



Improving the monitoring of SDG 16.3.3

Towards better access to justice



PATHFINDERS
FOR PEACEFUL, JUST AND INCLUSIVE SOCIETIES
HOSTED BY THE NYU CENTER ON INTERNATIONAL COOPERATION

OECD Public Governance Policy Papers

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Abstract

Access to justice is a fundamental underpinning of democracy and the bedrock of a strong social contract. As the world reaches the halfway point in implementing the Sustainable Development Goals (SDGs), there is growing concern that countries are collectively not on track to achieve them, including SDG 16.3 on access to justice and the rule of law.

To this end, this policy paper highlights how the indicator SDG 16.3.3 supports countries and territories in monitoring progress on access to justice around the globe. It identifies lessons learnt, challenges, opportunities and good practices from countries and territories reporting on this indicator. It also pinpoints areas for action to improve monitoring and supporting tools to help countries and territories report to SDG 16.3.3.

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Introduction

Access to justice for all is a fundamental underpinning of democracy and the bedrock of a strong social contract. It plays a crucial role in reducing inequalities, contributes to economic welfare, and helps promote peaceful and just societies. Access to justice can be understood as the ability of people to protect and uphold their rights and obtain fair resolution for justiciable issues in accordance with human rights. This involves utilising impartial formal or informal justice institutions and receiving appropriate legal assistance when needed.

Globally, more than 5.1 billion people lack meaningful access to justice (World Justice Project, 2019^[1]). Under the 2030 Agenda for Sustainable Development, countries are committed to promoting the rule of law at both national and international levels and ensuring equal access to justice for all. Yet, challenges persist in ensuring accessibility, effectiveness and accountability in justice systems.

As we approach the halfway point towards 2030, there is a growing concern that countries are collectively not on track to achieve the 2030 Sustainable Development Goals (SDGs). Limited data to monitor progress towards the SDGs is part of this concern, largely caused by most countries' limited capacity to measure the full range of SDG indicators.

To this end, relevant data and indicators are vital for supporting targeted action to strengthen countries' and territories capacities to achieve the SDGs, including SDG 16.3.3, also in line with the OECD Recommendation on Access to Justice and People-Centred Justice Systems [[OECD/LEGAL/0498](#)]. Monitoring progress on SDG 16.3.3 is thus among the first steps to inform the design and delivery of policies and services for better access to justice for all. Concretely, SDG 16.3.3 monitoring exercises can help identify the availability, proximity, appropriateness and effectiveness of justice services according to different groups of people and their needs. Likewise, it can help identify people's legal capabilities and awareness, as well as biases within services.

However, only some countries and territories reported data on this indicator as part of the 2022 SDG reporting cycle. The analysis revealed several lessons learnt and challenges associated with reporting, including fragmented and complex institutional frameworks, limited awareness of SDG 16.3.3, competing policy priorities, lack of flexible data collection models, long lead time for SDG 16.3.3 and data collection cycles, and limited resources and capacities.

To help countries and territories strengthen their capacities and make progress in reporting data under this indicator – given the urgency of the task at hand – this paper also pinpoints existing data collection tools, good practice examples and policy recommendations. This paper aims to support targeted action, holistic policy design and a robust monitoring framework, all necessary to achieve SDG 16.3.3 and ensure that justice is a fundamental right accessible to all.

This paper is based on desk research, a review of the data from selected countries that reported against SDG 16.3.3 in 2022, in-depth interviews of national representatives and line ministry officials in selected countries and territories, and consultations with selected experts in relevant disciplines.

Key policy messages

This policy paper highlights several key lessons for improving monitoring and reporting on SDG indicator 16.3.3 related to access to justice, including suggestions to:

- **Raise awareness through information sharing:** Consider promotional campaigns and capacity building to increase understanding of SDG 16.3.3 and the potential value of data collection for access to justice. Capacity-building programmes could be conducted for relevant stakeholders across agencies to improve their understanding of SDG 16.3.3. While emphasising the larger SDG agenda, these efforts could highlight the particular relevance of 16.3.3.
- **Explore strengthening institutional frameworks and co-ordination:** A clear and coordinated governance structure could be established to collect, report and use data under SDG 16.3.3. This involves relevant government agencies, national statistics offices (NSOs), justice sector stakeholders and social service providers. It would be beneficial to put in place mechanisms that facilitate regular communication and coordination among stakeholders and develop shared priorities and streamline data collection efforts.
- **Consider diversifying producers of data for SDG 16.3.3:** In addition to official statistics offices, there may be opportunities to involve other government bodies, academics, and civil society in inclusive data strategies for SDG indicator 16.3.3. Standards and processes could be developed to ensure quality control and testing of data, ethics and sound governance for data collection.
- **Anticipate lead times:** Sufficient preparation and resources should be factored in when designing any new recurring 16.3.3 data processes. A gradual, long-term vision may help account for planning cycles and potential delays.
- **Consider investments in resources and capacities:** Exploring potential infrastructure, training and personnel needs may help strengthen capacities for collecting data on SDG 16.3.3. Institutions responsible for data collection, analysis and reporting may need capacity-building support. There is also scope to further prioritise domestic resources on data collection on 16.3.3. for both OECD and developing countries.
- **Adopt a comprehensive approach to data collection:** This involves addressing institutional, financial, technical and capacity-building aspects for SDG 16.3.3 data collection. Collaboration among government stakeholders, civil society, academia and international partners is essential to leverage collective expertise and address data collection challenges effectively.
- **Enhance donor support for developing countries:** Donors may consider offering targeted assistance to developing countries to strengthen capacities and establish sustainable SDG 16.3.3 data collection programmes.

1 SDG 16.3: Promoting the rule of law and access to justice for all

Introduction

Countries around the world operate within a “law-thick” environment (Hadfield, 2010^[2]), where laws, regulations, rights and responsibilities permeate every aspect of daily life. Starting from birth, as in the acquisition of citizenship, in key aspects of life such as education, housing, employment, transport, and health, and finally, in end-of-life matters, the impact of the law is far-reaching. The law significantly affects the daily lives and the economic and social well-being of people from all walks of life (OECD, 2020^[3]). Establishing equal access to justice for all is thus a key objective for governments.

Access to justice for all is a fundamental underpinning of democracy and the bedrock of a strong social contract (OECD, 2023^[4]). Access to justice is vital for ensuring equitable opportunities and favourable outcomes for everyone. It plays a crucial role in mitigating inequalities, contributes to economic welfare and helps promote peaceful and just societies.

Under the United Nations (UN) 2030 Agenda for Sustainable Development, all UN Member States committed to “promot(ing) the rule of law at the national and international levels and ensur(ing) equal access to justice for all” (United Nations, 2015^[5]). Despite significant advances in the efficiency of justice in many OECD countries and beyond in recent years, challenges remain to ensure justice systems’ responsiveness, effectiveness and accountability. Globally, more than 5.1 billion people lack meaningful access to justice (World Justice Project, 2021^[6]). The Task Force Justice for All Report shows that to ensure equal access to justice for all, justice systems must be transformed by putting people and their justice needs at the centre of justice systems (NYU Center on International Cooperation, 2019^[7]).

Timely and affordable access to the justice system can significantly impact people’s lives. Increasingly complex, slow or inaccessible justice systems jeopardise the ability of people to enforce their rights or hold those in power accountable. This can, in turn, undermine democracy and the rule of law. Indeed, when justice systems are seen as inaccessible or serving just a few, frustration, disillusionment and discontent follow, which can have significant social consequences. The OECD Trust Survey sheds light on people’s trust in justice institutions. The data show that just over half (57%) of people, on average, trust the courts and legal system today (OECD, 2022^[8]). Moreover, young people (under 30 years old), in particular, trust the judiciary less than people over 50. This shows that there is significant scope to strengthen citizens’ trust in the justice system. Responsiveness and effectiveness are key to meeting their expectations for independent, accessible, transparent, fair and efficient justice.

