Advancing Legal Empowerment through the 2019 SDG Global Review

A Resource for Civil Society prepared by the Open Society Justice Initiative

The SDGs and Justice

In 2015 every country agreed to the United Nations Sustainable Development Goals (SDGs). These are a set of 17 goals, each one with several sub-targets, that all countries commit to work towards achieving by 2030. They are not legally binding, but they are a framework for how a country should organize its priorities and policies to make progress towards the goals.

Goal 16 of the SDGs commits countries to:

“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”

There are ten targets within Goal 16, including target 16.3 which calls for governments to “promote the rule of law at the national and international levels and ensure equal access to justice for all”.

The inclusion of SDG 16.3 is a significant achievement in recognizing the link between access to justice, poverty eradication and sustainable development. It also represents an opportunity for justice practitioners to catalyze innovative efforts and hold their governments to account on progress towards this target.

Voluntary National Reviews

The Voluntary National Review process, or VNR, is the primary mechanism for governments to account for the progress towards the SDGs. In simple terms, each government should conduct a review and report on progress to the United Nations at the High Level Political Forum (HLPF). The HLPF is convened every year in July, where countries can report on their progress towards all the SDGs, and where a handful of SDGs are picked for a special thematic review by the UN and other agencies. In
addition, every four years Heads of State also review the entire SDG agenda in a special summit in September. This special summit produces a Political Declaration and is an opportunity for countries to make new high-level political commitments.

2019 is a year of significant opportunity to draw political attention to access to justice. In July 2019, Goal 16 will be the subject of a special thematic review for the first time, and September 2019 is the first time Heads of State will review all the SDGs in a special summit. The theme for the 2019 reviews is “Empowering people and ensuring inclusiveness and equality”. In addition to Goal 16, SDGs 4, 8, 10, 13 and 17 will also be featured for thematic review at the 2019 HLPF.

Countries are expected to conduct a VNR every four years. 50 countries have volunteered to report in July 2019 – including Indonesia, Mongolia, Pakistan, Rwanda, Sierra Leone and South Africa. You can find the full list, including which countries have reported in previous years, online at sustainabledevelopment.un.org/vnrs/.

Governments can choose how they structure their review and the quality of review in previous years varies significantly—both in the content of the reports and the inclusivity of the process at a national level. The UN has published a document with some guidelines on the content and format of the VNR which is available online.¹ There is also a Handbook for the Preparation of Voluntary National Reviews which gives more detail about best practice in preparing each VNR, and is available in five languages.²

In 2016 and 2017, 64 countries presented VNRs and 41 of these included mention of SDG 16. As SDG 16 was not scheduled for thematic review in those years, it is not surprising that those mentions of SDG 16 have tended to be vague.

In 2018 Canada presented a VNR incorporating SDG 16. In their VNR they assess Canada’s context, the existing challenges domestically and internationally, and future measures. On access to justice, their VNR mentions crime-related problems, the relevance of aiding economically disadvantaged persons and introducing Indigenous community-based justice programs.

Similarly, in Cabo Verde’s VNR from 2018, ‘social peace’ was acknowledged as a determinant element of access to justice, emphasizing the relevance of improving the judicial system and formalizing practices of arbitration and mediation.

The 2019 HLPF will take place at the United Nations headquarters in New York from July 9 to July 18. The first part of the HLPF will include a series of thematic plenary sessions with expert contributions from governments and UN agencies examining progress towards the SDGs selected for thematic review (4, 8, 10, 13, 16 and 17). The final three days of the HLPF is known as the Ministerial Segment, where government Ministers deliver their Voluntary National Review presentations to the plenary session, and take questions from the floor. Alongside all of these events there will be a series of special sessions and side events held by civil society, academia, UN agencies and others. The HLPF will convene again for the special SDG summit on September 24 and 25 in New York, to hear reviews of the entire SDG agenda and declarations of political commitment from Heads of State.

¹ https://sustainabledevelopment.un.org/content/documents/17346Updated_Voluntary_Guidelines.pdf
As an example, in 2018, the HLPF process included:

<table>
<thead>
<tr>
<th>Days</th>
<th>Voluntary National Reviews</th>
<th>Heads and Deputy Heads of State and Government, Ministers, Vice-Ministers &amp; Other Ministerial Level Officials</th>
<th>Speakers in Panels</th>
<th>Major Group &amp; Other Stakeholders Interventions</th>
<th>Registered Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>46</td>
<td>&gt;125</td>
<td>130</td>
<td>125</td>
<td>&gt;2200</td>
</tr>
</tbody>
</table>

### How to Influence the VNRs

Every country has committed to consulting with civil society as part of their VNR – in some countries this consultation has been thorough and well-received, but in others it has been reported to be somewhat formulaic.

