

SDG16

Data Initiative

2018 Global Report



This report was produced by the members of the SDG16 Data Initiative:



For more information on the SDG16 Data Initiative, please visit www.SDG16.org

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Executive Summary

Since its unanimous adoption three years ago by the United Nations' (UN) Member States, the 2030 Agenda has made peaceful, just and inclusive societies a global development imperative, through Sustainable Development Goal 16 (SDG16). Founded in the same year, the SDG16 Data Initiative (SDG16DI) is a consortium of 14 organizations dedicated to the implementation and open tracking of progress towards SDG16 targets.¹

The SDG16DI is pleased to present its second annual Global Report. The Global Report series aims to evaluate global progress towards realizing the 2030 Agenda's promise of peaceful, just and inclusive societies. The Global Report provides governments, UN officials, and civil society stakeholders with a resource to help understand progress on SDG16 targets and an evidence base for them to identify gaps and shortcomings in both implementing and monitoring SDG16.

The 2017 Global Report covered all twelve targets, creating the critical baseline of available data necessary for future substantive analysis. The 2018 Global Report, prepared in anticipation the SDG16's initial review at the 2019 High-Level Political Forum (HLPF), takes a deep-dive into the triune objectives of SDG16, peaceful societies, just societies and inclusive societies, through SDG16 targets 16.1, 16.3, 16.6 and 16.7. Through this review, the 2018 Global Report aims to provide policymakers and civil society actors with pathways forward to improve both SDG16 implementation and data coverage.

The 2018 Global Report illustrates some concerning trends in global progress toward peaceful societies. For example, the Report illustrates an uptick in the global homicide rate, one of the most essential indicators of peace, from 5.11 in 2004 to 5.15 per 100,000 individuals in 2015-16. Additionally, 53 active armed conflicts were recorded globally in 2016, the highest number since 1946. Further, as the Report details, there remain major limitations to collecting globally comparable data on intentional homicide and conflict-related deaths, including fundamental issues of definitions and methodologies. However, the Report highlights innovative partnerships that are working to develop pragmatic solutions to these issues, such as the "Voluntary Supplemental Indicators for Goal 16 on inclusive, just and peaceful societies" organized by the Community of Democracies with the UN Development Programme and the Open Government Partnership.

In terms of Just Societies, the 2018 Global Report found that one in three countries' rule of law score declined in the last year on the *Rule of Law Index*, with the greatest number of countries seeing declines in the areas of fundamental rights and constraints on government powers.² The area of civil justice remained stable, showing frustratingly little improvement. Global coverage for indicator 16.3.1 – the proportion of victims of violence who reported their victimization – is available for only 37 countries. While data for indicator 16.3.2 – unsentenced detainees as a proportion of the overall prison population – is available for 204 countries. As the Report details however, legal needs surveys can yield critically missing data, providing policymakers and civil society actors with a people-

centred approach to understanding the frequency and range of legal problems, as well as the diverse ways in which ordinary people navigate their countries' legal system. The Report highlights several such surveys including The World Justice Project's (WJP) General Population Poll (GPP) and the Hague Institute for Innovation of Law's (HiIL) Justice Needs and Satisfaction (JNS) surveys, as reliable and pragmatic options to better understand the state of access to justice globally.

The concluding section of the 2018 Global Report evaluates societal inclusivity by delving into the political participation of refugees in view of targets 16.6 and 16.7, and current political debates on the rights of refugees and migrants. The Report reflects on how migration and the political participation of refugees can aid in developing effective, accountable, and transparent institutions, in addition to responsive, inclusive, participatory and representative decision-making. The Report offers an analysis of current formal and informal forms of political participation open to refugees, offer recommendations to policymakers and civil society on how to effectively support.

Overall, the 2018 Global Report illustrates that progress toward peaceful, just and inclusive societies remains limited at best. The report highlights some of the many gaps in available data for tracking SDG16 targets, but also offers innovative approaches to filling them. Although it focuses on only a few targets, the Report still underlines the critical nature of SDG16's far-reaching and profound goal of societal transformation. Achieving SDG16 will require unprecedented problem solving and mobilization across all sectors, and the SDG16DI hopes that the 2018 Global Report provides inspiration to policymakers and civil society alike as we gear up for the 2019 HLPF.



Peaceful Societies

Rohingya children drawing pictures of what they witnessed in Burma. © Anna Dubuis /DFID.

Violence Reduction Around the World

For the first time since 2004, the global homicide rate increased, growing from 5.11 to 5.15 per 100,000 population in 2015-16, as shown in Figure 1 below. This uptick in homicide rates signals growing insecurity, particularly in non-conflict areas. Indeed, of the five countries with the highest violent death rates in 2016—Syria, El Salvador, Venezuela, Honduras, and Afghanistan—only two experienced active armed conflicts during the reporting period. Globally, men and boys accounted for 84 percent of the people who died violently in 2016; 87,300 women and girls made up the remaining 16 percent. These are the same proportions as in 2015.

To some extent, this trend overlaps with the global pattern for armed conflict violence, seen in Figure 2. Until the outbreak of the war in Syria, the world was experiencing an unprecedented decline in the number of people killed in armed conflict. Since 2011, however, this has changed, and we have seen an increase in the number of people killed in armed conflict. In 2014, and for the first time since 1989, over 100,000 battle-related deaths were recorded in a single year—and this is a conservative estimate. In 2015, the figure declined slightly to approximately 97,000 people, a positive trend that continued in 2016 and in 2017. This decline is driven primarily by a shift in the Syrian conflict.