Providing genuine access to justice for ordinary people to deal with legal and justice problems¹ as they experience them is therefore essential for societies seeking to “leave no one behind”. The inclusion of a

¹ As underlined in the OECD Recommendation on Access to Justice and People-Centred Justice Systems [OECD/LEGAL/0498], legal and justice problems refer to an issue with a legal or justice dimension in any sector or

stand-alone goal on peace, justice and inclusive institutions (Goal 16) in the SDGs, including Target 16.3, to "promote the rule of law at the national and international level and ensure equal access to justice for all" (United Nations, 2023^[9]) has been a significant step (see Box 1). So too, has been the relatively recent inclusion of what has the potential to become a "transformative" (civil justice) indicator – 16.3.3 (Satterthwaite and Dhital, 2019^[10]).

Box 1. SDG Target 16.3

The SDG Target 16.3 is to:

Promote the rule of law at the national and international levels and ensure equal access to justice for all.

The three indicators for Target 16.3 are as follows:

- 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimisation to competent authorities or people or other officially recognised conflict resolution mechanisms.
- 16.3.2: Unsentenced detainees as a proportion of the overall prison population.
- 16.3.3: Proportion of the population who have experienced a dispute in the past two years and accessed a formal or informal dispute resolution mechanism by type of mechanism.

Source: (United Nations, 2023^[9]), "SDG Indicators: Metadata repository", <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.3>.

As the 2030 Agenda approaches its halfway mark, there remains a dearth of data regarding progress towards achieving Goal 16. This lack of data is not only apparent for SDG 16.3.3, reported by only six countries and territories in 2022 (see 2Annex B), but also for Goal 16 (United Nations, 2023^[11]) and numerous other SDGs. According to the UN statistics division, this scarcity of data for monitoring progress towards the SDGs is mainly due to the absence of adequate capacity in most countries and territories to measure the full range of sustainable development indicators (United Nations, 2023^[12]). Indeed, a growing concern is that countries are collectively not on track to achieve the 2030 SDGs, as also acknowledged by the UN Secretary-General in his address to the UN General Assembly in July 2023 (United Nations, 2023^[12]). For the SDG 16.3.3, there could be a particular disadvantage as the indicator was only adopted in 2020. The late integration coincided with the COVID-19 pandemic, which may have also reduced the capacity of National Statistics Offices to integrate the indicator.

To this end, urgent and targeted action is required to enhance countries and territories' capacities in achieving the SDGs, including SDG 16.3.3. The comprehension and monitoring of progress on this SDG target are essential first steps in this endeavour. Understanding the challenges people encounter in seeking justice, their approaches to prevention and resolution, and their experiences in resolving such issues is crucial for strengthening trust in institutions and effectively addressing legal and justice problems. SDG 16.3.3 is a useful tool for gathering data to inform policy making and improve justice systems.

any party to the dispute, whether or not this is recognised by those involved, and to the subsequent demand to access to justice services and other dispute resolution mechanisms in order to obtain recognition of and remedy to such problem.

Indicator 16.3.3 and access to justice for all

Access to justice as a concept has been regarded as “a bedrock principle undergirding human rights” (Satterthwaite and Dhital, 2019^[10]). For the purposes of SDG 16.3, access to justice refers to “the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems in compliance with human rights standards; if necessary, through impartial formal or informal institutions of justice and with appropriate legal support” (United Nations, 2023^[9]; Praia City Group, 2020^[13]). Specifically, as noted in Box 1, SDG 16.3.3 focuses on the 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 (United Nations, 2023^[14]).

Importantly, more than 2 decades of people-centred legal needs research and over 55 national legal needs surveys across at least 30 jurisdictions (OECD/Open Society Foundations, 2019^[15]), supported by over 100 national-level surveys conducted using the World Justice Project global model, show that the majority of everyday legal and justice needs experienced by people do not reach a courtroom or a formal dispute resolution mechanism. Less than one-third (29%) of people who experienced a legal problem sought any form of advice to help them better understand or resolve their problem. Those who did seek assistance preferred to turn to family members or friends. Even fewer (17%) took their problem to an authority or third party to mediate or adjudicate their problem, with most preferring to negotiate directly with the other party (World Justice Project, 2019^[16]). Thus, access to justice for all people is not limited to the formal justice system. Rather it is about access to services, including dispute resolution mechanisms and legal assistance services, that are most appropriate to meet the legal and justice needs of a person in their particular circumstances while remaining affordable and sustainable.

In other words, access to justice needs to be people centred. As underlined by the OECD Recommendation on Access to Justice and People-Centred Justice Systems [[OECD/LEGAL/0498](#)], this approach places people at the centre of justice sector planning, reforming and resourcing. People-centred justice takes a data-driven and evidence-based approach to justice. A people-centred approach to justice system reform or development starts with a comprehensive assessment of a population's real-life justice needs and experiences. It then seeks to develop and deliver services that address these needs in ways most appropriate, effective and affordable for the people experiencing the needs.

Box 2. What we know about legal needs of people: A research summary

Growing empirical research provides an overview of the nature and distribution of legal needs and the capability of different people to manage their legal issues. In summary, the research indicates that:

- There is a concentration in the experience of legal problems. For example, in Australia, the Legal Australia Wide (LAW) legal needs survey found that 9% of respondents accounted for 65% of legal problems.
- About one-third of people experience at least one justiciable problem over a two-year period, although this varies from country to country.
- Consumer problems are routinely among the three most prevalent justiciable problems, along with those concerning neighbours and money. Problems relating to families, housing, employment, social safety net assistance, public services and nationality are also commonly experienced.
- Inequity links to social disadvantage. Research has consistently shown that legal problems are particularly prevalent among people with chronic ill health or disability, single parents, the unemployed and people in disadvantaged housing. Thus, the concentration reflects inequality in the experience of legal problems.

- Social disadvantage is linked to a lower capability to deal with legal problems. The evidence further indicates that those most vulnerable to legal problems tend to have less knowledge, resources and self-help skills to deal with legal problems. They also tend towards delayed and crisis-driven help-seeking.
- Legal problems do not exist in isolation. They often occur in defined “clusters”, often coexisting with “everyday life” problems.
- Globally, around one-half of the people who experience a civil or administrative justiciable problem cannot meet their legal needs, amounting to approximately 1.4 billion people.
- Only a minority of legal needs surveys have found that courts or tribunals resolved more than 10% of justiciable problems, with some suggesting a rate of 5% or lower. Furthermore, where a formal process is used, it tends to be used in relation to particular problem types, such as those concerning family breakdowns.

Source: (OECD/Open Society Foundations, 2019^[15]), “Legal Needs Surveys and Access to Justice”, <https://doi.org/10.1787/g2q9a36c-en>; (World Justice Project, 2019^[11]), “Measuring the Justice Gap”, <https://worldjusticeproject.org/our-work/research-and-data/access-justice/measuring-justice-gap>; (Coumarelos et al., 2012^[17]), “Legal Australia-Wide Survey: Legal Need in Australia”, Law and Justice Foundation of New South Wales, Sydney.

Yet a complete and representative understanding of legal needs can only be obtained through population/household surveys, such as legal needs surveys or broader surveys with an integrated legal needs component. Recent examples, such as the 2021 Canadian Legal Problem Survey and Colombia’s 2020 and 2022 iterations of its Coexistence and Citizen Security Survey, demonstrate the value of such surveys in supporting data collection for SDG 16.3.3 and informing effective actions to improve access to justice services (see Box 3).

Box 3. Legal needs surveys: the Canadian and Colombian experiences

The Canadian Legal Problems Survey (CLPS)

The 2021 CLPS aims to identify the kinds of serious problems people face, how they attempt to resolve them and how these experiences may impact their lives. The information collected is used to help better understand the various methods people use to resolve problems. The CLPS assesses formal pathways to justice, such as courts and tribunals, and informal channels, such as self-help strategies.

This survey was conducted by Statistics Canada on behalf of the Department of Justice Canada, together with other federal departments. The final number of respondents was 21 170, which represents a 50.7% response rate. The results provide a robust assessment of Canadians’ legal and justice needs and, importantly, allow for detailed breakdowns of findings. To complement the CLPS, the Department of Justice contracted community-based researchers to conduct a series of qualitative studies to explore and report on the experiences of specific populations who have experienced serious legal problems in different parts of the country. The Department of Justice had conducted previous legal needs surveys in 2004, 2006 and 2008. The York University undertook a cycle in 2014.

CLPS data are available in an open format, along with qualitative studies that can be found on the Department of Justice’s official website. The CLPS also allows fairly detailed analysis of the legal and justice needs of specific groups, including sexual minorities, black and indigenous people, immigrants and people with disabilities.

