

EVALUATION OF THE UNDP SUPPORT TO ACCESS TO JUSTICE

Annexes

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ANNEX 1. TERMS OF REFERENCE

Introduction

1. The Independent Evaluation Office (IEO) of the United Nations Development Programme (UNDP) is undertaking an evaluation of UNDP support to access to justice, as planned in its multiyear programme of work (2022-2025) approved by the UNDP Executive Board in February 2022.¹ The evaluation will be presented to the Annual Session of UNDP Executive Board in June 2023.
2. The evaluation aims to provide evidence that supports organizational learning for improved effectiveness and contribute to enhanced accountability towards UNDP Executive Board and development partners. By examining the relevance, coherence, efficiency, effectiveness and sustainability of UNDP support, the evaluation will determine the extent to which UNDP support has increased trust in, and use of, efficient and quality legal and justice services that meet the most pressing justiciable needs of the population² and contribute to solving livelihoods concerns.
3. The evaluation will build on UNDP definition of access to the justice as “the ability of people to seek and obtain a remedy, through the formal or informal justice system, and in accordance with human rights principles and standards”.³

Background

4. Justice is an essential dimension of social contracts, foundational to the promotion of peaceful societies and socio-economic development. In the absence of access to justice, people are unable to exercise their rights, have their voices heard, challenge discrimination and hold decision-makers accountable. If left unsolved, challenges in access to justice can lead to deteriorating social cohesion and conflict, with cascading problems and costs for individuals, communities and societies as a whole. It is estimated that the costs generated by legal problems, including adverse consequences on people’s health and livelihoods, range from 0.5 to 3 percent of the Gross Domestic Product (GDP) in most countries, with a significant impact in terms of reinforcing poverty traps.⁴ Investments in justice, including legal aid and the development of alternative dispute resolution mechanisms when conditions are

¹ DP/2022/6

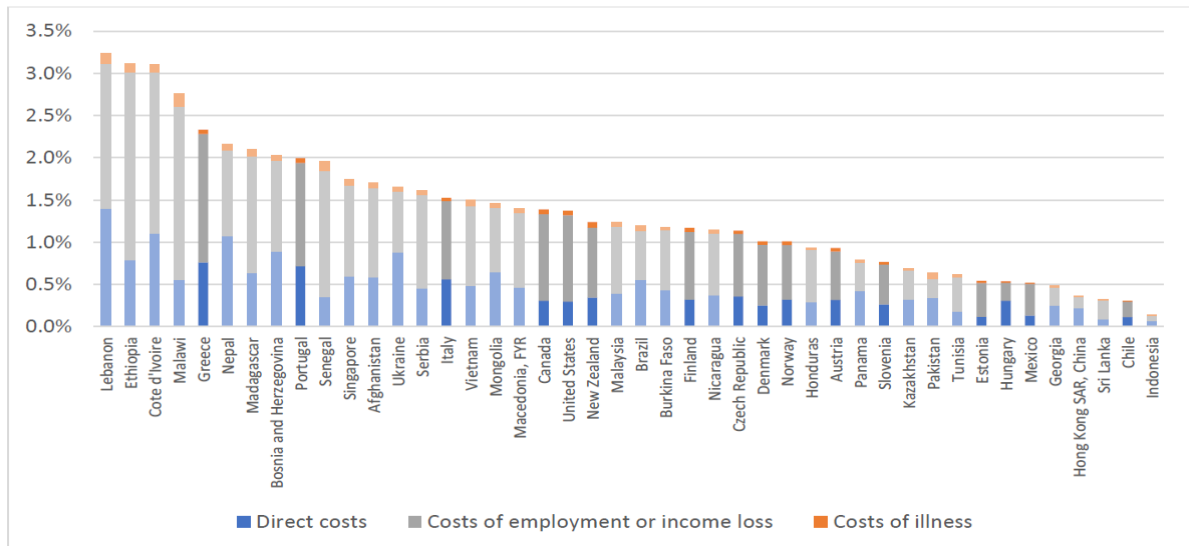
² Genn (1999) defines “justiciable problems” as problems for which there was a potential legal resolution even where the individual is unaware of the legal dimension of the problem and where the resolution of the problem occurs outside of the formal legal system.

³ UNDP. (2013). Guidance Note on Assessing Rule of Law Using Institutional and Context Analysis. Page 2.

⁴ OECD and World Justice Project

appropriate, therefore have the potential to both promote good governance and lead to more inclusive societies, with long-lasting impacts on social welfare.