Global Homicide Rate Trends, 2004-2016

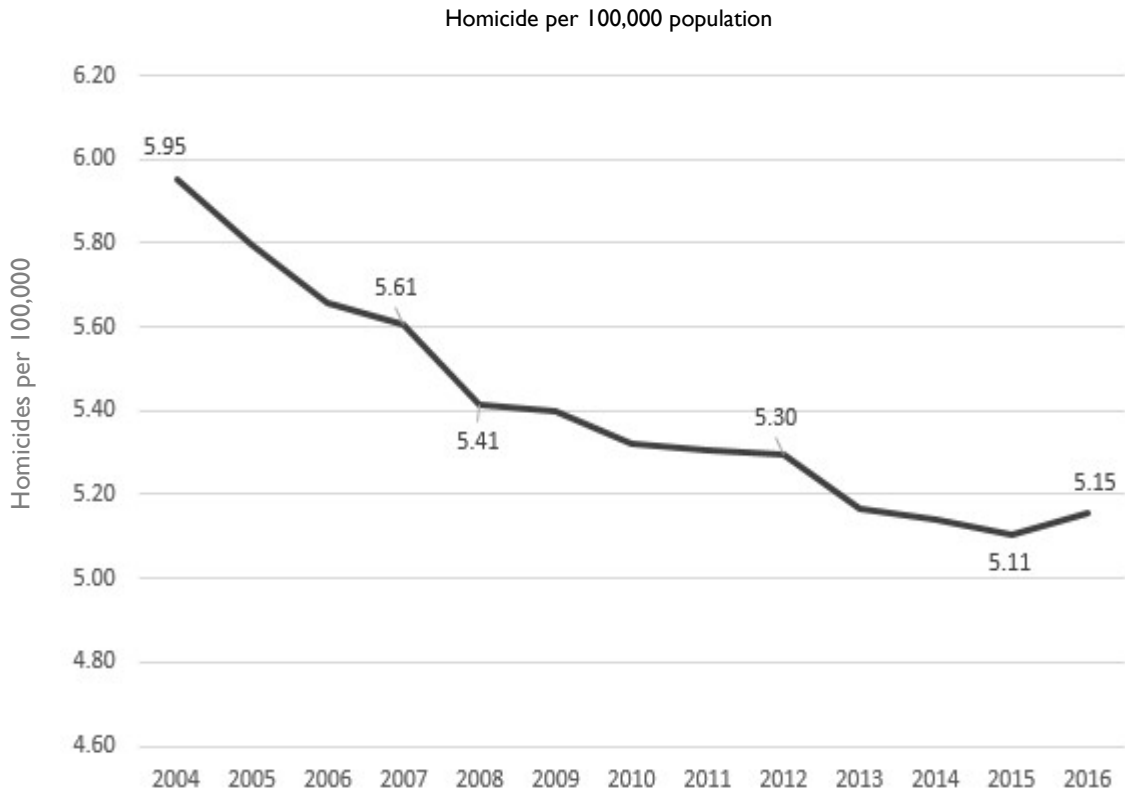


Figure 1 Global homicide rate per 100,000 habitants: trends 2004-2016. Source of data: Small Arms Survey (n.d.). Database on Violent Deaths.

Global Battle Deaths Rate Trends, 1946-2016

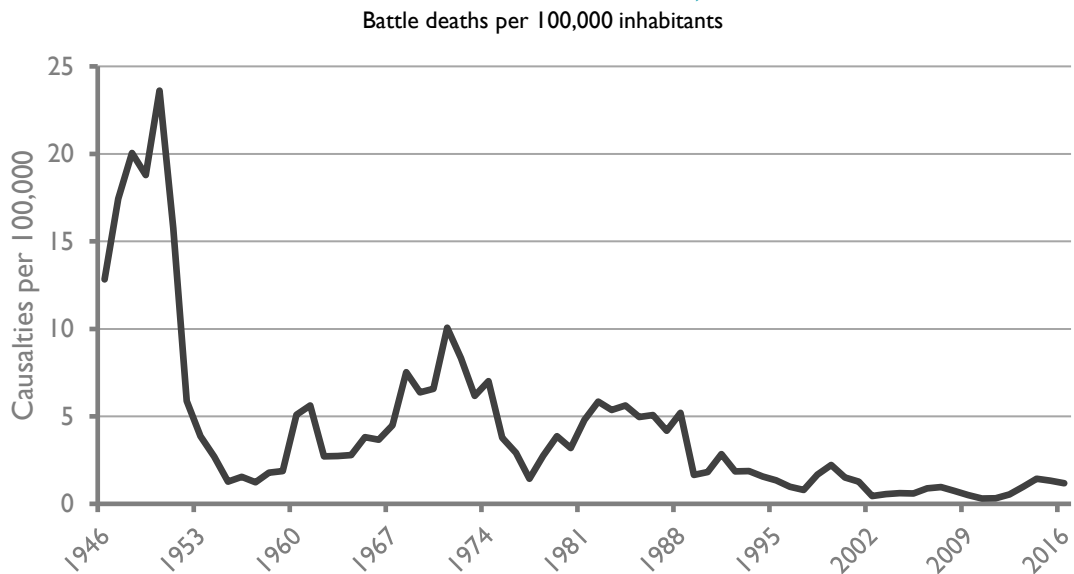


Figure 2 Battle deaths per 100,000 inhabitants, yearly data from Lacina, Bethany, and Nils Petter Gleditsch. "Monitoring trends in global combat: A new dataset of battle deaths." *European Journal of Population/Revue Européenne de Démographie* 21.2-3 (2005): 145-166 and Pettersson, Therése and Kristine Eck (2018) *Organized violence, 1989-2017. Journal of Peace Research* 55(4).

While the number of battle deaths has recently declined, the world still counts a larger number of active conflicts. In 2016, UCDP reports 53 active armed conflicts worldwide - the highest number since 1946.³ These conflicts are increasingly concentrated in the Middle East and Africa. This underscores the fact that, while large swaths of the world have been freed from active armed conflict, additional efforts are needed to spread these zones of peace. We also see a trend towards more recurring armed conflicts – most of the armed conflicts breaking out today are not new, but rather re-emerging ones. The UN’s renewed commitment to preventing armed conflict is especially timely in this regard.⁴

Data Availability for 16.1

Official data on intentional homicide is produced by criminal justice and public health systems and disseminated by a range of governmental agencies and international organizations – such as the United Nations Office on Drugs and Crime (UNODC) and the World Health Organization (WHO) – as well as civil society organizations such as observatories on violence, conflict and crime. The quality, coverage, and comprehensiveness of data on intentional homicide varies widely across the world. Sophisticated and comprehensive data recording systems are available in all high-income regions and several low- and middle-income regions. Yet, in several parts of world, primary source data may not exist at all. In 2016, no official statistics but only rough estimates of homicide rates were available for 56 countries, more than half of which are in Sub-Saharan Africa.

Data for Target 16.1 analysed here include a variety of sources. The Small Arms Survey Database on Violent Deaths⁵ monitors various forms of lethal violence, including intentional homicide, from a wide range of open sources that can be used to monitor SDG 16.1.1.