The Colombian Coexistence and Citizen Security Survey (ECSC)

The ECSC carries out a diagnosis of coexistence and citizen security as input to follow up and monitor public policies in the sector. The purpose of the ECSC is to present information on the prevalence of victimisation in the national total and in urban and rural settings, its characteristics and the circumstances in which crimes have occurred. The ECSC also provides information, under its probabilistic design, for 13 individual cities. The information collected aims to primarily help policy makers in the field of coexistence and public security.

The Colombian National Administrative Department of Statistics (DANE) conducts the survey. The ECSC provides information on the population aged 15 and over who have suffered damage from criminal activities such as theft, quarrels and fights or extortion. Additionally, the survey compiles information on citizens' perceptions of security. Previous editions of the survey date from 2004, 2006, 2008, 2014 and 2019. The ECSC methodology follows the household survey design developed by DANE and uses the framework of the 2018 Population and Housing Census, together with its respective population projections by age and sex, for sample selection. The 2021 edition considers a sample of 41 567 households.

The thematic axis of the survey is victimisation, concerning events that occurred during the year before the survey. Events comprise, for example, theft from residence and theft of livestock, and involvement in quarrels and fights that involved physical violence. The survey also provides an idea of the unreported number of crimes ("hidden figure of crime"). Likewise, the ECSC offers some perspectives on citizens' perceptions of insecurity, solidarity, and coexistence.

The coordinated work between the Colombian Ministry of Justice and Law, the Judiciary, and the National Planning Department, allowed the ECSC include legal needs modules in its 2019 and 2021 rounds. These modules studied individuals over 18, in a two year-period, and focused on the incidence of justiciable problems over individual's lives, the paths individuals took to face solve their legal problems, the results from these paths and the access to legal assistance. This modular approach has helped to better understand legal needs and their interlink with victimisation, thus building an integrated outlook for the phenomena in which SDGs 16.3.1 and 16.3.3 are centred around.

Source: (Government of Canada, 2023^[18]), "The Canadian Legal Problem Survey (CLPS)", <https://open.canada.ca/data/en/dataset/2cc26265-912b-483a-8c2e-3bef7646a506>; (DANE, 2023^[19]), "Survey of Citizen Security and Coexistence", www.dane.gov.co/index.php/en/statistics-by-topic-1/security-and-defense/survey-of-citizen-security-and-coexistence.

2 Measuring access to justice through SDG 16.3.3

Introduction

The Sustainable Development Goals (SDGs) involve a system of goals, targets and indicators underpinned by the logic that improvements cannot be achieved without measuring and assessing the matter (Beqiraj and Moxham, 2022^[20]). Indicators help monitor outcomes and outputs due to particular policy reforms or service initiatives. However, certain aspects are easier to measure than others, often leading to a common tendency to focus data collection efforts on readily measurable variables and indicators. Nevertheless, this approach poses a risk, as it may divert attention towards what is measured rather than prioritising what holds the greatest importance.

As such, efforts to improve the measurement of the SDGs, including access to justice for all people, is a crucial element of the SDGs. In some cases, such as SDG 16.3.3, this requires “new data” for many countries (see *Why measuring access to justice is important*). One feature distinguishing 16.3.3 from other SDG indicators is that it measures access to justice and dispute resolution mechanisms from a people’s perspective (see Annex B). In particular, SDG 16.3.3 stands out for two reasons:

- It adopts a people-centred perspective, surveying a representative sample of the population rather than relying on limited administrative data.
- It employs the same people-centred approach to assessing how many people confronting problems reached an informal or formal dispute resolution mechanism.

While the indicator itself measures access to formal and informal dispute resolution mechanisms, reaching such mechanisms generally involves taking a particular pathway. This pathway might include seeking advice from friends and family, finding and consulting understandable information, accessing specialised advice and assistance relevant to the problem experienced and making decisions about the most appropriate route for resolution.

In essence, reaching a dispute resolution mechanism suggests a range of actions, pathways and decisions before that point. Therefore, while measuring SDG 16.3.3, countries may choose to explore these underlying issues as part of a survey that includes a comprehensive legal needs component (e.g. Canada and Colombia on the 2022 reporting, Argentina and South Africa on the 2023 reporting). Alternatively, the effort to measure SDG 16.3.3 may prompt countries to investigate these aspects separately. The section below highlights some of the value and insight that can come from measuring access to justice services in conjunction with SDG 16.3.3.

Additionally, SDG 16.3.3 captures not only the prevalence of various civil justice and family law issues among the population but also their responses, particularly their actions in taking matters to formal or informal dispute resolution mechanisms, when facing these problems. Due to its coverage of a wide range of issues, its people-centred approach, and its measurement of actions taken in response to problems,

SDG 16.3.3 is likely to be the most suitable means for expanding the measurement of access to justice services through the SDGs in the future.

Why measuring access to justice is important

Measuring people's access to justice and services can be a powerful tool, yielding much insight into the justice system and available services beyond simple enumerations of services. When people use dispute resolution services, it means they are following certain paths that involve seeking information, advice and assistance. Many countries recognise the value of capturing this information and use the SDG indicator 16.3.3 to inform policy making.

SDG indicator 16.3.3 can provide valuable insights and encourage further investigation into various aspects, including:

- **The availability of appropriate services and dispute resolution mechanisms.** This includes understanding people's awareness and the extent to which certain services are used or preferred to others. SDG indicator 16.3.3 can also help uncover groups under-represented in the delivery of justice services. Likewise, the indicator can be a useful tool to identify some legal needs or matter types better served with certain services and dispute resolution pathways than others.
- **The location and proximity of services.** Each country has a different geography, demography and available infrastructure. Examining additional disaggregation² for SDG indicator 16.3.3 by variables such as location, distance and demographic group can provide insights on the proximity of services – e.g. where they are most needed, alignment of services location to transport networks and accessibility to different demographic groups. Likewise, disaggregated data for SDG indicator 16.3.3 can help assess the appropriateness of service channels and whether or not there is an appropriate range of services, considering the demographic characteristics of certain areas and respective needs (e.g. indigenous groups, women, elderly, young).
- **Appropriateness of services.** Examining SDG indicator 16.3.3 disaggregated data that takes into consideration legal problem types and other demographic variables can, through service usage (or non-usage), provide key insights into the appropriateness of justice services for different groups (e.g. online, face-to-face, telephone or services in other languages) by whether services are used and whether they are effective.
- **Legal capability.** People's legal capability, including factors like literacy, life complexity and psychological readiness to address problems, plays a crucial role in their vulnerability to legal issues and their ability to resolve them (Pleasence et al., 2014[18]; McDonald and Wei, 2015[19]). Analysing disaggregated data from SDG indicator 16.3.3 can help provide insights into the characteristics of justice clients using specific services.
- **Awareness.** Using dispute resolution services implies one's awareness about their rights and the available services and pathways. Examining the disaggregated data of SDG 16.3.3 may provide insight into regional or population group differences (e.g. under-representation), including levels of awareness of alternative justice pathways. This might prompt further investigation and may ultimately suggest additional and targeted communication strategies to address any awareness deficits.
- **Availability of plain language information.** The availability of legal information in plain language is an essential component of a people-centred justice system. It involves ensuring that individuals can easily comprehend their rights, available dispute resolution pathways, and services. Equally

² The minimum requested disaggregation for the indicator is type of dispute resolution mechanism, sex, disability status, ethnicity, migration background and citizenship.

vital is the information available to assist people with sufficient legal capability to self-navigate less complex issues, often using a range of informal dispute-resolution mechanisms. Analysing detailed data from SDG indicator 16.3.3 and associated sources can prompt additional inquiries concerning the availability and suitability of legal information for particular demographic groups. More comprehensive investigation as part of an SDG 16.3.3 survey can also help address such questions.

- **The effectiveness of services.** While comprehensive “outcomes” assessment involves specific research, the usage (or lack thereof) of legal assistance and dispute resolution services can reflect people’s confidence and trust in those services. Perceptions of ineffectiveness can impact how much people use such services. The SDG indicator 16.3.3 and related data can offer insights into the levels of trust and confidence in different dispute resolution mechanisms among different groups in society.
- **The biases within services.** Certain minority groups, in some circumstances, might perceive that specific aspects of the justice system are not in their favour, leading to a lack of confidence and trust in the system. Such perceptions of bias can impact confidence and trust in the institutions of the justice system. Data collected for monitoring SDG indicator 16.3.3 can provide insights into which groups are under-represented or under-served in their access to certain justice services.