Figure 1: Annual costs of legal problems as percentage of GDP



Source: OECD and World Justice Project (2018)

5. Legal needs studies reveal that the majority of people's justice problems are civil rather than criminal in nature and are related to economic and social disputes. They arise from circumstances routinely experienced across population groups, including money/debt issues, family or land disputes, employment conditions, and access to public services. Country and location of birth, personal income, education level, age, ethnic affiliation, disability status, gender and sexual orientation remain statistically independent predictors of legal issues and reduced access to justice. Issues of services' accessibility (vs availability) are often mentioned, particularly among vulnerable populations in highly unequal societies. Common barriers to justice include high costs, geographic distance from courts, limited language skills and time availability, lack of legal capability coupled with complex justice systems, as well as low trust in the effective functioning of formal institutions whose lengthy proceedings risk leaving people without effective remedies.
6. Of the more than five billion people (two thirds of the world population) that are estimated to live without access to justice, the great majority (4.5 billion) are excluded from the opportunities that law provides because they lack legal tools (e.g., identity documents, land or housing tenure, formal work arrangements) to protect their assets and access services to which they have a right. Another 1.5 billion cannot obtain justice because of malfunctioning institutions and/or other obstacles to resolving their issues. Among them, 250 million people experience extreme conditions of injustice because they are stateless, victims of modern

slavery and/or live in fragile states with high levels of insecurity and systems that contribute to impunity.⁵

7. In 2015, the United Nations set a target to ensure equal access to justice for all by 2030.⁶ This would entail: (a) enhancing the use of, and trust in, competent authorities or other officially recognized conflict resolution mechanisms to which victims of violence would report; (b) diminishing the proportion of unsentenced detainees; and, (c) for what more closely pertains to civil law issues, increasing access to formal/informal dispute resolution mechanisms.
8. International development assistance has long supported the strengthening of national formal justice systems to promote rule of law, while seeking to improve access and representation for those in need through legal aid and awareness raising activities. Acknowledging the effects of structural inequalities within the justice systems, interventions also have attempted to simplify judicial and court processes, improving information availability and establishing alternative dispute resolution mechanisms.
9. Over time, out of critiques for interventions too heavily focused on institutions and with limited regard paid to local contexts, a more evidence-based, people-centred approach to justice has taken hold, as reflected in international commitments such as the 2019 Hague Declaration on Equal Access to Justice for All⁷ and the Declaration and Joint Action Plan by the G7+ group on Access to Justice for All in Conflict-Affected Countries.⁸ Without diminishing the value of providing technical support to institutions, the new approach emphasizes the need to base all interventions from a full understanding of both needs and obstacles on the way to obtaining justice, emphasizing the importance of understanding justice seekers' experience in terms of process fairness and outcomes. People-centred justice approaches also recognize the role that informal justice systems and alternative mechanisms could play in solving disputes, with the support of semi-governmental institutions, community and religious leaders, civil society organizations, and public-private partnerships. As reported by the Hague Institute for Innovation of Law (2020),⁹ only 4 percent of legal problems are on average resolved by a decision in court, with the quality, scale and sustainability of informal justice services varying significantly across contexts. Advancements in areas such as Business and Human Rights and environmental/climate justice¹⁰ also have expanded the opportunities

⁵ The World Justice Project. (2019). Measuring the justice gap: a people-centered assessment of unmet justice needs around the world. According to a report by the Overseas Development Institute (2019), closing the gender justice gap would cost US\$ 20 per person per year in a low-income country, US\$ 64 in a middle-income country, and up to US\$ 230 in high-income countries

⁶ Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1

⁷ <https://www.justiceforall2030.org/impact/hague-declaration/>

⁸ www.justice.sdg16.plus/_files/ugd/90b3d6_52f3fb84d54d4923860dbcd54d331dad.pdf

⁹ Hague Institute for Innovation of Law (2020). Charging for justice: SDG 16.3 Trend Report.

¹⁰ In October 2021, the United Nations Human Rights Council declared that having a clean, healthy and sustainable environment is a human right. Resolution 48/13 follows decades of advocacy from various civil society groups.

for individuals and groups to advance claims and resolve disputes involving private sector companies for enhanced accountability.

10. The COVID-19 pandemic profoundly impacted the functioning of justice systems across the world, forcing courts and other dispute resolution mechanisms either to close or severely restricting their functioning. Accelerating digitalization processes around the world, the pandemic showed how technology can be used to efficiently enable access to justice, increase the transparency and accountability of justice systems, and counter impunity. At the same time, digitized information and digitalized processes admittedly pose a risk in terms of violations of rights and freedoms, perpetuating systemic biases and injustices. In addition, as 2.9 billion people worldwide remain offline,¹¹ suffering the lack of basic infrastructure and limited digital literacy, careful consideration is to be given to how technological advances may hinder, rather than help, vulnerable and marginalized communities, increasing the digital divide and compounding exclusion.