The Uppsala Conflict Data Programme (UCDP) provides data on conflict-related deaths with which to monitor SDG 16.1.2). UCDP collects data on direct battle deaths for every country for every year. This data is updated regularly and released each September. Data coverage is global, and includes every independent state in the world. UCDP’s battle deaths data are based on a clear and concise definition of armed conflict that distinguishes armed conflict from other types of violence, and has been extensively vetted by the scientific community.⁶

Data on the perception of safety (SDG 16.1.4) comes from Gallup World Poll and covers 122 countries.⁷

Currently, there are no global comparable sources of data on the prevalence of non-lethal violence (physical, psychological, and sexual violence). Data on these issues are collected at the national level through crime victimization surveys and household surveys that include questions on crime and security.

Obstacles to Improved Data Coverage

The international comparability of definitions and methodologies is one of the most important limitations in collecting data on international homicide. Available

data is generally produced for administrative purposes, in accordance with legal definitions of intentional homicide and the implementation of rules for statistical production that differ across countries. In 2015, UNODC released the International Classification of Crime for Statistical Purposes, to promote international comparability of statistical data. This document provides clear guidelines on the types of intentional killing that should be included and excluded in producing statistical data on intentional homicide.

At the national level, low data collection capacity, both in medium and low-income countries, and in areas affected by armed conflict, represents another limitation for tracking lethal violence. The challenge is demonstrated by the baseline database⁸ compiled by the UN. As of July 2017, 96 states were unable to provide one data point per year of country-produced, disaggregated data on intentional homicides (Indicator 16.1.1) during the period 2010–15. More than half of these states (52), including 19 in Africa, did not provide any data between 2013 and 2015, while others only produced scattered data points.⁹ Only about half of the world's countries can disaggregate homicide data by sex, and many less by age and other characteristics. A major urban/rural capacity divide can also be observed in providing such data. Finally, the paucity of homicide statistics may reflect a lack of transparency on the part of the agencies designated to collect this data, and suggests their reluctance to share high crime rates with the public.

UCDP relies primarily on news reports to collect data on conflict-related deaths. This method invariably produces conservative estimates, however, there is no indication that the data is systematically biased. It is important to keep in mind that the data are estimates, but since they are not collected through random sampling, there is no way of calculating standard measures of sampling error. The current methodology does not allow for data to be disaggregated by age, sex, and cause. Additionally, the UCDP data do not include indirect deaths, and thus only covers a subset of the 'conflict-related' deaths that the SDG 16.1.2 indicator requests.

A full accounting of the conflict-related deaths should ideally include both indicators. Indeed, research suggests that indirect deaths (for example those occurring as a result of the effects of forced displacement, a breakdown of infrastructure, disease, and malnutrition) far exceed direct deaths in most modern armed conflicts.¹⁰ The Small Arms Survey is currently working on building a knowledge base on indirect deaths and on how these can be counted.¹¹

Indicator 16.1.4 – as many other in the entire SDG framework – is based on surveys. Collecting survey data on reported experiences of violence and perception of safety is essential monitoring the implementation of the SDGs. However, significant limitations exist pertaining to the costs associated with the periodical repetition of surveys, as well as the need for a rigorous methodology to allow for international comparison. Moreover, further challenges arise in countries affected by endemic violence or armed conflict, due to security and logistical constraints.

Promising Partnerships

Academia and civil society organizations can contribute to enhanced data collection and analysis methods. They can highlight data gaps and provide methodological support to aid the development of violence-related SDG global indicators, and support requesting countries and regional organizations in advancing on national and regional complementary indicators, as per para 35 for Agenda 2030 (A/RES/70/1). Partnerships such as the SDG 16 Data Initiative can support these efforts, which should also be enhanced through the use of innovative technologies. Moreover, to ensure that SDG 16 indicators capture the breadth and ambition of Goal 16, several organizations are also heeding the explicit call in Agenda 2030 for developing supplemental and voluntary indicators. One promising such initiative, spearheaded by the Community of Democracies with active participation by the UN Development Programme and the Open Government Partnership and drawing on the expertise of many SDG 16 DI partners, is the “Voluntary Supplemental Indicators for Goal 16 on inclusive, just and peaceful societies.”¹² This initiative aims to strengthen and uphold the existing knowledge base about how to achieve peaceful, just, and inclusive societies, and to ensure that this knowledge base informs the indicators used to track SDG 16. To this end, the report suggests that a number of indicators that are critical for understanding SDG 16, are currently not included in the official SDG 16 indicator framework.



Just Societies

Human Rights workshop. © Albert González Farran/UNAMID.

Rule of Law & Access to Justice Around the World

According to available data for Target 16.3, rule of law and access to justice continued to face significant challenges in the last year. The World Justice Project's (WJP) *Rule of Law Index® 2017-2018* found that one in three countries' rule of law score declined in the last year, with the greatest number of countries seeing declines in the areas of fundamental rights and constraints on government powers.¹³ While performance in the area of civil justice remained stable at the global level, the WJP's *Global Insights on Access to Justice* study shed light on the challenges faced by people navigating everyday legal problems across 45 countries. The study found that, among those who experienced a legal problem in the last two years, 1 in 6 (17%) have given up all action to resolve a persisting legal problem; more than half (56%) said it was difficult or nearly impossible to pay costs incurred to resolve the issue; and more than 1 in 5 (26%) lost their job or relocated as a result of their legal problem.¹⁴

Data confirm that there is also need for greater legal protections, financing, and global advocacy for those working to advance access to justice at the grassroots level. Indeed, in the Global Legal Empowerment Network's 2017 Annual Network Survey, 69% of respondents reported that legal empowerment work was difficult or very difficult to conduct in their social and political context – up from

Rule of Law Performance & Changes

This chart categorizes countries according to whether their overall 2017–2018 rule of law score is above or below the median, and whether their score has improved, remained stable, or declined since 2016.