What can be learnt from the 2022 SDG 16.3.3 reporting cycle

In 2022, countries and territories had the opportunity to report on the SDG 16.3.3 indicator for the first time. This arose due to the recent approval of the indicator at the end of 2019, the impact of the coronavirus (COVID-19) pandemic and the time required (i.e. 12 months or longer) to collect SDG 16.3.3. data. Six countries and territories – namely, Canada, Colombia, Gambia, the Palestinian Authority, Peru and Tunisia³ – were able to report against this indicator. However, there were significant differences in methodology, levels of data reporting, and pre-existing legal needs survey research programmes among countries (see Annex B).

All reporting countries and territories, to at least a reasonable extent, managed to assess access to justice in terms of identifying the proportion of the population that reached an informal or formal dispute resolution service or agency when experiencing a civil legal problem. Importantly, for most of the countries and territories, reporting against SDG indicator 16.3.3 has provided them with a “baseline” to monitor improvements (or lack thereof) in the years ahead. Some of the key lessons learnt and good practices are highlighted below.

Progress over time

The most promising approach to achieving progress towards access to justice for all lies in individual governments committing to better outcomes and monitoring of the SDG 16.3.3 indicator over time. To ensure that specific country/territory information needs are met, the indicator can be disaggregated, enhanced, or expanded as necessary. For example, recognising the importance of access to advice or assistance as a crucial step in access to justice pathways, South Africa intends in upcoming reporting cycles to provide an additional measure, access to free legal aid, as part of its SDG 16.3.3 reporting.

Countries and territories seeking to pursue the 2030 goals should ideally conduct the appropriate SDG 16.3.3 surveys two to three times before 2030 to monitor progress and make any necessary policy and practices adjustments. For instance, Colombia aims to maintain a two-year frequency and already has data from the 2022 survey, which will be reported in 2024. South Africa plans to include the relevant module

³ By the time of the publication of this report, Tunisia was still entering reporting on the indicator.

at least every three years as part of its annual Governance, Public Safety and Justice Survey (GPSJS), subject to available resources.

Evolving legal sector data capabilities

The different approaches to data collection in the reporting countries and territories in 2022 may partially reflect their different stages of legal needs data collection methods. For example, Canada and Colombia have well-established histories of conducting comprehensive legal needs surveys. Both of their SDG 16.3.3 reports derived from larger legal need-style survey projects – the 2021 CLPS for Canada and the 2020 iteration of the biennial ECSC for Colombia (see Box 3). Both surveys provided substantial sample sizes with high levels of disaggregation. Similarly, South Africa, which also has an ongoing legal needs assessment programme, plans to report in 2023.

Other countries and territories concentrated on collecting data specifically for reporting against SDG 16.3.3. For example, the Palestinian Authority, Peru and Tunisia included questions to meet the requirements outlined in the SDG 16.3.3 metadata within existing national surveys. Gambia conducted a specific SDG Monitoring Survey.

Disaggregation

Data disaggregation can help provide significant insight for implementing SDG 16.3.3. Indeed, the data collection methodology for SDG 16.3.3 suggests disaggregation by type of dispute resolution mechanism, sex, disability status, ethnicity, migration background and citizenship. Countries may also seek a range of additional disaggregation to serve specific policy formulation priorities that are tailored to their particular socio-demographic circumstances (United Nations, 2019^[21]).

During the 2022 reporting cycle, different approaches were adopted to the data disaggregation, largely driven by the nature and context of the survey vehicle used. For example, Canada and Colombia have been able to separately analyse their surveys' data beyond the requirements of the SDG indicator. Gambia and the Palestinian Authority all reported disaggregated data in relation to both the type of dispute and dispute resolution mechanism. In addition, Gambia and Tunisia was also able to report disaggregation by disability status. This holds great significance as legal needs surveys across countries and territories have consistently revealed that people with disabilities are often more vulnerable to experiencing legal problems than others and may encounter greater challenges dealing with these issues (Pleasence, 2014^[22]).

Importantly, disaggregation requires a sufficiently large sample size to adequately represent all analytical categories. During the 2022 reporting period, Canada (with a sample of 42 400), Colombia (129 733), Peru (36 856) and Tunisia (18 522) all reported having very large survey samples, which should allow for a desirable level of disaggregation to meet specific policy formulation objectives. However, there is a need for appropriate safeguards and methods when analysing and interpreting disaggregated data.

With appropriate statistical analysis, such disaggregation can yield insights into suitable and effective access to justice pathways, especially when considering relevant demographic factors. Despite variations in the extent of disaggregation, the data collected by each country/territory, at times exceeding the requirements specified by SDG 16.3.3 metadata, offers valuable information to shape policy in those specific countries and territories.

Methodological consistency

Countries and territories that reported in 2022 demonstrated a reasonable amount of methodological variation, from reference periods to their taxonomies of legal problem types and dispute resolution mechanisms, which constitute essential components of the SDG 16.3.3 survey. For example, Canada and Gambia used reference periods of three years, while Peru submitted data for a two-year period. Tunisia

reported using a 2-year period immediately prior to the fieldwork. Other methodological disparities arose, partially due to countries like Canada prioritising broader access to justice information rather than more narrowly adhering to the global indicator definitions.

Methodological variations can lead to discrepancies in results and hinder direct comparisons across countries and territories. As such, there is scope to strengthen methodological consistency across countries and territories, which could offer a range of advantages. First, a consistent approach and methodology helps governments and supporting entities work with known effective models, accurate costs and time frames, ultimately leading to reasonable outcomes. While differences in methodologies of reporting countries and territories may partly stem from varying cultures, demographics and infrastructures, they might also arise due to the challenges encountered while managing the SDG 16.3.3 requirement. For example, the possibility of integrating an access to justice/16.3.3 module in existing household surveys, or undertaking a stand-alone survey, will depend on country priorities, available funding and survey research capacities (see below).

Opportunities and challenges for collecting data on SDG 16.3.3

Several opportunities and challenges arise when collecting data for SDG 16.3.3. Some of these are shared among countries and territories that have reported on the indicator and those that are yet to do so. The following sections outline some of these opportunities and challenges.

Opportunity to delve further into relevant policy information

While many countries have conducted legal needs surveys in recent years, others have yet to do so. Conducting such surveys can allow countries to understand their people's legal needs and optimise their justice services accordingly. Engaging in data collection for SDG 16.3.3 may involve collecting data beyond the "pure" indicator, delving into the pathways and issues beyond the basic measures of this target, such as the proportion of the population that having a legal dispute, can reach a dispute resolution mechanism, whether it be formal or informal (United Nations, 2022^[23]).

Countries with ongoing legal needs survey programmes may also benefit from collecting data for the SDG 16.3.3 indicator. For example, Colombia, which currently conducts biennial legal need equivalent surveys, reported that looking at how to measure indicator 16.3.3 has been useful as it has prompted further investigation into the understanding and measurement of legal empowerment, legal capability and client outcomes. Colombian counterparts also expressed that measuring SDG 16.3.3 helped broaden their survey and delve deeper into self-exclusion and institutional groupings (OECD, 2023^[24]).

Collecting data on SDG 16.3.3 can help governments gain a deeper understanding of the barriers to access to justice that hinder progress across multiple SDGs, including ending poverty (SDG 1), gender equality (SDG 5), reduced inequality (SDG 10) and climate action (SDG 13). Addressing barriers on access to justice not only advances individual rights but also contributes to broader and interconnected sustainable development outcomes.

Understanding links between access to justice and problems in other human realms

Results from 25 years of legal needs surveys have revealed the interconnectedness of legal and justice problems with other areas of a person's life. The OECD Framework and Good Practice Principles on People-Centred Justice points out that people often experience legal problems alongside related matters such as housing, employment, age, ethnicity, family and health (OECD, 2021^[25]). The requirement to measure SDG 16.3.3 prompts countries to consider including legal need and access to justice components in other related surveys. For example, Tunisia incorporated an access to justice 16.3.3 module within its

survey on security, freedoms and local governance. Argentina piloted incorporating a legal needs component within a national survey of poverty (social debt) for reporting in 2023 (United Nations, 2023^[26]).

