

**IF THERE ARE WEAK PARTICIPATORY MECHANISMS
WEAK PARTICIPATORY MECHANISMS FOR MONITORING 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 PREVIOUS 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 GOVERNMENT, 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.⁴⁷

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 Agenda⁴⁸ 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 Guide⁴⁹ 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 revolution.

47 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.

48 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.

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

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.

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 Project⁵⁰ 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,⁵¹ 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.

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.