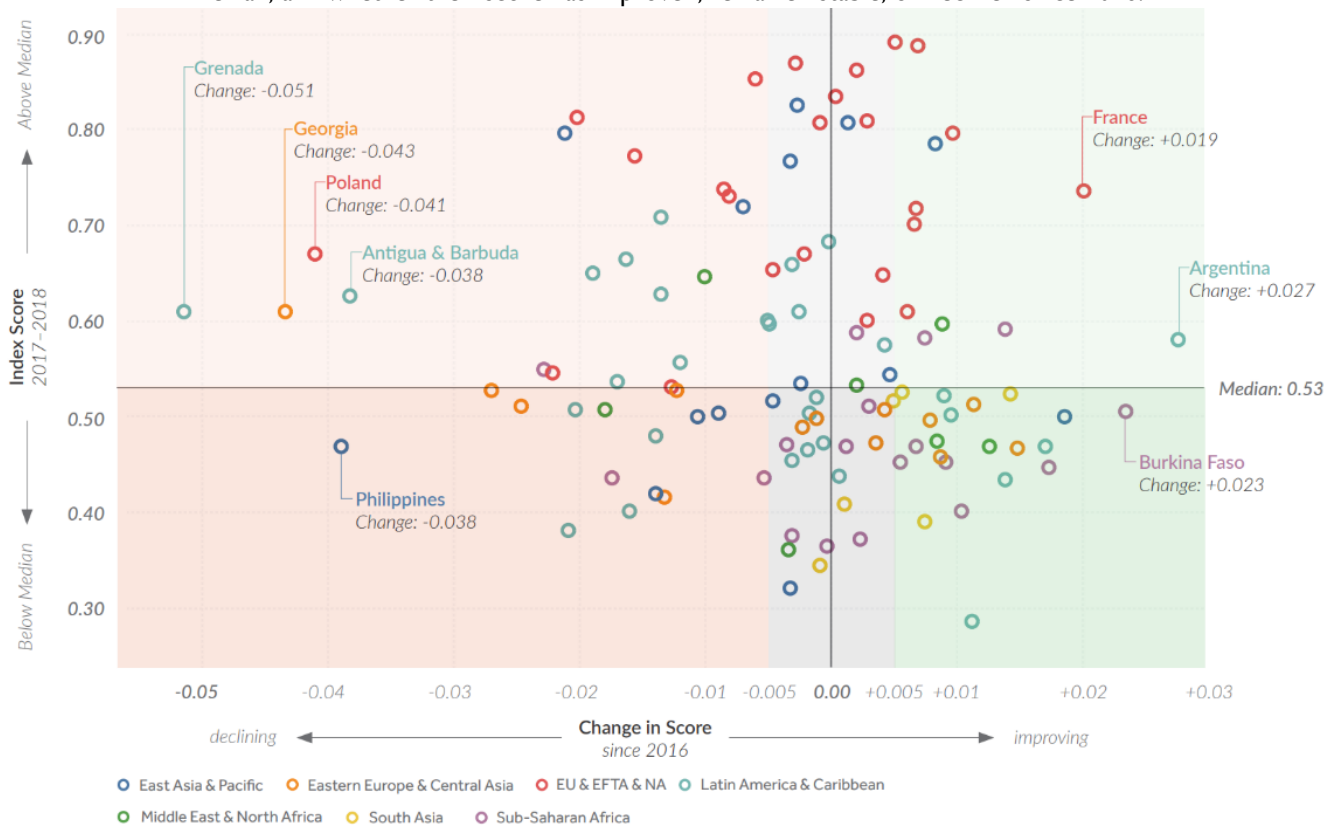


Figure 3: Chart adapted from WJP Rule of Law Index® 2017-2018 Report

60% in 2015 – and more than two thirds of those surveyed (68%) reported being threatened for carrying out legal empowerment work.¹⁵ Financing remains one of the biggest barriers towards progress on this agenda., Political commitments and global attention towards access to justice and SDG 16, such as the 2017 World Bank Development Report, have not been met by necessary action through scaled up funding.¹⁶ In the Global Legal Empowerment Network survey, 67% of the legal empowerment community noted that they have to make financial cuts or they would not be able to operate in the coming year due to funding sustainability concerns.¹⁷

Data Availability for Target 16.3

Country coverage for the official Inter-Agency Expert Group (IAEG) global indicators for Goal 16.3 varies. Data for IAEG indicator 16.3.1 – the proportion of victims of violence who reported their victimization – is available for only 37 countries and has not increased since 2017. Data for IAEG indicator 16.3.2 – unsentenced detainees as a proportion of the overall prison population – is available for 204 countries, with data for at least 76 countries derived from the Institute for Criminal Policy Research’s World Prison Brief.¹⁸

The SDG16 Data Initiative’s complementary indicators for Target 16.3 measure the accessibility, affordability, impartiality, and effectiveness of civil justice systems (16.3.3), as well as the extent to which countries’ criminal justice systems are effective, impartial, and respect due process (16.3.4). The coverage of these indicators has remained steady at 113 countries since 2016. These indicators are from the *WJP Rule of Law Index*, which relies on surveys of more than 110,000 households and 3,000 experts to measure access to justice as experienced by ordinary citizens. The forthcoming edition of the Index, to be published in 2019, will expand its country coverage for complementary indicators 16.3.3 and 16.3.4 to 125 countries.

Civil Justice Data Challenges

While there is growing recognition that access to justice is foundational to economic and social development – due in large part to the inclusion of Goal 16 in the SDGs – much of the conversation around policy planning, budgeting, and performance indicators has focused on criminal justice, as demonstrated by the current official indicators endorsed by the IAEG for Target 16.3. However, a growing body of literature shows that a majority of people’s legal problems are civil, rather than criminal problems.^{19,20} In 2016, UN Member States agreed that an indicator focused on “access to civil justice” should be considered as a more meaningful measure of Target 16.3.²¹

Many governments have attempted to understand and address civil legal issues by relying on administrative data within the court system, such as the amount of time required to resolve particular legal disputes.²² Such an approach adopts a narrow definition of access to justice, and fails to capture the experience of individuals who seek justice from state administrative processes, civil society organizations, and informal mechanisms, or the experience of those who choose not to take their legal problems to a third party for mediation or adjudication. Legal needs surveys, on the other hand, provide policymakers and advocates with a people-centered approach to understanding the frequency and range of legal problems, as well as the diverse ways in which ordinary people navigate their legal problems.

While legal needs surveys can provide a more holistic understanding of the role of justice in social and economic development, carrying out these studies can prove challenging in countries with limited financial resources and technical capacity. Furthermore, the more than 50 legal needs studies conducted over the last 25 years have focused primarily on developed countries and vary greatly in terms of content and methodology.²³ Therefore, such surveys have been limited in their ability to provide benchmarks for understanding public access to civil justice across a large number of countries, and to contribute to the development of robust global indicators.