UNDP work on Access to Justice

11. UNDP support to justice systems is considered “part and parcel of [its] promotion of democratic governance for poverty eradication and sustainable human development”.¹² With a mandate strongly centred around inequality reduction to redress resource and opportunities gaps, UNDP does not always utilize the term ‘justice’ unequivocally. Although justice is often interpreted *stricto sensu* with regard to legal processes and justice institutions, the term is at times broadly used in relation to the promotion of fairness and equity, as in the case of gender or environmental justice.
12. As detailed in its Practice Note on access to justice (2004), UNDP embraces an all-encompassing view of access to justice, which starts from guaranteeing legal protection against discrimination and promoting rights awareness, to include the provision of legal aid counsel and support to legal and judicial proceedings until enforcement (including criminal investigations) to ensure that due process is respected for just and equitable outcomes (see figure 2). Access to justice support is thus seen as requiring interventions both on the demand and supply sides of justice, empowering people to seek justice support while promoting an enabling environment and securing more accessible, efficient and accountable justice institutions and systems.
13. While anchored around support to judicial institutions as central actors of the justice chain, UNDP has provided support to both State non-judicial organizations (including Ombudspersons’ offices and National Human Rights Commissions or NHRIs) as well as non-State institutions. This includes support to other grievance mechanisms for

¹¹ UNDP. (2022). UNDP Digital Strategy 2022-25. Available at <https://digitalstrategy.undp.org/>

¹² UNDP. (2014). Access to Justice, practice note.

mediation/arbitration as well as informal/traditional justice systems that could support more accessible remedial actions in certain contexts, provided that the respect of human rights of all groups is guaranteed. National Parliaments, civil society, and the media are all envisaged to play a role in strengthening the accountability of the justice system.

14. Since the first phase of the Global Programme on Rule of Law was approved in 2008, the breadth and depth of UNDP’s contribution to access to justice has progressively expanded, particularly in crisis and conflict countries.¹³ Enlarging its support beyond the provision of seed funding to include policy and technical advice, the Global Programme, now at its fourth edition and with annual budgets ranging from US\$25 million to \$33 million,¹⁴ has come to cover different areas of work, including institution building, transitional justice, gender justice, support to NHRIs, e-justice, and environmental/climate justice (forthcoming).
15. Since 2012, UNDP global programmatic support to access to justice also has included contributions to the joint programme of the Team of Experts on Rule of Law and Conflict-Related Sexual Violence, with a specific mandate to contribute to enhanced accountability of perpetrators through stronger legal frameworks, institutions and capacities.¹⁵ Since 2016, UNDP has further expanded its work on access to justice to the area of business and human rights, to ensure that due diligence processes are respected, and remedies provided, in case of human rights violations by employers, in compliance with the United Nations Guiding Principles on Business and Human Rights (2011).¹⁶ The Programme had an initial focus on Asia and the Pacific, working in cooperation with governments, NHRIs, the private sector, civil society and human rights defenders.

Figure 2: The access to justice path¹⁷

Legal protection	Legal awareness	Legal aid counsel	Adjudication	Enforcement
Promote constitutional and legal reforms that seek to bring	Support government’s policies for the dissemination of	Provide adequate and affordable legal counsel	Develop the capacities for a strong, impartial, and efficient	Support the effectiveness of prosecution departments,

¹³ UNDP. (2016). Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development: a UNDP Global Programme for Justice, Security, and Human Rights. Project document.

¹⁴ The United States and the Netherlands are the major donors to the Global Programme, followed by Sweden, Switzerland, the United Kingdom, and Canada. UNDP contributes with around US\$ 1-2 million core funds yearly. Source: Annual Reports of the Global Programme.

¹⁵ The Team of Expert is led by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. UNDP is a key contributor to the joint programme, together with the Department of Peace Operations and the Office of the High Commissioner for Human Rights. The joint programmes 2015-19 and 2020-24 have a budget of around US\$ 15 million, half of which allocated to field activities in conflict settings.

¹⁶ United Nations Office of the High Commissioner for Human Rights (OHCHR). (2011). Guiding Principles on Business and Human Rights. www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

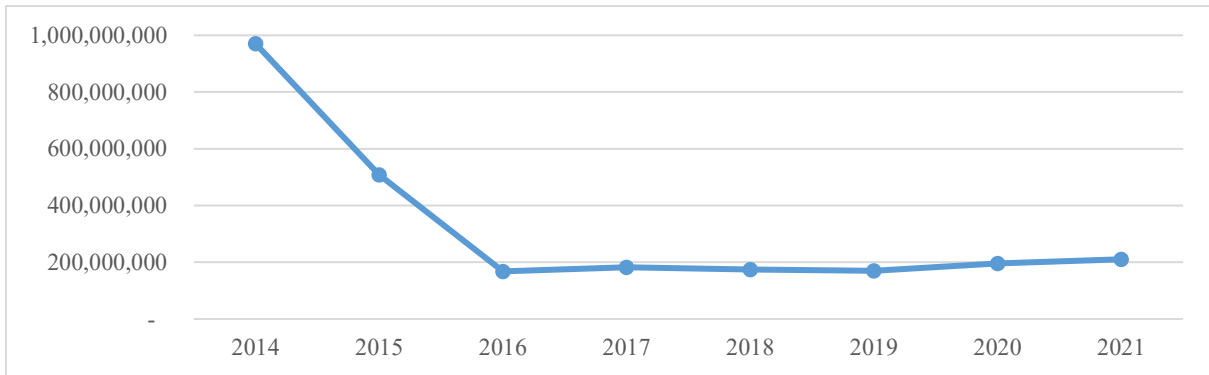
¹⁷ UNDP. (2014). Access to Justice, practice note.