Measuring SDG 16.3.3 is, therefore, contributing to a better understanding of interconnectedness of justice problems with problems in other human realms.

Fragmented and complex institutional frameworks

While countries have a wide range of institutional designs in delivering legal and justice services, people-centred justice systems require ensuring a coherent approach and clear institutional responsibilities across the public sector at the relevant levels (organisational, subnational or national across branches of power) (OECD, 2021^[25]). This encompasses strengthening co-ordination among and across actors and developing sound and coherent governance arrangements for justice data and evidence, supported by appropriate data security, sovereignty and privacy safeguards, interoperable systems, as well as tools and protocols for data access and sharing (OECD, 2023^[4]).

Similarly, when it comes to reporting on the SDG 16.3.3 indicator, there is a need for a clear governance framework and sound co-ordination mechanisms across different stakeholders. While many countries report that efforts have been made to integrate and align the SDGs with policy making (United Nations, 2023^[27]), interviews revealed that there is scope to strengthen institutional frameworks, processes for establishing common priorities and systems for collecting and managing data on this indicator, and more broadly, on people-centred justice data. Currently, countries often face fragmented data collection efforts and limited co-ordination among the relevant stakeholders with a role in SDG policy setting, data collection and reporting. In particular, some of the challenges relate to insufficient co-ordination among government agencies, including responsible ministries, statistical offices, law enforcement agencies, judicial bodies and social service providers.

Key stakeholders with a role in SDG policy setting, data collection and reporting

In the context of the SDGs, various agencies play different roles and responsibilities:

- **Central government agencies.** Generally, each country has a central government agency or office that holds primary responsibility for overall SDG coverage and international co-operation. In many cases, “central governments” “foreign affairs” or “international engagement” portfolios are the key agencies for international SDG interactions. These central government agencies set national priorities based on their assessment of the country’s specific circumstances and set priorities for SDG activities.
- **National statistics offices (NSOs).** In most countries and territories, NSOs are the main agencies responsible for identifying suitable data sources and co-ordinating data collection and assessment for SDG reporting. They may also be in charge of submitting data through relevant SDG indicator portals and serve as the “National Point of Contact” for various SDGs. The NSOs mainly provide data to policy makers and others to formulate appropriate responses.
- **Line ministries.** The 17 SDGs cover almost the full range of government portfolios and public policy. Hence, relevant government ministries are key agencies in supporting and prioritising efforts to achieve and report against the SDGs. Despite some potential overlaps, most of the SDG 16 targets are likely to fall within the purview of justice departments or equivalent. With numerous indicators (around 247), ministries might compete between and within themselves to prioritise different SDG targets and indicators.
- **Justice institutions.** Courts, law enforcement agencies, legal aid offices and other justice-related entities are in the forefront of the delivery of justice services and thus might be among the key public sector stakeholders in collecting justice data. Some of these data include caseloads, case duration, case types, compliance with court orders, and other relevant metrics. Justice institutions

may also conduct surveys and research to grasp specific legal issues and public perceptions. These data hold the potential to inform the design and delivery of justice policies and services, particularly by helping identify legal needs and hurdles at different stages of justice-related processes.

- **International organisations and donors.** International organisations may hold considerable influence in certain countries and territories, particularly in developing nations, regarding SDG 16. They often offer technical support and funding that can significantly impact government priorities and data collection. In some cases, it is unlikely that an SDG 16.3.3 survey module could be implemented without external support from such organisations.
- **Non-governmental organisations (NGOs), academia and civil society.** NGOs, academia and civil society can be critical in enabling access to justice, especially for disadvantaged groups. The services they provide, the data they collect and the insights they may offer can be crucial for the SDG process. However, issues like inconsistent data definitions, methodologies and collection need to be addressed. While these organisations play essential roles, they may lack the institutional capacity of NSOs, and, in some cases, their data and insights might not be adequately assessed for potential incorporation. Measuring SDG 16.3.3 requires a population survey, which an NGO of sufficient size and capacity may conduct. But even smaller NGOs with strong connections with communities can make significant contributions in relation to questionnaire design, as they can provide insights relevant to particular disadvantaged communities.

In general, limited co-ordination may hamper data collection efforts and hinder data integration. However, given the breadth and depth of the scope covered by indicators across all 17 SDGs, without adequate co-ordination and priority setting, efforts may be uncoordinated and NSOs and other data providers/collectors may lack clear direction as to where effort and resources for SDG data collection and reporting should be prioritised.

Interviews revealed the different dynamics that can operate locally and impact the priority given to the various SDG 16 indicators, including SDG 16.3.3. Some countries reported effective co-ordination and communication mechanisms between the relevant agencies and authorities (see Box 4). However, not all countries and territories appeared to have processes where all agencies operated with a common set of priorities around SDG data collection and reporting. The successful prioritisation of SDG 16.3.3 may involve the co-ordinated engagement of all the key national agencies in each country responsible for driving SDG data collection and reporting.

Box 4. Country examples of collaboration on reporting on SDG 16.3.3

South Africa

South Africa adopted a nation-wide approach to SDG data collection and reporting for the SDG process. The government reported prioritising evidence-based policy and acknowledged the country's diverse demographic and infrastructure challenges. South Africa adopted a strategy where data for SDG reporting came from various sources, including Statistics South Africa, other government departments, NGOs, and communities, with the overall co-ordination of the data collection, quality assessment and management centralised with Statistics South Africa.

South Africa's approach has led to ongoing exchanges between the central government, Statistics South Africa, relevant government departments and other agencies that can provide data to meet SDG needs. Even with the late incorporation of SDG 16.3.3 into the SDG indicators, reporting against and beyond this indicator has received sufficient priority and resourcing. In particular, the SDG 16.3.3 module was incorporated into the 2022 Governance and Public Safety and Justice Survey, which aims

to enable South Africa to report on SDG 16.3.3 in 2023. South Africa also intends to report on access to free legal aid as part of the 2024 reporting cycle for SDG 16.3.3.

Indonesia

Upon introducing the SDGs, Indonesia began an inclusive and co-ordinated data collection and reporting approach to meeting SDG requirements. Indonesia undertook a whole-of-state and collaborative mapping exercise to identify existing data sources across the country and assess their relevance for reporting against SDG indicators. This included assessing how data would be obtained to respond to the indicators for which data were not presently collected. This, in turn, led to the ongoing process of developing new data collection processes that were possible in time for the 2030 SDG target. Indonesia identified suitable proxy indicators for reporting data items or indicators where adequate data collection processes might not be developed by 2030. The process is documented in four reports that detail Indonesia's methodology for reporting on each SDG goal, target and indicator leading up to 2030, including SDG 16. The report is detailed in a manner similar to official SDG metadata documentation.

The Indonesian process recognises the importance of relying on multiple types of data, including those from the BPS (Indonesia's National Statistical Agency), other ministries and government agencies, open-source data (usually collected by BAPENNAS, a key government planning and co-ordination body) and regional data collected by regional officers across Indonesia. Data are collected and assessed for quality and suitability by the NSO (BPS), as with South Africa, although the prioritisation of tasking and data requests comes from BAPENNAS.

In recent years, Indonesia has developed an Access to Justice Index, which is, to a certain extent, more comprehensive than the SDG indicator 16.3.3. This index includes a survey component, administrative and government-related data and expert assessment. First developed and implemented in 2019 through a collaboration of NGOs and supported by BAPENNAS, a new iteration of the index was conducted in early 2023. Indonesia plans to report the result in the 2023 SDG reporting round.

Source: Author's elaboration from interviews with South African and Indonesian national Planning Department representatives, SDG contact points and NSOs in June 2023; (Dio Ashar Wicaksana, et al., 2019^[28]), "Access to Justice Index in Indonesia 2019", <https://ijrs.or.id/en/access-to-justice-index-in-indonesia-2019/>; (Kementerian PNN/Bappenas, 2020^[29]), "Metadata Indikator", <https://sdgs.bappenas.go.id/website/wp-content/uploads/2020/10/Metadata-Pilar-Sosial-Edisi-II.pdf>.