A Global Legal Needs Survey & Guidance

To address the conceptual and methodological challenges to meaningfully measuring and tracking access to civil justice under Target 16.3, the Open Society Justice Initiative (OSJI) and the Organization for Economic Co-operation

and Development (OECD) have convened an advisory stream of expert stakeholders²⁴ to produce methodological guidance on legal needs surveys and to refine effective survey-based measures for civil justice. This advisory stream identified and documented the essential components of legal needs surveys, the definition of justiciable problems, and good practices for designing surveys that capture information about forms of legal and social support, resolution mechanisms, and other key impacts and outcomes associated with experiencing a legal problem. Slated for publication in 2018, this methodological guidance is intended to assist policy makers, statisticians, and advocates seeking to use legal needs surveys to better monitor target 16.3 and strengthen measures of access to civil justice.

Informed by the work of the advisory stream and with the support of OSJI, in 2016 the WJP began a two-year process to develop, pilot, and refine a dispute resolution module for inclusion in its global General Population Poll (GPP). Drawing on the advisory stream's extensive review of legal needs surveys conducted over the last 25 years and building on what is known in the literature as the "Paths to Justice" tradition, the dispute resolution module of the GPP was designed to capture globally comparable data on how ordinary people deal with their legal problems. This includes questions on the most common legal conflicts, respondents' assessment of both formal and informal resolution processes, and the experiences of people who did not seek legal assistance or who were unable to resolve their problem. In addition, the dispute resolution module also gathers information on citizens' legal confidence and capability, whether legal problems were individual or affected a community of people, as well as the impact of legal problems on their lives.

The WJP's pilot dispute resolution survey module was administered to 1,000 households in 61 countries in 2016, and the resulting pilot data were vetted in a series of in-country and virtual meetings with justice measurement specialists and local experts from 17 countries. Following the pilot and vetting process in continued consultation with the OSJI and OECD advisory stream, the WJP refined the dispute resolution module of the GPP, which was administered in 45 countries between July and December 2017. In January 2018, these data were published in the WJP's *Global Insights on Access to Justice* report.

Global Insights on Access to Justice represents the first-ever effort to capture comparable data on legal needs and public access to civil justice on a global scale, representing the voices of more than 46,000 people across the 45 countries surveyed in 2017. Survey data are presented in the report as country profiles, illustrating the paths followed by ordinary people navigating legal problems in each country. In addition to facilitating cross-country comparisons and providing benchmarks for understanding legal needs and public access to civil justice across a large number of countries, the GPP dispute resolution module itself can serve as a model for governments, researchers, and civil society organizations seeking to conduct more in-depth and tailored assessments.

World Justice Project General Population Poll Tunisia Country Profile

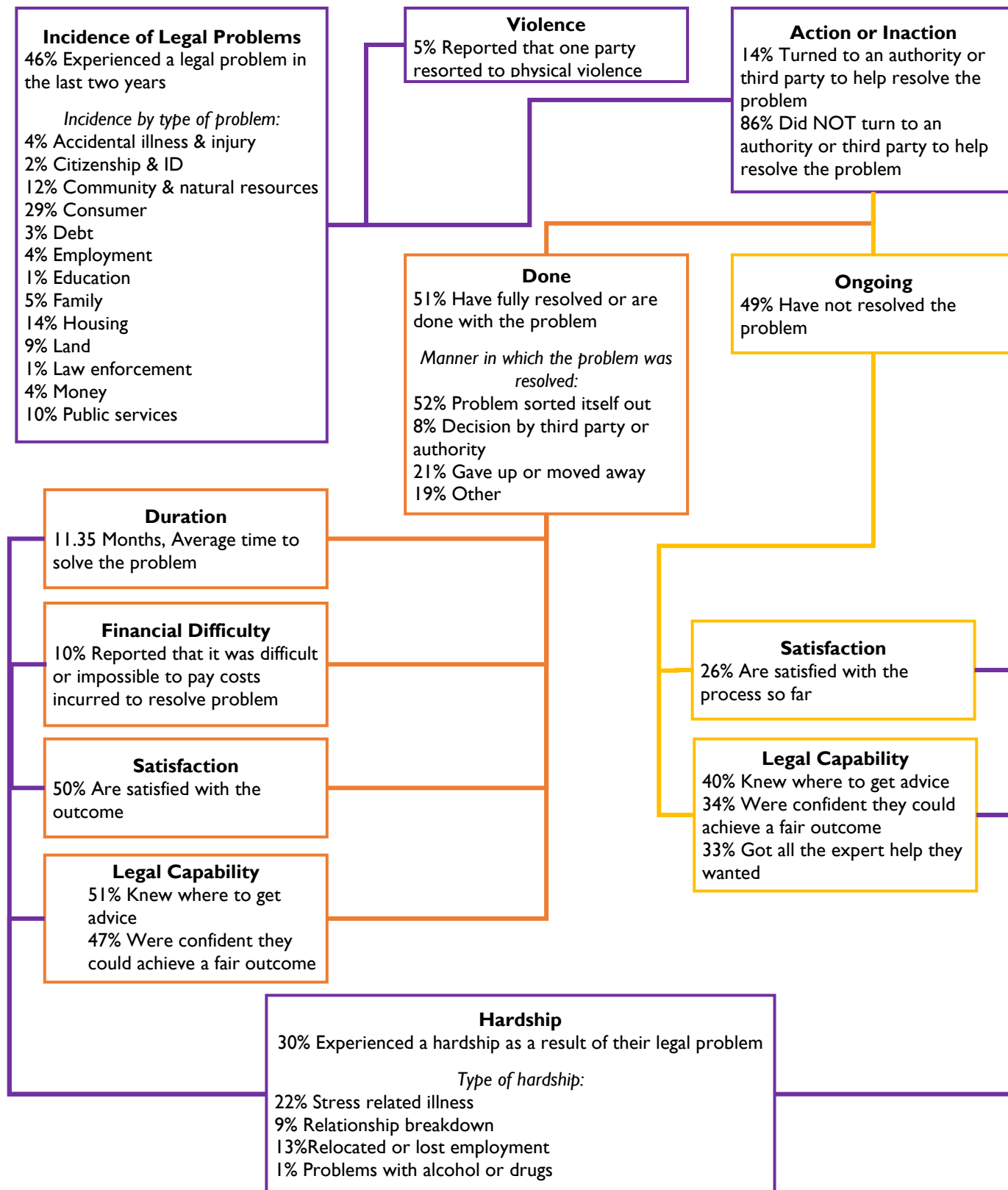


Figure 4 Tunisia Country Profile adapted from “Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll in 45 Countries” 2018