conformity with human rights standards, strengthen judicial independence, enhance due process of law, and improve legal aid	legal information in a user-friendly way to address existing barriers (e.g., through radio, social networks and paralegals)	through supported public legal aid schemes, pro bono attorneys, paralegals and legal clinics	judiciary, including through mobile courts Support State-non judicial and non-State organizations (NRHIs, ombudspersons, private sector civil society and traditional mechanisms if in line with the rule of law)	police (criminal investigations) and prison systems
Ensure protection through recognition of legal identities for all	Conduct awareness and education campaigns among population groups of concern			

16. Based on a preliminary review of data, in the last two Strategic Plan periods (2014-2017 and 2018-2021), UNDP justice portfolio at regional and country level included a total of 472 projects, for a budget of US\$2.6 billion.¹⁸ Of those projects, 117 (with a budget of \$270 million) presented an explicit reference to access to justice for all. With the exception of 2014-2015, where UNDP expenditures significantly increased because of the organization’s support to Afghanistan, annual expenditure data show little variation, with an average of \$184 million per year.
17. UNDP has supported access to justice in different contexts across regions, with the largest number of projects implemented in Africa. Financial expenditures have particularly benefitted conflict and fragile contexts, mostly concentrating on a few countries per region. In Asia and the Pacific, Afghanistan accounted for more than three quarters (76 percent) of the expenditures in the region, linked to UNDP work on community empowerment and security sector institutions for citizen safety. More than one quarter of the resources allocated to rule of law programming in the Arab States was for Somalia and the UNDP Programme of Assistance to the Palestinian People (PAPP); in Latin America and the Caribbean, that amount went to Guatemala and Paraguay.

¹⁸ Based on IEO preliminary review of data from ATLAS and the Evaluation Resource Center database, using references outputs for the two Sub-programmes (including on governance and public services and gender-based violence) and key word search in the project description in three languages. Spotlight – the Euro 500 million initiative on gender-based violence which UNDP is supporting at country level – is not included,

Figure 4: UNDP resources for justice-related programmes



18. As the ‘custodian agency’ for numerous Sustainable Development Goal (SDG) indicators, UNDP also coordinates, through its Oslo Governance Center, the collection of national data for country-level reporting against SDG 16.3 (added in 2019), in collaboration with the United Nations Office for Drugs and Crime (UNODC) and the Organization for Economic Cooperation and Development (OECD).

Figure 3: SDG 16.3 indicators

Indicator	Data sources and methods
16.3.1. Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms	National victimization surveys and UN-Crime Trends Survey (by UNODC)
16.3.2. Unsensenced detainees as a proportion of overall prison population	UN-Crime Trends Survey (by UNODC)
16.3.3 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	Standardized questionnaire sent to countries; In most countries, surveys will be conducted by National Statistical Offices; Data will then be compiled by the co-custodians for this indicator (UNODC, UNDP and OECD)

Stakeholders and partnerships

19. In UNDP, partnership building for access to justice is guided by three main considerations: (a) to ensure reforms are sustained in the long run; (b) to allocate the optimum use of resources through coordination and collaboration; and (c) to reach the most disadvantaged people.¹⁹
20. Ministries of Justice and courts remain the primary institutional entry points for UNDP work in support of (access to) justice at the country level. Important national stakeholders also include transitional justice units and special criminal courts (where established), NHRIs, Ombudsperson offices, administrative justice institutions, as well as Bar Associations and Legal Aid Organizations. UNDP also works extensively with other rule of law actors, primarily police and corrections institutions, to enhance their investigative capacity and safeguard the full respect of human rights. Other national Ministries and Governmental institutions may be engaged, depending on the subject of the justice matter considered.
21. At national level, civil society organizations (CSOs) remain highly valuable partners in UNDP support to access to justice, both to promote further accountability around the justice chain as well as to reach vulnerable and marginalized communities that are most at risk of being left behind. The engagement of the private sector has come mostly from an accountability perspective to ensure the enforcement of laws and regulations that guarantee the respect of human rights.²⁰ Most recently, while acknowledging the importance of safeguarding the delivery and funding of justice as a public good, private sector actors are starting to be considered as possible investors of people-centred justice services, should the attractiveness of investments in this area be fostered.²¹
22. In its work on (access to) justice, UNDP has partnered with several United Nations agencies, particularly in crisis and conflict-affected countries. Since 2012, UNDP has co-chaired the Secretariat of the Global Focal Points for Rule on Law, working alongside a number of United Nations organizations to provide policy guidance and support joint programming, including in the area of justice. These include the Department of Peace Operations (DPO), the Executive Office of the Secretary General, the Office of the High Commissioner for Human Rights (OHCHR), the Office of the United Nations High Commissioner for the Refugees (UNHCR), the United Nations Entity for Gender Equality (UN Women), and UNODC. UNDP also has been a member of the TriPartite Partnership to Support National Human Rights Institutions, formed

¹⁹ UNDP (2004). Access to Justice Practice note.