Limited awareness and the impact on priorities

In line with the OECD Recommendation on Access to Justice and People-Centred Justice Systems [OECD/LEGAL/0498], a people-centred justice approach embodies a culture that secures commitment at the highest levels of government based on empirical data and evidence. Likewise, such an approach should be accompanied by leadership that publicly embraces ensuring equal access to justice for all by defining shared goals for collaboration between different justice stakeholders and regularly monitoring progress towards these goals (OECD, 2023^[4]). This is accompanied by recognising the roles and prerogatives of justice sector stakeholders, allocating resources and implementing approaches that promote equity and remove barriers to access to justice.

Similarly, ensuring awareness of key commitments on access to justice, such as SDGs, is part of building a people-centred justice culture. Yet interviews highlighted limited awareness as among the key challenges regarding data collection for SDG indicator 16.3.3, in particular, and, to some extent, the SDGs more generally. This could have partly been a result of the impact of COVID--19, given that the SDG indicator was only agreed at the end of October 2019, and included in the Framework officially as of the UN Statistical Commission in 2020. Government and community attention on the pandemic may well have overshadowed the introduction of the new indicator.

Further, interviews revealed the need to strengthen the case to prioritise the indicator, particularly in view of limited resources. It has been acknowledged that over time, countries would place greater emphasis on national priority goals and critical policy areas, such as poverty and hunger. This reflects the principle of starting with the furthest behind first (United Nations, 2022^[30]).

At the same time, given that all countries have committed to implementing all SDGs, and given the centrality and uniqueness of SDG 16.3.3 in view of its people-centred approach, there is a need for concerted efforts to further raise awareness of and prioritise this indicator. As noted, enhancing awareness and efforts towards attaining SDG 16.3.3 can contribute to the accomplishment of other SDGs. For instance, improving access to justice for all can play a role in promoting gender equality, facilitating the availability of decent jobs and economic progress, as well as mitigating disparities among different groups of people.

Need for diversifying data producers

Flexible data collection approaches may empower institutions, organisations and researchers to respond effectively to changing circumstances, optimise resource allocation and tailor data collection to meet the specific needs of research. Such flexibility can help optimise resource allocation in view of often limited time, resources and personnel.

Most SDG data collection and reporting processes are centred around NSOs, an essential part of the national and global data infrastructure. Indeed, NSOs can bring rigour and high statistical and ethical standards, building in appropriate governance, ethics, respondent well-being and statistical quality control processes. For these characteristics, however, NSO-collected data also often come at a significant cost in terms of preparation time and money. Various good practices can be learnt from how other government agencies or non-governmental stakeholders collect data relevant to access to justice. The implementation of SDG 16.3.3 survey modules could be expanded to include other actors, in addition to the official data producer. For example, South Africa and Indonesia have adopted inclusive data strategies for SDG data collection and reporting while involving the NSOs in the quality control and testing of the data (see Box 4).

Long lead time for SDG 16.3.3 “new data”

The high prevalence of “Tier II” indicators in SDG 16 suggests that for most countries, this will require the establishment of many new data collection processes. SDG 16.3.3 is one of these Tier II indicators⁴ (United Nations, 2021^[31]). Engagement with the literature and NSOs during this project highlighted a number of related issues, including the lead times involved.

All indicators involving introducing a new household survey or inserting a module into an existing survey are likely to require relatively long lead times to bring them to fruition, particularly on their first iteration. These lead times could be between one and four years, particularly for the initial iteration. For example:

- In the case of a module inserted into an existing household survey, time is needed to “fit in” within its timing and planning. Depending on the country and the cycle, this might take at least one to four years for the initial iteration, particularly if the module is only one of a number of modules that are rotated in and out of the survey every few years. For example, Australia’s regular Public Safety

⁴ According to the United Nations Tier Classification for Global SDG Indicators, there are three types of tiers: Tier I: Indicator is conceptually clear, has an internationally established methodology and standards are available, and data are regularly produced by countries for at least 50% of countries and of the population in every region where the indicator is relevant. Tier II: Indicator is conceptually clear, has an internationally established methodology and standards are available, but data are not regularly produced by countries. Tier III: No internationally established methodology or standards are yet available for the indicator, but methodology/standards are being (or will be) developed or tested.

Survey (PSS) – Australia’s equivalent of a crime victimisation survey and a possible candidate for incorporating SDG 16 modules – occurs once every four years (Geoffrey Mulherin, 2023^[32]).

- In the case of a specific SDG 16/16.3.3 survey (or broader legal needs survey), the implementation might take an extensive period and, if to be undertaken by NSOs, need to “fit in” with their cycles of work, even with the presently available supporting material.
- For both options, it might take substantial time for the relevant NSO to adapt and test the survey/module to ensure it is appropriate in their particular circumstances.

Conducting a survey to report against SDG 16.3.3 might take substantial time to develop and implement. Depending on the size and scope of the survey or module being considered, it is likely that at least a year would be required, assuming available funding and staff capacities (United Nations, 2022^[33]). While subsequent iterations may be quicker in preparation, the requirement to fit in with existing work cycles remains. Therefore, there appears to be a need for dedicated and targeted efforts to promote and support an increased priority for SDG 16.3.3 that continues over the next seven years. This targeted effort should take a long-term approach, recognising both the long lead times and the need for more than one data collection round between 2023 and 2030.

Limited resources and capacities

Resources and capacities are crucial for collecting data because they directly influence the data collection process’s quality, scope and efficiency. Data collection efforts may be compromised without adequate resources and capacities, leading to incomplete, inaccurate or unreliable data.

Robust data collection for SDG 16.3.3 demands adequate financial and human resources to ensure that data collection can be conducted professionally, supported by the necessary tools and expertise and with a diverse and representative sample. Likewise, trained and skilled personnel are essential for effective data collection.

Limited resources and capacities, such as financial (e.g. infrastructure, technology, training and personnel) and human resources (inadequate staffing levels and capacities, particularly in statistical offices and related agencies), can undermine countries and territories’ abilities to invest in collecting SDG 16.3.3. data, train personnel, maintain regularity and ensure necessary quality and timeliness of data collection efforts. A key element in meeting the SDG data collection and reporting requirements is the capacity of each country to create new data collections to meet the SDG indicators. For indicators requiring a household survey, this entails either: 1) implementing a population or household survey to meet the reporting requirements; or 2) incorporating indicator modules into existing national population or household surveys. SDG 16.3.3 is arguably one of the more complex SDG 16 indicators, and has significant lead time, cost and other developmental considerations. Part of its complexity is explained by SDG 16.3.3’s wide range of legal and justice problem types and assessment of responses to (and not just) problem experience. In view of the resource and capacity constraints, many NSOs may be required to internally prioritise. Some NSOs suggested during interviews that, in the absence of a specific direction, they might tend to focus on utilising existing and validated data sets, given that they are readily available. However, such a preference for existing and validated data sets could hinder the development of new processes for developing new data collections, such as those required for SDG 16.3.3.

To avoid constraints resulting from limited specialised units or officials with relevant expertise in data collection, analysis and reporting for the SDGs, governments could consider appropriate and ongoing investment in the capacity of institutions responsible for data collection. This would ensure accurate and reliable reporting. In the development context, aid agencies, donors and relevant international organisations should investigate avenues to support some countries and territories in addressing these requirements.

A multi-faceted approach

Addressing the issues above calls for a multi-faceted approach. This includes strengthening institutional frameworks, undertaking targeted and dedicated promotion to overcome awareness deficiencies, allocating adequate resources, improving data governance, providing training and technical assistance, enhancing data collection methodologies and promoting collaboration and co-ordination among stakeholders. Addressing these issues also calls for a proactive and ongoing approach by all countries and agencies.

Likewise, the digital transformation of a country's justice system and, in particular, the use of digital technologies and data to re-think how processes and services are designed and delivered – can open a new realm of data collection opportunities for the monitoring of SDG 16.3.3. When attained, a data-oriented system enables justice to benefit from a ubiquitous and instant access to information and facilitate real-time monitoring. The digital transformation of a country's justice system would help tackle fragmented and complex institutional frameworks, serving as the baseline upon which such system could be restructured. On top of that, digital transformation could turn country's databases into new, automated data producers, in line with the expressed need to diversify them. This would enable data to be provided more frequently, avoiding delays associated to surveys' yearly cycles.

Given the "late start" and the long data collection lead times required for SDG 16.3.3, countries should develop an ongoing (seven-year) plan to implement data collection and reporting to achieve the 2030 goal.