Adaptations & National Innovations

While efforts to study and measure access to civil justice at the global level are important in the context of SDG indicator development, there are a number of important adaptations and innovations at the national and sub-national level. From 2014 to 2017, the Hague Institute for Innovation of Law (HiIL) has conducted a series of Justice Needs and Satisfaction (JNS) surveys in Yemen, Mali, Indonesia, Jordan, Kenya, Lebanon, the Netherlands, Ukraine, Uganda, United Arab Emirates and Tunisia.²⁵ The JNS surveys are administered to a large number of households – ranging from 4,000 to 8,000 per country – and the types of legal problems, sources of help, and resolution mechanisms are tailored to the country-specific context. These surveys also explore additional aspects of peoples' justice surveys that a shorter survey module cannot, including opportunity costs, stress and emotions, procedural justice, interpersonal justice, informational justice, distributive justice, restorative justice, functionality and transparency.

Particularly noteworthy in the context of national planning and commitments under Target 16.3 are a number of government-led strategies to broaden their justice survey work. Similar to the WJP's strategy for incorporating a dispute resolution module into its annual GPP survey, statistical agencies are piloting legal needs modules general-interest surveys that are already ongoing, including Statistics South Africa, the Kenya National Bureau of Statistics, Indonesia's Planning Agency, and Colombia's National Planning Department.²⁶

Governments are also investing in stand-alone legal needs surveys – such as the Justice Gap Survey conducted by the U.S Legal Services Corporation in 2017 – as are philanthropic organizations funding studies in Macedonia, Moldova, Mongolia, Nepal, Sierra Leone, and Ukraine.

Perhaps most importantly, legal needs survey data are being used to inform governments' policy and planning. Legal needs survey data have been used for better designing legal aid in Ukraine and South Africa.²⁷ Argentina's Ministry of Justice and Human Rights is working to develop indicators on access to civil justice to inform priorities and legal service delivery. Colombia's Department of National Planning is using data collected from the justice needs module of its National Life Quality Survey to shape the justice chapter of its national development plan and for approximately half of the indicators in its National Index on Effective Access to Justice.²⁸

Global use of legal needs surveys

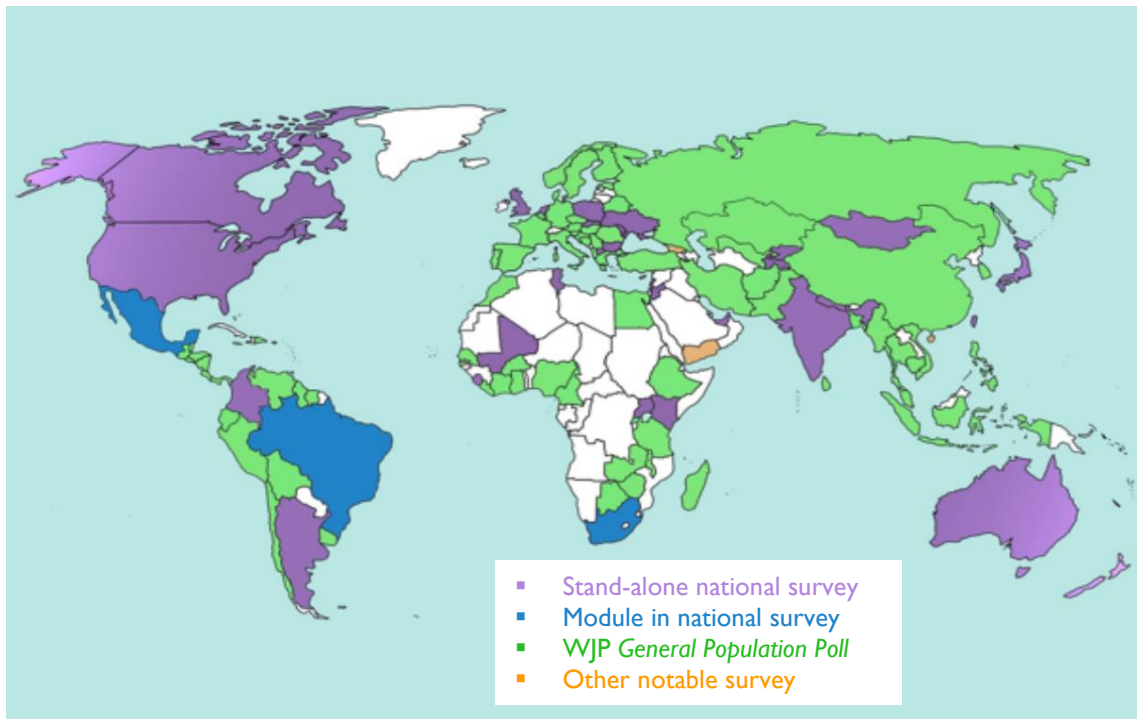


Figure 5 Global use of legal needs surveys adapted from Open Society Foundations “Strengthening Access to Civil Justice with Legal Needs Surveys” April 2018

Remaining Obstacles & Pathway Forward

The tremendous amount of work on the development, implementation, and use of legal needs surveys to-date offers a promising approach to understanding civil justice issues from a people-centred perspective. Despite the achievements discussed in this chapter, there is still much work to be done. First, more legal needs surveys are needed to capture up-to-date data from as many countries as possible. The WJP plans to administer its GPP dispute resolution module in more than 60 countries this year, bringing the country coverage for its global study to more than 100 countries by 2019. HiiL has additional JNS studies planned for Bangladesh, Nigeria, and Rwanda. Governments are exploring full legal needs surveys and civil justice-focused modules in the Municipality of Florence, the United States, and South Korea.

Second, more data is needed on the legal needs and justice journeys of vulnerable and marginalized populations, including women, minorities, migrants, and rural populations, among others. Meta-analyses of legal needs studies have found that vulnerable groups are more likely to experience legal problems, that legal problems beget further legal problems, and that inequality in access to justice disproportionately affects already vulnerable populations.²⁹ Having the data necessary to understand and address the ways in which justice issues impact the economic, social, and physical wellbeing of populations is vital to achieving a number of SDGs beyond Goal 16.

