

The following Goal Worksheet will help you develop your plan:

Goal Worksheet

Goal	Goal 1	Goal 2
Objectives	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
Action/Activity	all activities related to the goal 1	all activities related to the goal 2
Responsible Agency/Actors	names of relevant agencies actors for each activity	names of relevant agencies and actors for each activity
Target Date	target dates for completion of each activity and any midpoint progression	target dates for completion of each activity and any midpoint progression
Performance Indicators	Performance indicators related to the goal	Performance indicators related to the goal
Mechanisms to measure Progress	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.⁴²

⁴² 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.⁴³ 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.⁴⁴ 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.

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.⁴⁵

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

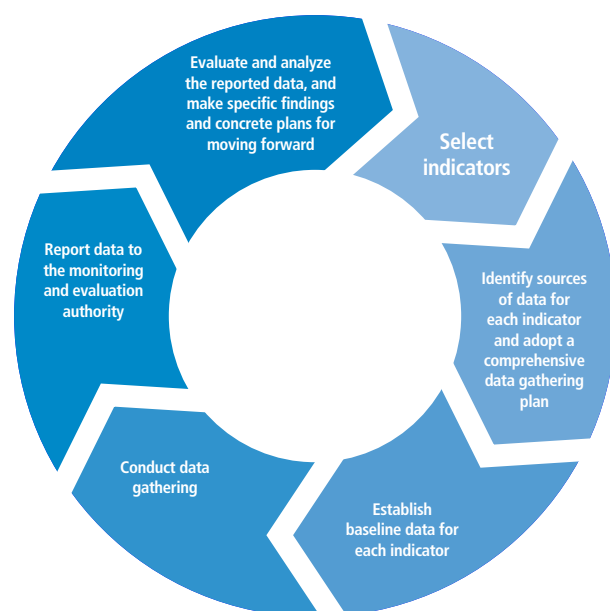
This section of the toolkit shows you how to develop effective and efficient indicators. It walks you through six steps for developing indicators to measure the effectiveness of national efforts to achieve Goal 16 and increase access to justice in a way that promotes legal empowerment. These steps will 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.

⁴³ The Millennium Development Goals Report 2015 (United Nations: 2015), [http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf).

⁴⁴ 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.

⁴⁵ 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 the status of access to justice in your country,
- be able to identify gaps in your government’s current efforts to 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.