Supporting tools to help countries and territories collect and report data under SDG 16.3.3

Since the adoption of the SDG indicator 16.3.3, there has been a range of efforts by various stakeholders to support countries in collecting and reporting data under SDG 16.3.3. For example, the three custodians, the OECD, the United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC), have invested in raising awareness of the importance and inclusion of the SDG 16.3.3 in the national frameworks for SDG monitoring. This includes offering dedicated workshops and regional training on measuring the indicator and promoting discussion of the indicator in various policy dialogues, including the side events organised during the 42nd, 53rd and 54th United Nations Statistical Commission, the 31st Crime Prevention and Criminal Justice Commission, and in the 4th World Data Forum and other events, as well as the OECD Global Roundtables on Access to Justice.

To raise awareness and inform member states about the methodology for monitoring SDG indicator 16.3.3 and other related indicators, the UNDP, UNODC and the Office of the United Nations High Commissioner for Human Rights (OHCHR) partnered with other custodian agencies and Regional Commissions to organise virtual regional trainings focused on measuring SDG 16 indicators.⁵

Methodological guidance is provided to countries during each call for data to assist them throughout the reporting process. Furthermore, various data collection tools are available to countries to support them in collecting and reporting data under SDG 16.3.3, which can be tailored to their specific needs. These tools

⁵ These training sessions have been organised in six editions since 2020, covering regions such as Africa I (United Nations, 2020^[36]), Africa II (United Nations, 2022^[35]), Arab States (United Nations, 2021^[34]), Latin America and the Caribbean (United Nations, 2021^[37]), Asia (United Nations, 2021^[38]) and the Pacific (United Nations, 2023^[39]). They aimed to strengthen monitoring, analysis and reporting capacities at both national and regional levels for these indicators and attracted over 150 countries and 4 000 registrations. The primary objective of these regional trainings has been to enhance the capacity of national data producers in measuring SDG indicators, particularly involving entities such as NSOs, police, prosecution, courts, prisons, ministries of interior and justice, ministries of public administration, national human rights institutions, civil society organisations and other relevant entities.

offer different approaches, focusing either on the global indicator itself or exploring broader issues related to access to justice (see Box 5).

Box 5. Available supporting tools to help countries and territories collect and report data under SDG 16.3.3

OSJI-OECD Legal Needs Surveys and Access to Justice Guide

The OSJI-OECD Legal Needs Surveys and Access to Justice Guide is a comprehensive resource designed to assess and address legal needs and access to justice issues. Developed through a collaboration between the Open Society Justice Initiative (OSJI) and the Organisation for Economic Co-operation and Development (OECD), this guide offers a standardised approach to support countries in implementing legal needs surveys or survey modules for SDG 16.3.3. By employing a people-centred perspective, the guide enables countries to identify gaps in their justice systems and formulate evidence-based policies for more effective and inclusive justice solutions. While not designed specifically for the global indicator, it serves as a reference point for planning and implementing surveys to inform governments and policy development.

The guide provides a structured framework that assists countries in designing and conducting legal needs surveys tailored to their specific contexts. It covers a wide range of legal issues, including civil, criminal, family and administrative matters, as well as various dispute resolution mechanisms. Countries and territories can adapt the survey instruments to suit their unique legal landscapes and the diverse needs of their populations. Using a standardised methodology, the guide promotes methodological consistency across countries, allowing for meaningful comparisons of data and trends, thereby facilitating cross-country learning and collaboration.

In addition to its practical guidance on conducting surveys, the guide offers insights into international good practices and successful approaches to addressing access to justice challenges. It showcases exemplary initiatives implemented by countries worldwide, highlighting innovative strategies that have yielded positive outcomes. This knowledge-sharing aspect of the guide encourages countries to learn from each other's experiences, fostering a global community dedicated to enhancing access to justice for all.

Access to justice module set out in the SDG 16 Survey Initiative questionnaire

The aim of the Survey Initiative tools is to support countries in collecting survey-based indicators that help to monitor global progress towards certain SDG 16 targets. On SDG 16.3.3, it aims to assist countries in monitoring access to dispute resolution mechanisms, either integrating fully in ongoing survey, adapting existing surveys, or implementing as a standalone survey. Likewise, the Survey Initiative aims to increase the availability of data under certain thematic areas, such as governance, violence, justice and discrimination, and leverage evidence-based decision making at nation and international levels.

The UNDP, OHCHR, and UNODC have developed survey module questionnaires and an implementation manual for the 12 SDG 16 indicators reliant on household surveys. The SDG 16 Survey Initiative tools have been developed with a focus on global comparability, and with acknowledgement of national differences. The instruments have been welcomed by the 53rd United Nations Statistical Commission in 2022 that encouraged the implementation of the Survey by the member states, in particular to the countries with limited data availability.

The instruments went through a comprehensive methodological development and were piloted across a range of countries, including Cabo Verde, El Salvador, Kazakhstan, Kenya, Tanzania, Togo, Tunisia, Somalia.

El Salvador implemented the survey using a modular approach where the access to justice module was implemented by Procuraduría General de la República and UNDP, to provide evidence for the long-standing work on strengthening of community mediation initiated in 2014. In Tunisia, the SDG 16 Survey, including indicator 16.3.3, was implemented by the National Statistics Office of Tunisia and the Presidency of the Government as part of the SDG 16 Portfolio. The SDG 16 Survey was used to update the methodology of the national survey on the perception of the Tunisian population in terms of security, freedoms and local governance that had already been implemented in 2014 and 2017. Shortened version of legal needs survey.

When collecting data for SDG 16.3.3, countries often seek additional information from the data collection process and investment, such as access to information, advice and assistance services, or knowledge and awareness. To this end, the OECD has developed a shortened edition of a legal needs survey, which aims to align a legal needs survey module from the OSJI-OECD Legal Needs Surveys Guide and the SDG 16.3.3 module from the SDG 16 Survey Initiative. This shortened module edition could offer a cost-effective option to collect data on the SDG 16.3.3 global indicator and beyond. Likewise, it could contribute to the customisation of questions to address priority issues specific to each country, possibly making it more affordable and adaptable to countries' contexts. This shortened legal needs survey module offers other potential benefits, such as affordability and consistency with existing legal need surveys.

Adapted tools for the 2023 reporting

There are instances of various adaptations of the available survey tools in different countries and territories. For example, Argentina has recently integrated a legal needs/SDG 16.3.3 survey component into their 2022 National Poverty Survey, which is part of a long-term collaborative programme in the country. This survey went beyond the simple global indicator and encompassed a range of other related access to justice issues.

Similarly, South Africa indicated in interviews that their future reporting on SDG 16.3.3 would also include a measure of the accessibility of people with legal problems to free legal aid services. These methodologies adopted by countries and territories may provide valuable insight, which, when combined with that from 2022 reporting, may provide additional models for consideration.

Source: (OECD/Open Society Foundations, 2019^[15]), *Legal Needs Surveys and Access to Justice*, <https://doi.org/10.1787/g2q9a36c-en>; (United Nations, 2022^[33]), *SDG 16 Survey Initiative: Implementation Manual*, https://www.unodc.org/documents/data-and-analysis/sdgs/SDG16_Survey_Initiative_-_Implementation_Manual.pdf; author's development and elaboration from interviews with South African SDG contact points and NSOs in June 2023.

Notwithstanding these strides, there is a need to increase support and investment, including from donor communities, to foster robust capacities for data collection and use to make progress on SDG 16.3.3. Boosting technical, human and financial resources is particularly vital in view of the complexity and far-reaching implications of SDG 16.3.3.

Donors can play a critical role in improving data collection and use for SDG indicator 16.3.3 – especially in developing countries – by supporting the development and enhancement of data collection tools, building institutional capacity for data gathering and providing resources to develop evidence-based strategies that advance access to justice for all.