²⁰ As indicated in the UNDP Guidance Note on Assessing Rule of Law using Institutional and Context Analysis (2013), UNDP provision of assistance on access to justice for the most vulnerable was often unable to meet the expectations of vulnerable groups due to powerful vested interests.

²¹ According to the Hague Institute for Innovation of Law (2020), only 2.8 percent of US\$ 1 billion tech investments supported justice services in 2018-19, because of the limited returns and measurable social impact.

in 2011 with OHCHR and the Global Alliance of National Human Rights Institutions. More recently, UNDP strengthened its collaboration with UNHCR, including in implementation of the Partnership Framework on Local Governance and Rule of Law Contributions to prevent, address and solve forced displacement and statelessness situations (2020-2023), to support the provision of civil documentation and justice services for highly vulnerable populations.²² The Gender and Crisis Engagement Facility, established in 2021, also will provide further opportunities to work collaboratively with UN Women on a number of areas, including justice and human rights issues. Through these partnerships, UNDP also contributed to the development of several guidance documents including on Informal Justice Systems,²³ Access to Justice for People with Disabilities,²⁴ and Access to Justice in the Context of COVID-19.²⁵

23. UNDP is a member of the Pathfinders for Peaceful, Just and Inclusive Societies, co-founded and hosted by the New York University Center on International Cooperation to accelerate action for the implementation of SDG 16. The group, which includes 39 United Nations Member States, United Nations agencies, and several international research centres and non-profit organizations, launched a roadmap in 2017 (updated in 2019) to promote justice for all, prevent violence, and tackle exclusion and inequality.²⁶ Some of its members (e.g., the World Justice Project and the Hague Institute for Innovation of Law) have been particularly active in surveying legal needs, including in a number of UNDP programme countries.²⁷

The evaluation

Goal and scope of the evaluation

24. This evaluation of UNDP support to access to justice is the first global assessment by the IEO in this area. It aims to provide UNDP Management, Executive Board and other stakeholders with an assessment of the results achieved and lessons learned, covering the period 2014-2021, in line with UNDP Strategic Plan cycles.
25. The evaluation will have a two-fold accountability and learning purpose. While it will assess results of UNDP past work against its goals as stated in strategic and programmatic documents, the evaluation also will be forward-looking and provide recommendations to

²² UNDP has partnered with UNCHR on a number of projects since 2018, including nine projects with a specific focus on access to justice. The IEO has been informed that the Partnership Framework with UNHCR is currently under review.

²³ UNDP, UNICEF, and UN Women. (Unknown). Informal Justice Systems: charting a course for human rights-based engagement.

²⁴ International Disability Alliance, International Court of Justice, OHCHR, and UNDP. (2020). International Principles and Guidelines on Access to Justice for Persons with Disabilities.

²⁵ UNODC & UNDP. (2020). Ensuring Access to Justice in the Context of COVID-19. Guidance note.

²⁶ Civil society members of the PathFinders include the Open Society Justice Initiative, the World Justice Project, the Hague Institute for Innovation of Law, and the International Center for Transitional Justice. The Executive Office of the Secretary General represents the United Nations in the PathFinders Task Force on Justice.

²⁷ <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>

inform the strategic direction of UNDP work in this area. Accountability will be intended not only towards UNDP Executive Board, but as an application of Human-Rights-Based-Approaches to evaluation, by ensuring the participation of beneficiaries as key informants and rights holders.²⁸ The evaluation also is expected to provide an important contribution to organizational learning, complementing disparate available evidence from project-level assessments with primary data collected on UNDP work at country level, including in areas that have recently emerged as key focus of the UNDP Global Programme on Rule of Law and Human Rights.

26. The evaluation will analyse how UNDP has contributed to fostering access to justice by working on both the supply and demand of justice services. It will assess UNDP support to access to justice at corporate and programmatic levels, ensuring the coverage of the different regional and country contexts in which the organization operates through a sampling strategy aimed at reflecting the focus of UNDP work. Partnerships and collaborations to promote more integrated change, both within the United Nations System and with other actors (in particular, regional and bilateral partners, civil society and private sector), will be considered. The ability of UNDP to support access to justice through digital modalities, particularly after the outbreak of the COVID-19 pandemic, will be a key area of focus.
27. The evaluation will pay specific attention to populations most at risk of being left behind, including women and girls, illiterates and language minorities, indigenous communities and groups living in remote areas, people with disabilities, and members of the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) community.

Evaluation approach and questions

28. The evaluation will use a people-centred and behavioural-driven approach to assess UNDP's contribution to enhanced access to justice, unpacking the role of contextual factors in influencing change pathways and determining outcomes. Guided by a literature review of socio-ecological and socio-legal models,²⁹ the evaluation's theory of change considers how individual capacities, social norms, institutions' availability and effectiveness, and the overall enabling environment all contribute to determining people's ability to seek and obtain proper treatment of their grievances, whether by State or non-State institutions, to solve their justiciable needs and improve their livelihoods. The list of most common

²⁸ United Nations Evaluation Group. (2014). Integrating Human Rights and Gender Equality in Evaluations.

