

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.