For its 2019 review, the Ministry of National Development Planning (BAPPENAS) in Indonesia initiated a consultative process in December 2018 bringing together Ministry of Foreign Affairs, relevant BAPPENAS directorates, the National Statistical Agency, Ministry of Justice, civil society actors and academics to discuss the lessons learnt from the 2017 VNR process, identify key actors engaged in advancing access to justice who need to be involved and how the review process can be inclusive and participatory. The meeting resulted in the creation of a justice working group that would collaborate with the BAPPENAS secretariat to develop the report.

One of the key principles of the 2030 agenda is for the VNR process to be participatory and inclusive. VNRs are most fruitful when developed in an open, transparent and participatory manner, in cooperation with different stakeholders. In some cases, these will mean establishing a steering committee comprising government, private sector and civil society members.

### Engage with the government

A first step for engaging on the VNR process is to find out who is responsible for leading the national review in your country. This could be a ministry of the government, or even an individual person in a coordination role. Ask them what their process is for consulting with civil society groups and how you can be involved. The UN report guidelines call for broad stakeholder consultation. Even if there is no consultation you can consider engaging with key state partners (for example Ministry of Justice or the Judiciary or the Local Government Actors you may be working with) to put together a draft review of progress on the ground and opportunities for further collaboration. This is valuable in demonstrating that the reviews are a shared learning process. You can also reach out to any NGO coalition that may...

---

3 In an effort to ensure “active participation of all sectors of society and all types of people” the UN system designates nine “Major Groups” to facilitate participation of Women, Children and Youth, Indigenous Peoples, Non-Governmental Organizations, Local Authorities, Workers and Trade Unions, Business and Industry, the Scientific and Technological Community and Farmers. See https://sustainabledevelopment.un.org/majorgroups/about.
be working on the SDGs more broadly and contribute to the civil society inputs that they may be shepherding.

**What to say**

In preparing your contribution to the VNR, you may find it useful to keep to one or two key messages. Illustrate your messages with case studies from community engagement – these stories from affected communities can be compelling at the UN, where officials can be far removed from frontline challenges and innovations. In selecting a handful of case studies, be sure to choose examples which relate directly to the core message that you want to convey. Avoid using case studies which merely illustrate that lack of justice is a problem (governments have already acknowledged this by committing to the SDGs!). Instead, ensure that your comments show how lack of access to justice is experienced, how current initiatives to improve justice could be strengthened or what shows promise.

You should also ensure that your contribution is data-driven and, if possible, show a trend in the data. The government report may rely on official data that is not directly relevant to SDG 16.3. Data from civil society can be a very powerful way of highlighting missing pieces from the official data and tell the story of people’s experiences. It is also helpful to highlight the disproportionate impact of unmet justice needs for particular marginalized populations in your context and how you are addressing that gap preferably in partnership with state actors at national or local levels. The World Justice Project’s Global Insights on Access to Justice report contains data from legal needs surveys from more than 100 countries and provides important context. It is available online. Governments may not be using this data, or may not be aware that it exists, and it should be included where possible.

*In Australia’s 2018 VNR, the chapter on SDG 16 strongly emphasized the relevance of this goal for ‘Aboriginal and Torres Strait Islander Peoples’. The VNR exposes data indicating that the Aboriginal and Torres Strait Islander peoples are far more likely to be victims of violence and to be incarcerated (they represent 3% of Australia’s population and 27% of the entire prison population) and overall to suffer, drastically reducing their health, social and economic opportunities.*

The UN is currently considering whether the two global indicators for SDG 16.3 are sufficient to measure access to justice (crime reporting rates and pre-trial detention). The current indicators do not measure progress in strengthening access to civil justice, which is by far the most common source of justice issues that people experience. By focusing on available civil justice data, such as found in legal needs surveys and civil justice data generated by community based justice providers, you can help show why civil justice problems are critical development issues, thereby making the case for measuring civil justice as part of the SDG framework.

Finally, you should ensure that your contribution contains specific recommendations that respond to the findings of the VNR or your own report. If data shows that a particular initiative is working well, you might recommend that it is strengthened, further resourced or expanded. If there are areas which are not currently addressed, suggest specific ways in which the government could respond to the need perhaps by pointing to any civil society initiatives that are filling the gap.