²⁹ Including Bedner, A. & Vel, J.A.C., (2010) An Analytical Framework for Empirical Research on Access to Justice. *Law, Social Justice & Global Development Journal*, 2010 (1); Albiston, C. R., & Sandefur, R. L. (2013). Expanding the Empirical Study of Access to Justice. *Wisconsin Law Review*, 2013(1), 101-120; and Petit, V. (2019). The Behavioural Drivers Model: A Conceptual Framework for Social and Behaviour Change Programming. UNICEF.

drivers/assumptions³⁰ to access to justice will be regularly revised and adjusted to reflect the complexity and multidimensionality of change pathways for various groups in different contexts.

29. To the extent that data availability will allow, the evaluation will apply a realist approach in its assessment, to identify what works in which circumstances, and for whom.³¹ In doing so, it will use a combination of data collection and analysis methods, tools and techniques. These will include: participatory outcome mapping and collection of Most Significant Change perspectives, to help overcome the limitations of programme and projects' results framework; contribution analysis, to understand UNDP inputs and influence within large multi-dimensional institutional settings; and qualitative comparative analysis, to understand variations in effectiveness by type of intervention.
30. Based on data collected through document review and scoping interviews, as well as an initial assessment of the evaluability of UNDP work on access to justice, the evaluation will pay dedicated attention to the following aspects:
 - (a) Support to national institution strengthening, including transitional mechanisms, to enhance access to justice
 - (b) Promotion of legal awareness and legal aid mechanisms at community level, including for displaced populations
 - (c) Support to informal/traditional justice and alternative dispute resolution mechanisms, including to redress business-related violations
 - (d) Access to justice for women, including for gender-based violence issues
 - (e) Environmental justice, including legal empowerment and enforcement of environmental regulations and safeguards.
31. The evaluation will assess UNDP work according to standard evaluation criteria, as approved by the OECD Development Assistance Committee in 2020. The evaluation will respond to the following questions:

Relevance

 - I. To what extent has UNDP support addressed the most critical judicable needs of populations of concern, particularly communities most at risk of being left behind, especially women and girls?

³⁰ Drivers: external conditions necessary over which the programme has a certain level of control (e.g., effective coordination with partners). Assumptions: external conditions over which the programme has limited/no control (e.g., turn-over of government officials, global financial situation).

³¹ Realist evaluations are a form of theory-driven evaluation, first conceived by Pawson and Tilley (1997) who argued that in order to be useful for decision makers, evaluations need to identify 'what works in which circumstances and for whom?' In order to answer this question, realist evaluators aim to identify the underlying generative mechanisms that explain 'how' the outcomes were caused and the influence of context.

- II. How relevant has UNDP support to access to justice remained after the outbreak of the COVID-19 pandemic, addressing institutional and community-level emerging needs?

Coherence

- III. To what extent has UNDP work on access to justice created, and relied on, synergies with other interventions by governments, United Nations partners, non-governmental organizations and other stakeholders?

Efficiency

- IV. To what extent has UNDP been able to implement its work at programme level in a timely manner, as planned, within the allocated budgetary resources?
- a. What (positive and negative) factors have most affected UNDP ability to deliver?
 - b. To what extent have local partnerships, including with CSOs, enhanced UNDP ability to deliver in an efficient manner?

Effectiveness

- V. To what extent has UNDP effectively supported communities most at risk of being left behind in seeking and obtaining proper treatment of their grievances, especially girls and women?
- a. What has been the most significant change promoted by UNDP work on access to justice for populations of concern?
 - b. What type of UNDP support (or combination of) has been the most effective in overcoming barriers to access to justice for different population groups in different contexts?
 - c. To what extent has UNDP explored, and used, informal/traditional/alternative dispute resolution mechanisms that could meet the justiciable needs of populations of concern?

Sustainability

- VI. To what extent has UNDP support to access to justice contributed to developing institutional capacities and mechanisms that are likely to be sustained in the medium-long term?
- a. To what extent have UNDP interventions promoted national ownership and built solid partnerships to ensure sustainability of results?
 - b. What factors have allowed or hampered UNDP to achieve the expected outcomes and sustain contributions to access to justice?

The evaluation questions will be further detailed in an evaluation matrix, where methods and source of evidence will be detailed during the inception phase of the evaluation.

32. The evaluation will fully embrace the United Nations Evaluation Group (UNEG) Ethical Guidelines for Evaluation (2020),³² ensuring the participation of representatives of different groups among the population of concern. The evaluation will pay due attention to the fair treatment of all stakeholders and the respect of ‘do no harm’ principle, particularly in crisis situations. Key data collection instruments will undergo an ethical review, and trauma-informed victim interviewing techniques will be applied when addressing issues of violence.