Annex A. SDG 16 indicators

Table A.1. SDG 16 indicators – distinguishing SDG indicator 16.3.3

Global SDG Target	Global SDG Indicator	People-centred/focused on people's experiences and actions/preferred pathways	"Access" (The indicator monitors/measures actions taken by people in response to legal problems)
16.1 Significantly reduce all forms of violence and related death rates everywhere	16.1.1 Number of victims of intentional homicide per 100 000 population, by sex and age	No	No
	16.1.2 Conflicts-related deaths per 100 000 population by sex, age and cause	No	No
	16.1.3 Proportion of the population subjected to physical, psychological or sexual violence in the previous 12 months	Partially	No
	16.1.4. Proportion of the population that feels safe walking around alone	Partially	No
16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children	16.2.1 Proportion of children aged 1-17 who experienced any physical punishment and/or psychological aggression by caregivers in the past month	Partially	No
	16.2.2 Number of victims of human trafficking per 100 000 population by sex, age and form of exploitation	No	No
	16.2.3 Proportion of young women and men aged 18-29 who experience sexual violence by age 18	Partially	No
16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimisation to competent authorities or other officially recognised conflict resolution mechanisms	Yes	Yes
	16.3.2 Unsentenced detainees as a proportion of the overall prison population	No	No
	16.3.3	Yes	Yes

Global SDG Target	Global SDG Indicator	People-centred/focused on people's experiences and actions/preferred pathways	"Access" (The indicator monitors/measures actions taken by people in response to legal problems)
	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		
16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime	16.4.1 Total value of inward and outward illicit financial flows (in current USD)	No	No
	16.4.2 Proportion of seized, found or surrendered arms whose illicit origin or context has been traced or established by a competent authority in line with international instruments	No	No
16.5 Substantially reduce corruption and bribery in all their forms	16.5.1 Proportion of persons who had at least one contact with the public official and paid a bribe to a public official or were asked for a bribe by those public officials during the previous 12 months	Partially	No
	16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official or were asked for a bribe by those public officials during the previous 12 months	Partially	No
16.6 Develop effective, accountable and transparent institutions at all levels	16.6.1 Primary government expenditures as a proportion of the original approved budget by sector (or by budget codes or similar)	No	No
	16.6.2 Proportion of the population satisfied with their last experience of public services	Partially	No
16.7 Ensure responsive, inclusive, participatory and representative decision making at all levels	16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local), including: 1) legislatures; 2) public service; and 3) judiciary) compared to national distributions	No	No
	16.7.2 Proportion of the population who believe decision making is inclusive and responsive by sex, age, disability and population group (United Nations Statistics Division website)	Partially	No
16.8 Broaden and strengthen the	16.8.1 Proportion of members and voting	No	No

Global SDG Target	Global SDG Indicator	People-centred/focused on people's experiences and actions/preferred pathways	"Access" (The indicator monitors/measures actions taken by people in response to legal problems)
participation of developing countries in institutions of global governance	rights of developing countries in international organisations		
16.9 By 2030, provide legal identity for all, including birth registration	16.9.1 Proportion of children under five years of age whose births have been registered with the civil authority, age	Partially	Partially
16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated with media personnel, trade unionists and human rights advocates in the previous 12 months	No	No
	16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information	No	No
16.A Strengthen relevant national institutions, including through international co-operation, building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime	16.A.1 Existence of independent national human rights institutions in compliance with the Paris Principles	No	No
16.B Promote and enforce non-discriminatory laws and policies for sustainable development	16.B.1 Proportion of the population reporting having personally felt discriminated against or harassed in the previous 12 months based on a ground of discrimination prohibited under international human rights law	Partially	No

Note: Indicators marked in orange are those that are "people-centred" to the extent that they use population surveys and take the source of information about the existence of a legal problem or dispute from people themselves and not from service or administrative data. The two green indicators are people-centred because they use population surveys to identify the existence of a legal problem or dispute from the people themselves, and they also measure access to services by people in response to the problem or dispute from a person's perspective.

Annex B. The 2022 SDG 16.3.3 reports

Table B.1 aims to summarise various characteristics of the reported data for each country/territory, such as sample size, period in the field, target population, etc.

Table B.1. The 2022 reported data on SDG 16.3.3

Survey characteristic	Canada	Colombia	Gambia	Palestinian Authority	Peru	Tunisia
Stand-alone survey or included in a broader household survey	Indicator gleaned from the broader 2021 Canadian Legal Problem Survey	Part of a large Survey of Coexistence and Citizen Security (ECSC) – Chapter of problems and disagreements, conflicts and disputes (conducted every 2 years)	Gambia's SDG Monitoring Survey	The Rule of Law and Access to Justice Survey 2021	National Institute of Statistics and Informatics – National Household Survey (ENAHO) Opinion module on “Governance, Democracy and Transparency”	National Survey on the Perception of the Tunisian Population in Terms of Security, Freedoms and Local Governance
Purpose of the survey	Broader legal needs survey analysis sought	To gain a more comprehensive understanding of legal needs from a people-centred perspective SDG 16.3.3 data collection is only a part of this purpose	To report on SDG indicators	Evaluation of the services of the justice sector (including quality, time required, satisfaction, trust etc.) Also, for collecting data on indicators of sustainable development, particularly related to SDG 16	Not provided	Part of a series of surveys intending to examine issues including local governance, strengthening democratic governance, piloting governance SDGs, and monitoring governance, peace and security
Reference period	Feb-Aug 2018 up to survey completion (in the field from February to August 2021) (3 years)	Jan 2018 – Dec 2019 (2 years)	Jan 2018 – Dec 2020 (3 years)	The 2 years immediately prior to the fieldwork	Jan 2021 – Dec 2021 (1 year)	The 2 years immediately prior to the fieldwork
Conducted by NSO	Yes	Yes	Yes	Yes	Yes	Yes
Sample size	21 170	129 733	Not provided	10 408	36 856 dwellings (1 person from each) with 24 064 urban dwellings and 12 792 rural dwellings	18 522

Survey characteristic	Canada	Colombia	Gambia	Palestinian Authority	Peru	Tunisia
Representative of population	Yes	Yes	Yes	Yes	Yes	Yes
Target population	All individuals 18 and over living in one of Canada's 10 provinces	Non-institutionalised population 18 years and over	15 years and over	18 years and over	18 years and over	18 years and older
People excluded	Those living in collective dwellings, in an institution or on an Indian Reserve	Some municipal capitals and dispersed rural areas (about 1% of the population), plus Providencia and rural San Andres				No
Survey method	Combination (mail out then telephone/on line)	Computer-assisted personal interview	Computer-assisted personal interview	Computer-assisted personal interview	Combination of methods	Computer-assisted personal interview
"Disputes" as suggested in metadata	8/11 Broadly yes, but much broader than in Survey Initiative Manual	Same 11 dispute types but with different formulations	Same 11 dispute types and the same formulation as metadata	Yes, all 11, as well as other disputes applicable in the Palestinian context	1/11 same formulation as metadata 4/11 different formulation than metadata 6/11 problem types not included in the survey	11/11 in the same formulation as metadata
"Dispute resolution mechanisms" as suggested in metadata	5/9 Yes	9/9 as per metadata	9/9 as per metadata	Yes, but based on the context of that society	8/9 Yes Religious leader or authority not included	Only 6/9 recommended in metadata used
Other methodological differences	Several variations from SDG 16 Survey Initiative – driven by the fact it was a legal needs survey not conducted specifically for SDG 16.3.3 Note in particular that criminal justice elements were excluded in calculating SDG 16.3.3 (but not in the survey) as they were outside the scope of SDG 16.3.3	Reasons for not taking action to resolve a dispute, and thus voluntary exclusion in calculation	Not clearly stated, but the assumption is that the survey followed the Survey Initiative Model	None mentioned	Did not appear to ask question in relation to voluntary / involuntary self-exclusion	Consistent with metadata re voluntary / involuntary self-exclusion
Disaggregation by	Yes, facilitated by a large sample size, but not all reported as part of SDG reporting Reported disaggregation is	Male/female (Although separate from the SDG process; further disaggregation and analysis	Male/female Disability status Problem type	Male/female Problem type Problem type plus dispute resolution mechanism	Male/female	Problem type Problem type plus dispute resolution mechanism Male/female Disability status

Survey characteristic	Canada	Colombia	Gambia	Palestinian Authority	Peru	Tunisia
	for: - Matter type - Dispute resolution mechanism	have been conducted)				

Source: Data in the table are sourced primarily from the SDG 16.3.3 country reporting portal (provided by UNDP), supplemented by clarifications from the Palestinian Authority, Colombian NSOs and the UNDP. Tunisia is still in the process of finalising the reporting to the Global Data Platform in 2023.

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