---


A call to action
Each VNR should focus on specific areas of concern or progress in each country. But it is important to ensure that inputs reflect some common global themes for justice advocates. In almost every country context, community-based paralegals and justice defenders are not sufficiently recognized and supported by the government. Although people-centred access to justice interventions are effective in preventing negative development outcomes and in promoting economic growth, only a tiny fraction of government spending is allocated to supporting access to justice. Moreover, government policies and investment is frequently focused on criminal justice, whereas the great majority of people’s justice needs are concerned with civil justice. The global call to action for governments is clear: Recognize the role of civil society particularly community justice workers/paralegals in delivering justice outcomes, invest in access to justice initiatives including independent community based justice services providers and measure civil justice needs, processes and outcomes as well as criminal.

Identify partners
Identify potential collaboration partners among other key stakeholders. You may find that some other stakeholders or local coalitions are engaging deeply in the SDG process. Others may have better relationships with the ministry responsible for the VNR, or have more information about the process. In some cases, the government may only be willing to engage with particular stakeholders or groups to the exclusion of others. Join regular conversations with other stakeholders engaging the VNR process, and remember that this group could include organizations working on any of the other SDGs as well. You may find that you are able to advocate your key messages by working with others, however you may make a strategic choice to avoid working in coalition so that your messages are not diluted. The Transparency Accountability and Participation Network (http://tapnetwork2030.org/) developed a stakeholder analysis grid which can be useful for helping to identify which stakeholders you should engage:


Many countries reporting at the HLPF may also be members of the Open Government Partnership (OGP). The OGP has an established model for civil society and government to work together in developing commitments, and this can be a useful model for the VNR process. Find out if the ministry

---

responsible for drafting the VNR is working with the government point of contact for the OGP – you should not assume that the person drafting the VNR is aware of the government’s role in OGP! In some cases, the government may have made commitments under the OGP National Action Plan that could be highlighted in the VNR. Each OGP country will also have a civil society lead organization, which may be in a better position to influence the VNR process owing to their relationship to the government.

Review the draft VNR
Governments have an opportunity to present a first draft of their VNR to the HLPF website in May, though they might not choose to do so. Monitor the website (sustainabledevelopment.un.org) and your own information from relationships to see whether your government plans to do this. If so this can be a useful opportunity to reflect and comment on the first draft so that there is time for the government to make any changes before the final VNR is presented in July.

Engaging at the HLPF in New York
The VNRs are published on the HLPF website and presented by the visiting Minister at the plenary session of the HLPF in July. Civil society organizations who hold accredited status with ECOSOC (the Open Society Foundations may assist in registering OSF colleagues) can register to attend the HLPF meetings, ask questions from the floor and work with other civil society organizations to present a statement on behalf of other civil society groups.

You may wish to prepare an alternative report in response to the government’s VNR, particularly if you have not been able to meaningfully engage the official VNR. While there is no formal role for ‘shadow reporting’ at the HLPF, it can be nevertheless useful to prepare an advocacy document that can respond to the VNR and present civil society perspectives. The tone and adversarial position of this report should be shaped by your relationship with the government. Alternative reports that offer data-driven feedback and propose constructive solutions can be a valuable advocacy tool. If you plan to produce an alternative report, try to ensure that it is presented to the government first and in advance of the HLPF in July. This will help ensure that your report can potentially impact the government’s VNR and can open a useful dialog with the government before the VNR is finalized. You may also choose to use an alternative report for national advocacy campaigns leading up to July which will focus public attention and pressure on the government to produce new commitments.

Colleagues who are able to travel to New York can take part in side events at the HLPF. A competitive application process will open in March for civil society organizations to propose sessions alongside the formal HLPF agenda. As space is limited, organizations are encouraged to combine with others to host joint events that address similar themes. Proposals for side events can also be sponsored by governments which can greatly increase the chances of it being approved by the UN, as well as helping to attract the participation of government ministers and others.

Finally, any colleagues able to travel to the HLPF in New York should aim to hold a bilateral meeting with their visiting delegation or with officials from the UN mission. Try to find out which Minister is delivering the VNR and whether you can arrange a time to speak to them before their presentation.
Links to Resources

- UN Voluntary common reporting guidelines for voluntary national reviews at the high-level political forum for sustainable development (HLPF)
- Handbook for the Preparation of Voluntary National Reviews
- Goal 16 Advocacy Tool Kit (Tap Network 2030)
- UNDP’s Pilot Initiative on National-Level Monitoring of SDG 16
- UNDG’s Sustainable Development Goals Acceleration Tool Kit
- Progressing national SDG implementation (series of reports commissioned by civil society)
- Partners for review – resources
- Partners for review’s analysis - Levels of engagement and meaningful participation of different stakeholders in the review process of the 2030 Agenda