Methodology and data collection

33. To assess UNDP performance, the evaluation will take an iterative approach and gather various perspectives, relying on triangulation of data collected from multiple sources. The evaluation foresees a multi-stakeholder consultation process, including a number of development actors at Headquarters, regional and country levels. Protocols will be developed for each method used to ensure rigor in data collection and analysis as well as audience suitability, especially when consulting with vulnerable, at-risk and marginalized communities.
34. To overcome the challenge with data availability identified during the scoping phase, the evaluation will enhance its reliance on document review, increase its outreach effort towards stakeholders, and use mobile survey/computer-assisted telephone interviews, particularly should travel continue to be obstructed by the effects of the COVID-19 pandemic. The ability of the evaluation team to reach out to populations of concern will remain key to ensure a people-informed definition of the evaluation findings, conclusions, and recommendations.
35. Data collection and analysis tools will include:
- Analysis of existing databases for internationally agreed indicators on access to justice, global studies on access to justice and relevant legal needs surveys
 - Desk review of available documentation and data from: UNDP strategic and programmatic documents, UNDP Result-Based Management system and ATLAS, sample of planning and monitoring reports of projects with a clear focus on (access to) justice,³³ and information available on UNDP social media and knowledge platforms
 - Meta-analysis of evidence from: previous corporate evaluations, Independent Country Programme Evaluations, and project evaluations, including through the support of the IEO Artificial Intelligence Data Platform³⁴
 - Survey of UNDP Chief Technical Advisors at country level
 - Interviews (at global, regional, and country levels) with: UNDP staff, national government representatives, members of relevant national judicial and non-judicial bodies, Bar

³² UNEG. (2020). Ethical Guidelines for Evaluation. <http://www.unevaluation.org/document/detail/2866>

³³ The sample will be selected based on a number of criteria, including budget size, focus and type of activities, country’s income and fragility context, and regional balance.

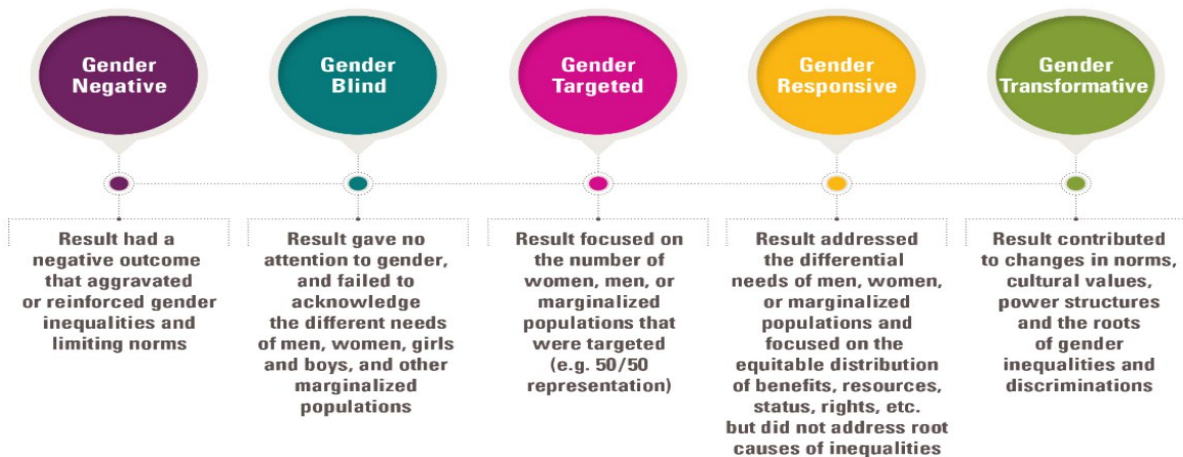
³⁴ The evaluation will also benefit of the 2022 IEO Reflection Series paper on “Access to Justice as a portfolio-based approach”.

Associations, legal aid organizations, non-governmental and civil society organizations, United Nations and other international/bilateral partners

- Phone/on-line/in-person interviews and focus groups with representatives of populations of concern, in selected countries.

36. The evaluation will pay due attention to the inclusion of communities most at risk of being left behind (as defined in paragraphs 26 and 31). In this framework, the evaluation will particularly analyse the extent to which UNDP support to access to justice contributed to gender equality, through both an analysis of gender marker-related data and the application of the IEO gender results effectiveness scale (GRES) to outcome analysis.

Figure 5: IEO Gender Results Effectiveness Scale



Timeframe

37. The evaluation will be presented to the Annual Regular Session of the Executive Board in June 2023. This requires that the report be completed by February 2023, to comply with Executive Board Secretariat's deadlines. A draft report will be shared with UNDP Management and programme units by December 2022 for preparation of the management response.

