of Human Rights, *Chairpersons of the Human Rights Treaty Bodies Joint Statement on the post-2015 Development Agenda*, 2013 .p1). Additionally, seventeen independent human rights experts appointed by the General Assembly recently made recommendations of how and why human rights can be properly integrated into the post-2015 framework. See Harris, Aidan. (17 June 2013). Human Rights ‘Fundamentally linked to Development,’ say UN Treaty Body Chairs. Open Society Foundations. Retrieved from <http://www.opensocietyfoundations.org/voices/human-rights-fundamentally-linked-development-say-un-treaty-body-chairs>

<sup>11</sup> United Nations General Assembly, *Report of the Secretary General, A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015*, 26 July 2013, A/68/202, 15. Retrieved from <http://www.un.org/millenniumgoals/pdf/A%20Life%20of%20Dignity%20for%20All.pdf>

<sup>12</sup> See, e.g. The United Nations Development Program (UNDP). (2013). *Rule of Law and Development Issue Brief: Integrating Rule of Law in the post-2015 Development Framework*. Retrieved from [http://issuu.com/undp/docs/issue\\_brief\\_-\\_rule\\_of\\_law\\_and\\_the\\_post-2015\\_develo](http://issuu.com/undp/docs/issue_brief_-_rule_of_law_and_the_post-2015_develo); Global Thematic Consultation on Governance and the post-2015 Development Framework. (2013). *Consultation Report*. Retrieved from <http://www.worldwewant2015.org/governance/finalreport>; United Nations Development Program. (2013). *The Global Conversation Begins: Emerging Views for a new development agenda*. Retrieved from <http://www.undp.org/content/dam/undp/library/MDG/english/global-conversation-begins-web.pdf>; Save the Children (2012). *Ending Poverty in Our Generation: Save the Children’s vision for a post-2015 framework*. Retrieved from <http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0.pdf>; for additional see Bibliography.

<sup>13</sup> The World Bank. (2012). *The World Bank: New Directions in Justice Reform*, 2. Retrieved from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194\\_20120906024506/Rendered/PDF/706400REPLACEMENTJustice0Reform0Final.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194_20120906024506/Rendered/PDF/706400REPLACEMENTJustice0Reform0Final.pdf)

<sup>14</sup> World Bank. (2011). *World Development Report 2011: Conflict, Security and Development*, 56. Retrieved from [http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011\\_Full\\_Text.pdf](http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf)

<sup>15</sup> The World Bank. (2012). *The World Bank: New Directions in Justice Reform*, 2. Retrieved from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194\\_20120906024506/Rendered/PDF/706400REPLACEMENTJustice0Reform0Final.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194_20120906024506/Rendered/PDF/706400REPLACEMENTJustice0Reform0Final.pdf)

<sup>16</sup> High-Level Panel of Eminent Persons on the Post-2015 Development Agenda. (2013). *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, 21, 23-24.

<sup>17</sup> High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, 2013. *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development*, 4.

<sup>18</sup> *Ibid*, 7-9.

<sup>19</sup> *Ibid*, 30-31.

<sup>20</sup> *Ibid*, 12.

<sup>21</sup> *Ibid*, 5.

<sup>22</sup> Data for all indicators can be gathered from administrative data, public surveys, geographic information systems, existing third party monitoring or indices, or basic budget and legal analysis.

<sup>23</sup> See, e.g. Fukuda-Parr, Sakiko, Alicia Ely Yamin, and Joshua Greenstein. (2013). *Synthesis Paper - The power of numbers: A Critical Review of MDG Target for Human Development and Human Rights*, 24-28; Manning, Richard. (2009). *Using Indicators to Encourage Development: Lessons from the Millennium Development Goals, DIIS Report 2009*, 64-70. Retrieved from <http://www.oecd.org/site/progresskorea/44117550.pdf>

<sup>24</sup> See, for example, Soros, George and Sir Fazle Abed. (2012, September 26). "Rule of law can rid the world of poverty." *Financial Times*. Retrieved from <http://www.ft.com/intl/cms/s/0/f78f8e0a-07cc-11e2-8354-00144feabdc0.html#axzz27cvwHasi>

<sup>25</sup> Institute for Human Rights and Development in Africa (IHRDA) and the Open Society Justice Initiative. (2010). *Communication Submitted to the African Committee of Experts on the Rights and Welfare of the Child*. Retrieved from <http://www.opensocietyfoundations.org/sites/default/files/nubian-minors-submission-20100603.pdf>; Gerber, Paula. (2009). "Making Indigenous Australians 'disappear': Problems arising from our birth registration systems." *Alternative Law Journal*, 34(3), 157-162; Islam, S. (2007, December 19). "Kenyan Nubians: Without Papers, Who Are You?" *Open Society Justice Initiative*. Retrieved from <http://www.opensocietyfoundations.org/voices/kenyan-nubians-without-papers-who-are-you>

<sup>26</sup> UNICEF. (2012). *State of the World's Children*, 123. Retrieved from [http://www.unicef.org/sowc2012/pdfs/SOWC%202012-Main%20Report\\_EN\\_13Mar2012.pdf](http://www.unicef.org/sowc2012/pdfs/SOWC%202012-Main%20Report_EN_13Mar2012.pdf). This number excludes China.