Third, in the context of the SDG indicator framework, more work is needed to develop simple, actionable, and statistically sound indicators based on legal needs survey data. While legal needs surveys have traditionally served as a policy diagnostic, several groups are testing global indicators based on legal needs survey data. The OECD and OSJI's forthcoming methodological guidance explores principles to guide the development of potential civil justice indicators for Target 16.3, and documents different approaches for measuring levels of unmet legal need. The WJP is currently testing the viability of more than 100 question-level and composite indicators that can be drawn from its dispute resolution survey module, as well as indicators to assess disparities in access to justice among different populations. The Pathfinders for Peaceful, Just and Inclusive Societies' Task Force on Justice has formed a working group to provide a new assessment on the size of the justice gap globally. This "Justice Gap Working Group" is currently conducting an audit of available data sources – including legal needs surveys, victimization surveys, administrative data, and composite indicators, among others – that can provide a multifaceted update to the UN Commission on Legal Empowerment of the Poor's 2008 assessment that 4 billion people live outside the protection of the law.

With the 2019 High Level Political Forum providing a key opportunity for governments to review their commitments to Target 16.3, we expand the use of legal needs surveys and civil justice indicators not as an end in and of themselves, but rather tools for informing better, more targeted action. The fourth and final challenge, therefore, is advancing more effective funding, measurement, and models to deliver access to justice. Independent civil society actors have a valuable role to play. While a diverse coalition of actors can advance financing and advocacy efforts – from the OECD making the case for investment,³⁰ to the Justice for All 2030 campaign seeking funding and protections for grassroots justice defenders – UN member states must ultimately develop, implement, and monitor national action plans to ensure equal access to justice for all.



Inclusive Societies

Timor-Leste Holds Second Round of Presidential Election. © UN Photo/Bernardino Soares.

Political participation of refugees

In view of targets 16.6 and 16.7, this chapter reflects on how migration and the political participation of refugees can aid in achieving effective, accountable, and transparent institutions, in addition to responsive, inclusive, participatory and representative decision-making. Specifically, this short analysis aims to address the question of how the political participation of refugees contributes to building more effective, accountable and transparent institutions. as a whole?

For the sake of clarity, we refer to the UN 1951 Convention Relating to the Status of Refugees that defines a “refugee” as someone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”³¹

Data Availability and Limitations for 16.6 and 16.7

The two official indicators for Target 16.6 only capture limited aspects of its lofty goals. 16.6.1 tracks primary government expenditures as a proportion of

original approved budget, by sector, budget code, or similar category. While budget transparency and efficiency are important, especially when moving beyond planning stages into expenditure, this metric fails to capture real institutional transparency or accountability. To monitor the 2030 Agenda's call for people-centred accountability, additional indicators are required, such as the World Bank's Global Indicators of Regulatory Governance, which assess the transparency of rulemaking processes and the ease with which various stakeholders can influence the formulation of those regulations.

Target 16.7 calls for “responsive, inclusive, participatory and representative decision-making at all levels.” However, its indicators are too narrow to meaningfully reflect progress. For example, indicator 16.7.1 focuses on the quantitative diversity of public institutions, however, equal representation may not always translate into influence. Simply increasing proportions of marginalised groups employed in public institutions such as parliaments, does not necessarily lead to increased influence over public policy or other outcomes. For example, an institution may hastily hire female clerks in an effort to foster greater diversity, but so long as the decision makers remain men, the institution has in fact made very minimal progress on inclusivity. Therefore, it is critical to compliment this indicator with other indicators that can capture the degree of influence marginalized groups can have within the respective institutions.

Indicator 16.7.2 refers to the percentage of the population that believes that decision-making is inclusive and responsive. This is difficult to aggregate because of varying individual interpretations of ‘inclusiveness’ and ‘responsiveness.’ International Institute for Democracy and Electoral Assistance (International IDEA) and Varieties of Democracy (V-Dem) offer two complementary indicators of Target 16.7- the percentage of seats held by women in parliament, and power distributed by social group respectively.

Political participation of refugees

In April 2018, International IDEA published a report titled “Political participation of refugees: bridging the gaps” complemented by eight different case studies.³² This chapter is an adapted excerpt from the report. The report is a comparative analysis of eight host countries (Germany, Kenya, Lebanon, South Africa, Sweden, Turkey, Uganda and the United Kingdom), and five countries of origin (Afghanistan, the Democratic Republic of the Congo (DRC), Somalia, South Sudan and Syria). Methodologically, the report borrows from a wide array of secondary legal, normative and scholarly sources, but is also buttressed by a comparative set of data stemming from surveys and questionnaires with refugees themselves in all the eight host countries cited above. The report's main objective is to explore challenges and opportunities related to formal and non-formal political participation of refugees in their host and origin countries. Among formal mechanisms of participation in host countries, the report examines issues such as citizenship and naturalization, and access to electoral rights and political parties. The report also examines out-of-country voting vis-à-vis the refugees' countries of origin. Further, the report analyses non-formal aspects of political engagement by exploring the refugees' role in, and access to civil society,

grassroots initiatives, consultative bodies, as well as their general transnational political activism. The report concludes with a number of recommendations that are sufficiently detailed so as to be actionable, but also holistic enough to speak to all the relevant case studies. For example, governments in host countries are encouraged to implement their respective commitments to article 34 of the 1951 Refugee Convention on naturalization as a lasting solution for refugees. Moreover, a lasting solution for refugees is as one of the preconditions to ensure greater political engagement. The report urges local authorities in such countries to do more to implement joint programmes with civil society aimed at empowering refugees. Governments in countries of origin are encouraged to build a legal framework for out-of-country voting, to explore means to facilitate such a process, as well as to conduct outreach with their diaspora communities to collaborate on issues such as civic education and voter information.

Formal participation of refugees

The public debate on refugees normally focuses on immediate humanitarian and security concerns, perhaps stretching to legal perimeters of their circumstances, such as whether they should be legally allowed to reside in a host country. While security and humanitarian concerns are indeed of acute relevance for refugees, it is also important that we explore ways for them to be able to voice their political concerns.

The voting process is one of the main mechanisms for the political participation of refugees. The eight host countries examined in International IDEA report employ various legal frameworks and practices in regard to voting rights for refugees. In some (such as the UK, Germany, Sweden), a person claiming asylum can obtain refugee status by proving they have a well-founded fear of persecution in their home countries. The same person will then be able to apply and obtain the citizenship of the host country, providing they have resided in that country for a number of years.

