**Justice 2015: Legal Empowerment and the Global Development Framework**

**Annex: Possible Indicators and Rationale**

 *Here, we expand on the indicators offered in the discussion note, and consider each target according to a standard set of criteria for global development goals.[[1]](#endnote-1) We also cite sources that propose similar indicators.*

***Target 16.9 By 2030 provide legal identity for all including birth registration***

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| **Universal birth registration implemented by law for all children in all countries.** |
| **Possible Indicators** | **Data Collection Method** | **Similar proposals**  |
| Existence of legislation requiring births to be registered by an official institution, which makes allowances for late birth registration | Legal analysis | UNICEF, Lawson-Remer (13), Soros and Abed, Langford, Plan and UNHCR |
| Proportion of babies who receive registration at birth per year | Administrative data, 3rd party monitoring | UNICEF, Lawson-Remer (13), Brinkman (12), Andrews |

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| **Provide legal identity for all**  |
| **Possible Indicators** | **Data Collection Method** | **Similar proposals**  |
| The proportion of people in a state who possess a registered form of legal identification | Administrative data, 3rd party monitoring | UNHCR, Podesta, Brinkman (12) |
| A fair, transparent and accessible process for obtaining legal identification exists | Legal analysis, 3rd party monitoring, public surveys |  |
| The proportion of requests for identity documents fulfilled or rejected on stated grounds within a reasonable amount of time, defined as X days | Administrative data, 3rd party monitoring | UNHCR |
| The proportion of people denied access to services (e.g. healthcare, education) because of lack of identity documentation | Administrative data, 3rd party monitoring |  |

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| **Criteria**  | **Evaluation** |
| *Relevance to Theme* | Possession of identity documents reduces political, economic, and social vulnerability.  |
| *Data Availability* | Legal identity documents and birth registration is tracked by many national governments as well as UNICEF and the World Bank population indicators.  |
| *Robust: Reliable, Valid, Comparable, Verifiable* | The indicators chosen look at the existence of a law or a proportion of state populations, making for objective and comparable indicators across nations. While it will be difficult to ensure that states accurately report populations of stateless persons, numerous third party sources measure these populations. |
| *Action-Oriented* | These indicators incentivize governments to expand access to legal identity and eliminate discrimination against those who lack legal identity. |
| *Universally Applicable* | The issue of undocumented persons affects all states, whether due to migration flows, conflicts, discrimination, or low administrative capacity. High-income countries do have much higher rates of legal identity and birth registration, however. Reforms would therefore fall disproportionately to middle and low-income countries, and those with large indigenous populations. |
| *Equality-Sensitivity* | This goal seeks to address the present inequality experienced by undocumented persons, empowering both the current population and those yet-to-be-born with one of their universal human rights. The implementation of nondiscriminatory laws and practices for granting identity documents offers strong protection of undocumented persons’ rights.[[2]](#endnote-2) |
| *Absence of Perverse Incentives* | This law inherently deprives individuals of some privacy by documenting their personhood in state institutions. Some governments may seek to misuse these procedures, for example to persecute or deport certain minorities. A focus on legal identity may also lead governments to rely on formal documentation too much by implementing identity requirements for basic services. The indicator measuring the proportion of people denied access to services for lack of identity addresses this risk. |

References

Alden Wily, Liz. (2012). Customary Land Tenure in the Modern World. *Rights and Resources Initiative* (RRI). <http://www.rightsandresources.org/documents/files/doc\_4699.pdf>.

Andrews, Matt. (2012, October 23). Birth Registration Rates as a Governance Indicator. <http://matthewandrews.typepad.com/mattandrews/2012/10/b.html>.

Banisar, David. (2006). Freedom of Information World Report. *Privacy* *International*, 1.

<http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1707336>.

Bates-Earner, Nicole and Barry Carin, Min Ha Lee, Wonhyuk Lim, Mukesh Kapila. (2012). Post-2015 Development Agenda: Goals, Targets and Indicators. *Centre for International Governance Innovation and Korean Development Institute*, 55. <http://www.cigionline.org/sites/default/files/MDG\_Post\_2015v3.pdf>.

Brinkman, Hans-Jenk. (2013). Think piece on the inclusion of goals, targets and indicators for peace and security and related areas into the post-2015 development framework. *United Nations Peacebuilding Support Office*, 12. (On file with author).

Coliver, Sandra. (2009). The Right to Information and the Increasing Scope of Bodies Covered by National Laws Since 1989. *Open Society Justice Initiative*, 26. <http://www.right2info.org/resources/publications/coliver-scope-of-bodies-covered-by-rti-laws>.

Deininger, Klaus, Harris Selod, and Anthony Burns. (2012). The Land Governance Assessment Framework. *World Bank*, 41-43. <https://openknowledge.worldbank.org/bitstream/handle/10986/2376/657430PUB0EPI1065724B09780821387580.pdf?sequence=1>.

Department for International Development (DfID). (2011). Indicators and VFM in Governance Programming: Annex 1: Suggested Indicators for Security and Justice, 21. <http://r4d.dfid.gov.uk/PDF/Outputs/Mis\_SPC/60797\_GovernanceIndicatorsVFMNoteFINAL.pdf>.

Dokeniya, Anupama. (2013). Implementing the Right to Information: Lessons from Experience. *World Bank*, 45. <http://www.right2info.org/resources/publications/publications/wb\_implementing-rti\_lessons-from-experience\_2013>.

Food and Agriculture Organization (FAO) of the United Nations. (2012). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, 13-14. <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>.

Frecheville, Neva and Bernadette Fischler. (2013). Building from the Ground Up: Ho the foundations of a post-2015 framework should translate into change for people in poverty. *CAFOD*, 22-23.