<sup>27</sup> A global study of 80 forest areas across Asia, Africa, and Latin America found that greater local autonomy in making rules about forest management was associated with high carbon storage and many livelihood benefits, such as firewood, fodder, fertilizer, and timber. The findings suggest that when people perceive insecurity in their rights, they consume more forest products; but when their tenure rights are secure, they conserve biomass and use their forest commons in a more sustainable manner. See Chhatre, Ashwini and Arun Agrawal. (2009). Trade-offs and synergies between carbon storage and livelihood benefits from forest commons. *PNAS*, 106(42), 17667-17670. See also Knight, Rachael, Judy Adoko, Ailas Siakor, Alda Salomao, Teresa Auma, Ali Kaba and Issufo Tankar. (2012). *Protecting Community Lands and Resources: Evidence from Liberia, Mozambique, and Uganda*. Namati and International Development Law Organization (IDLO), 118.

<sup>28</sup> There is increasing recognition that strengthening the accountability of services to local communities and end users is essential in addressing service delivery failures. See, eg. The World Bank. (2004). *World Development Report: Making Services Work for the Poor*, ch. 4; Gauri, Varun and Daniel Brinks eds. (2008). *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World, which demonstrates, on the basis of empirical studies in five countries, that rights and courts play a significant role in shaping health and education services*.

<sup>29</sup> Our definition of "justice institution" is informed by the World Bank's broad understanding of justice systems. "[A] justice system can be thought of in terms of the formal and informal institutions that address breaches of law and facilitate peaceful contests over rights and obligations. In organizational terms, a justice system may span all three branches of government and multiple nonstate actors, including: the courts, the police, prosecutors' offices,

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public defenders, state and civil society legal aid providers, alternative dispute resolution mechanisms, administrative adjudication and enforcement mechanisms, customary and community - based institutions, anticorruption and human rights commissions, ombuds offices, and property and commercial registries.” See The World Bank. (2012). *The World Bank: New Directions in Justice Reform: 2*. Retrieved from [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194\\_20120906024506/Rendered/PDF/706400REPLACEM0Justice0Reform0Final.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2012/09/06/000386194_20120906024506/Rendered/PDF/706400REPLACEM0Justice0Reform0Final.pdf)

<sup>30</sup> Glen Cove Report: Expert Meeting on an Accountability Framework for Conflict, Violence and Disaster and the post-2015 Development Agenda. (2013). United Nations Children Fund (UNICEF), Development Program (UNDP), and Peacebuilding Support Office (PBSO), 2.

<sup>31</sup> United Nations (2011). *Rule of Law Indicators Implementation Guide and Project Tools*, 41-65. Retrieved from [http://www.un.org/en/peacekeeping/publications/un\\_rule\\_of\\_law\\_indicators.pdf](http://www.un.org/en/peacekeeping/publications/un_rule_of_law_indicators.pdf)

<sup>32</sup> See, for example, Sandefur, Justin and Bilal Siddiqi. (2013). *Delivering Justice to the Poor: Theory and Experimental Evidence from a Field Experiment in Liberia*; Rodriguez, M. (2000). *Empowering Women - An Assessment of Legal Aid Under Ecuador's Judicial Reform Project*; Seron et al. (2001). “Impact of Legal Counsel on Outcomes for Poor Tenants in New York City.” *Law & Society Review* 35(2), 419-434; Castagnola, M. A. (2003); Asian Development Bank. (2001). *Law and Policy Reform at the ADB, Appendix 1: Philippines*.

<sup>33</sup> See, for example, International Development Law Organization. (2013). *Accessing Justice: Models, Best Strategies and Best Practices on Women's Empowerment*. Retrieved from <http://www.idlo.int/Publications/Women-AccessstoJustice.pdf>; Donovan, Bremen. "Paralegal work has been very important to women in our community." *African Voices Blog Series*. Namati. 19 December 2012. Retrieved from <http://www.namati.org/entry/paralegal-work-has-been-very-important-to-women-in-our-community/>

<sup>34</sup> Stephanie Willman Bordat and Saida Kouzzi (2020). “Chapter 8: Legal empowerment of unwed mothers: Experiences of Moroccan NGOs,” in Stephen Golub (ed.) *Legal Empowerment: Practitioners' Perspectives*. International Development Law Organization: 179. Retrieved from: [http://www.idlo.int/documents/legal\\_empowerment\\_practitioners\\_perspectives\\_book.pdf](http://www.idlo.int/documents/legal_empowerment_practitioners_perspectives_book.pdf)

<sup>36</sup> UN Women. (2012). *Progress of the World's Women: In Pursuit of Justice*.

<sup>37</sup> *Ibid*, 13-14.