In other countries, including Uganda, South Africa, and Turkey, persons claiming asylum will also be able to obtain refugee status providing there is a well-founded fear of persecution back home. However, the recourse to citizenship and naturalization in such countries is extremely challenging. Regardless of the duration of their stay in the host country, refugees will not be able to obtain a new citizenship there.

In reference to the SDG16 targets, it is clear that an institution's ability to be responsive, inclusive, and representative is closely tied with how effective, accountable, and transparent they are in their decision-making. The countries that offer a path to citizenship for asylum seekers and refugees tend to be more inclusive politically, being that citizenship is the main precondition to gaining the right to vote. Countries that do not offer a clear path to citizenship often end up with communities of refugees who are stranded in legal limbo, unable to engage politically with their host country, or their country of origin.

The question of citizenship and naturalization is directly linked to the ability of refugees to cast their vote in local and provincial elections. Article 34 of the 1951

Refugee Convention requires that the ‘Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.’ Similarly, the Zero Draft of the Global Compact on Refugees, which was developed as a follow-up to the 2016 New York Declaration for Refugees and Migrants, refers to the granting of permanent residence or naturalization for refugees as durable solutions in those cases where repatriation or resettlement are not viable options.

Out of the eight countries analysed in the report, only Sweden allows non-citizen refugees with three or more years of uninterrupted residence to vote in local and provincial elections. However, in Sweden also a refugee must have obtained the citizenship of the host country if they are to be able to vote in their national elections.

Similarly, countries of origin employ different practices in allowing refugees to cast out-of-country votes in their country of origin. Some countries have undertaken considerable efforts to ensure that there is an out-of-country voting (OCV) legal framework in place that enables the diaspora to cast their vote. Afghanistan is a case in point. In its first democratic elections in 2004, Afghanistan made extensive efforts to engage Afghan refugees living in neighbouring Iran and Pakistan. Such efforts, however, were not continued in following elections in 2009 and 2014. Other countries, such as Syria, also enable their diaspora to vote in home elections, such as their 2014 elections. However, the Syrian conflict was well underway in 2014, casting doubt on the fairness of OCV voting. These doubts were confirmed when it was announced that the Syrian diaspora could only cast their votes in Syrian embassies, such as the one in Lebanon. However, refugees who have fled from Syria may fear of ramifications if presenting themselves at Syrian embassies, the majority of out-of-country votes were cast in favour of Bashar Al Assad.³³ Other countries with large refugee communities abroad often do not make efforts to accommodate voting for them, or do not have a legal framework in place. The reasons are manifold, from political and ideological, to financial and logistical. The first step to tackling this issue is for countries of origin to establish a legal framework for OCV. It is only upon setting up such a framework that the country of origin may make meaningful efforts to reach out to diaspora communities.

Non-formal participation of refugees

When there are no avenues for formal political participation, refugees may rely on less formal means of engagement to make their voices heard. In many host countries, they may refer to networks of associations, religious and non-religious charities, and civil society to seek daily assistance and advocacy for their rights.

In some host countries, refugees may participate in so-called consultative bodies, which are aimed at fostering structured dialogue between immigrant groups and governments, particularly at the local level. This issue figured prominently in the debate preceding the adoption of the Council of Europe’s 1992 Convention on the Participation of Foreigners in Public Life at Local Level. Article 5 of this Convention provides that contracting states should: ‘encourage and facilitate the

establishment of consultative bodies or the making of other appropriate institutional arrangements for the representation of foreign residents by local authorities in whose area there is a significant number of foreign residents'. In Germany, for example, many states have created consultative bodies whose membership is comprised of German citizens, as well as refugees and migrants of various communities. Through these bodies, they are able to advocate for the interests of migrant communities at the local level, and in doing so they offer them a direct channel to decision-making structures.

Without avenues for formal political engagement, participation in civil society organizations (CSOs) also offers a degree of empowerment for refugees, as well as a platform from which to make their voices heard. Participation in CSOs can also serve as an important means of integration into the host society by providing opportunities to build bridges between the refugee population and local communities. In Sweden, for example, refugees have established CSOs to advocate for political inclusion and provide capacity-building for young refugee leaders. An illustrative example is the Young Republic,³⁴ a youth organization working to empower young Syrians, and foster democratic participation, civic engagement, and social inclusion in their host communities.

In Turkey, on the other hand, there are a number of Syrian-led or Syrian-focused CSOs and NGOs that are mainly focused on closing the gaps in government provision of long-term needs such as civic and political participation. Syrian-German NGO, Citizens for Syria, lists 67 NGOs that have headquarters or offices in Turkey and work in the areas of health, development, politics, emergency relief, and the media.

The internet and social media play a crucial role in facilitating the “transnational activism” and social movements of diaspora communities. With these tools, refugees can have a global reach regardless of their legal status in their host country. Through their communities and networks, refugees are thus able to make their voices heard, and advocate for certain issues either in their host country, or their country of origin. For instance, Afghan refugees in the UK usually address Afghan political issues at informal gatherings and other initiatives that may take place through social media. The use of social media and online platforms, especially by younger generations of Afghan refugees, has played an important role in keeping abreast of the latest political developments in Afghanistan, and engaging in political debates in both the UK and Afghanistan.

Notes

1. The SDG16DI members are the Global Forum for Media Development, Governance Data Alliance, Institute for Economics and Peace, International IDEA, Namati, Open Society Foundations, Peace Research Institute Oslo, Results for Development, Saferworld, Small Arms Survey, Sustainable Development Solutions Network, TAP Network, Transparency International, and the World Justice Project.
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4. See the UN and World Bank joint Pathways for Peace report: <https://openknowledge.worldbank.org/handle/10986/28337>
5. Available online at <http://www.smallarmssurvey.org/tools/interactive-map-charts-on-armed-violence.html>
6. See for instance the Human Security Report Project reports: <http://www.hsrgroup.org/>
7. Available online at <http://www.gallup.com/services/170945/world-poll.aspx>
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24. Lead authors of the forthcoming “Legal Needs Surveys and Access to Justice: A Guidance Document” are Professor Pascoe Pleasence and Nigel Balmer of the University College of London (UCL) along with the Open Society Justice Initiative (OSJI) and the Organization for

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