G7+. (2012). Draft List of Peacebuilding and Statebuilding Indicators. *G7+ International Dialogue on Peacebuilding and Statebuilding.* Monrovia, Liberia, 5. (On file with author).

Global Integrity. (2011). Global Integrity Report: Integrity Indicators 2011. <http://www.globalintegrity.org/report>.

International Budget Partnership. (2010). Ask Your Government Initiative. <http://internationalbudget.org/what-we-do/major-ibp-initiatives/international-advocacy/ask-your-government/>.

Global Campaign for Aid Transparency. (2012). Aid Transparency Index, 23. <http://www.publishwhatyoufund.org/files/2012-Aid-Transparency-Index\_web-singles.pdf>.

Langford, Malcolm. (2012). The Art of the Impossible: Measurement Choices and the Post-2015 Development Agenda. OHCHR/UNDP Expert Consultation, New York, 32-34. (On file with author).

Lawson-Remer, Terra. (2013). Governance and Human Rights in the Post-2015 Development Framework, 12. (On file with author).

Knight, Rachael, Judy Adoko, Ailas Siakor, Alda Salomao, Teresa Auma, Ali Kaba and Issufo Tankar. (2012). *Protecting Community Lands and Resources: Evidence from Liberia, Mozambique, and Uganda*. Namati and International Law Development Organizations: Rome, 184-7.

Mendel, Toby. (2008). Freedom of Information: A Comparative Legal Survey. *UNESCO* (2nd ed).

Pape–Yalibat, Edgar Alfredo. (2003). Citizen Initiative for Freedom of Information in Guatemala Citizen Action. *World Bank*, 21. <http://siteresources.worldbank.org/EXTGOVANTICORR/Resources/3035863-1285093935613/VoiceEyesEars1.pdf>.

Plan and UNHCR. (2012). Under the Radar and Under Protected. New York, 1. <http://plan-international.org/birthregistration/files/under-the-radar-english>.

Podesta, John. (2013, February 13). “Inclusive Economic Growth: Increasing Connectivity, Expanding Opportunity, and Reducing Vulnerability.” *Center for American Progress.* <http://www.americanprogress.org/issues/economy/report/2013/02/07/52160/inclusive-economic-growth-increasing-connectivity-expanding-opportunity-and-reducing-vulnerability/>.

Soros, George and Sir Fazle Abed. (2012, September 26). Rule of law can rid the world of poverty. *Financial Times*. <http://www.ft.com/intl/cms/s/0/f78f8e0a-07cc-11e2-8354-00144feabdc0.html#axzz27cvwHasi>.

Ubiñas, Luis. (2013). Look to the World's Forests—and the People Who Live There—for Climate Change Solutions. *Huffington Post*. <http://www.fordfoundation.org/issues/sustainable-development/climate-change-responses-that-strengthen-rural-communities/news?id=747>.

The United Nations Children Fund (UNICEF). (2012). Strengthening Birth Registration in Africa Opportunities and Partnerships, 1. <http://www.unicef.org/esaro/Technical\_paper\_low\_res\_.pdf>.

The United Nations Development Program (UNDP). (2013). Rule of Law and Development Issue Brief: Integrating Rule of Law in the post-2015 Development Framework, 6. <http://www.worldwewant2015.org/node/341332>.

UNDP Mongolia. (2009). Goal 9: Strengthen Human Rights and Foster Democratic Governance, 88-98. <http://www.undp.mn/publications/goal9.pdf>.

The UN Refugee Agency (UNHCR). (2013). Stateless People Figures. <http://www.unhcr.org/pages/49c3646c26.html>.

United States Agency for International Development (USAID). (2005). User’s Manual for the Implementation of the Blueprint for Strengthening Property Rights, 3. <http://www.pinzonhidalgo.com/pinzonhidalgo/manual.pdf>.

Vleugels, Roger. (2009). List of 90 Countries and Territories with FOI Laws. *The Fringe Special*, 13-14. <http://right2info.org/resources/publications/Fringe%20Special%20-%2090%20FOIAs%20-%20sep%207%202009.pdf>.

Willis, Matthew. (2010). Indicators used internationally to measure Indigenous Justice Outcomes. *Indigenous Justice Clearinghouse*, 5. <http://www.indigenousjustice.gov.au/briefs/brief008.pdf>. Note: Willis suggests that perceptions of each justice institution should be separated and that confidence surveys may be more an indication of prevalent public behaviors than the system itself.

Wilusz, Daniel. (2010). Quantitative Indicators for Common Property Tenure Security. *International Land Coalition (ILC) and Collective Action and Property Rights (CAPRi*), 43. <http://www.landcoalition.org/sites/default/files/publication/985/web.pdf>.

World Justice Project. (2012). World Justice Project Index Report 2012, 11. <http://worldjusticeproject.org/sites/default/files/WJP\_Index\_Report\_2012.pdf>. Note: WJP sub-factor 7.1 (people are aware of available remedies), sub-factor 7.2 (people can access and afford legal advice and representation), and sub-factor 7.3 (people can access and afford civil courts) from the Index 2011 report have been merged to form sub-factor 7.1 (people have access to affordable civil justice) in the Index 2012 report.

1. We describe the rationale for these targets in light of criteria adopted at a recent OHCHR-UNDP consultation on measuring governance and human rights. See <http://www.worldwewant2015.org/node/277879>. See also Langford, M. (2012). The Art of the Impossible: Measurement Choices and the Post-2015 Development Agenda. *United Nations Sustainable Development Knowledge Platform.* [↑](#endnote-ref-1)
2. Based on consultations with the Open Society Justice Initiative, 2013. [↑](#endnote-ref-2)