38. The tentative timeframe for the evaluation process is as follows: ³⁵

Table 2: Tentative evaluation timeframe

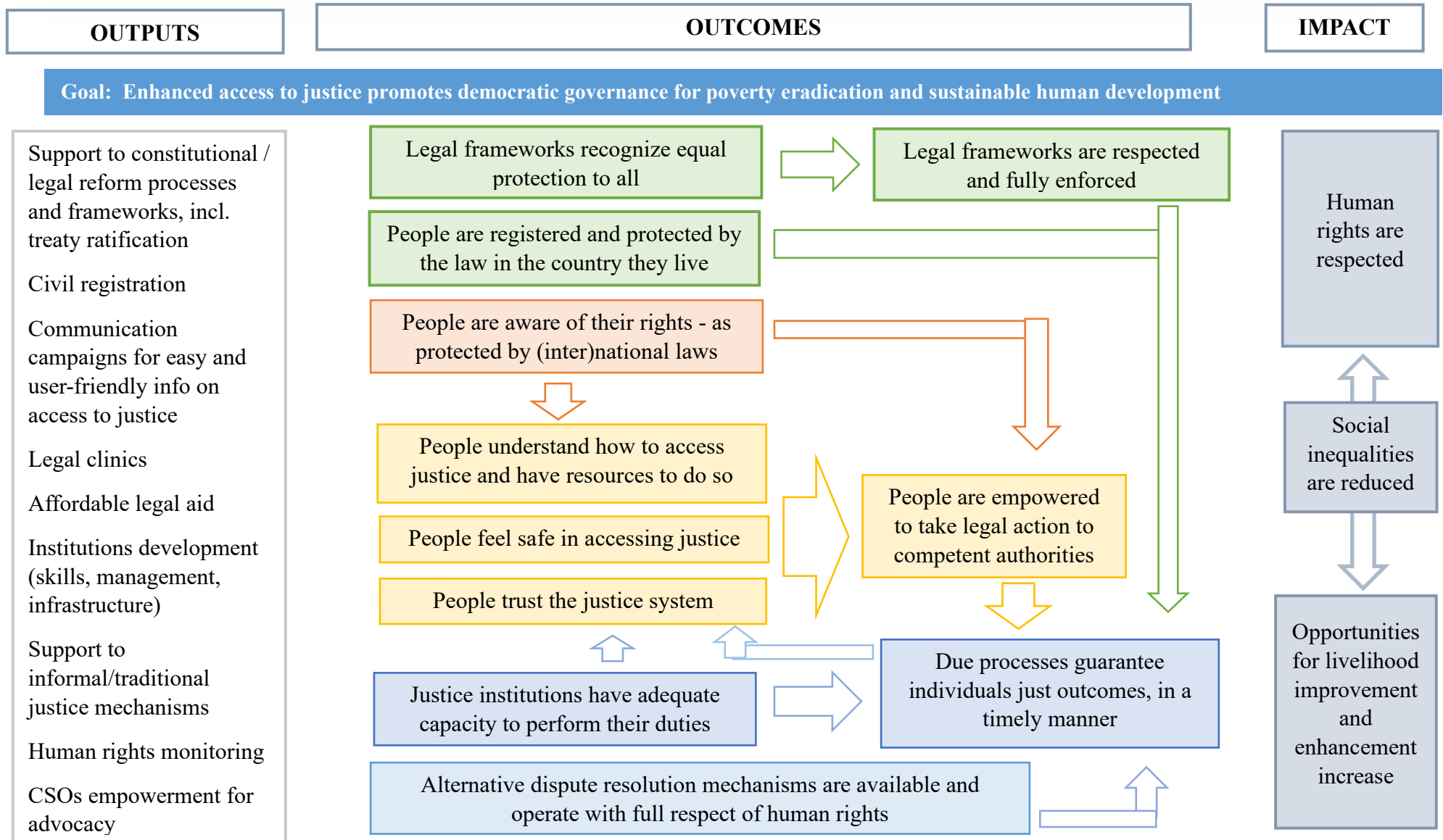
Activity	Responsible party	Proposed timeframe
Phase 1: Preparatory work		
TOR completed and approved by IEO management	IEO	March 2022
Set-up of peer review panel	IEO	March 2022
Selection of consultants	IEO	March – April 2022
Phase 2: Desk analysis		
Design of data collection instruments	IEO/Consultants	April 2022
Preliminary desk review of reference material	IEO/Consultants	May 2022
Phase 3: Data collection		
Interviews, focus groups, survey	IEO/Consultants	June-September 2022
Phase 5: Analysis, report writing, quality review and debrief		
Draft analysis papers	IEO/Consultants	September 2022
Zero draft report for internal IEO peer review	IEO/Consultants	October-November 2022
First draft shared with UNDP management for comments	IEO/Management	December 2022
Revised final evaluation report shared with management for management response	IEO/Management	January 2023
Preparation of Executive Board Paper	IEO/Management	January 2023
Board paper submitted to the Secretariat of the Executive Board	IEO	February 2023
Phase 6: Publication and dissemination		
Editing and formatting	IEO/Secretariat of the Board	March 2023
Final report uploaded	IEO/Secretariat of the Board	April 2023
Informal debriefing to the Board	IEO/Secretariat of the Board	April 2023
Executive Board formal presentation	IEO	June 2023
Knowledge management and dissemination activities	IEO	June-July 2023

³⁵ The timeframe, indicative of process and deadlines, does not imply full-time engagement of evaluation team during the period.

Dissemination strategy and knowledge management

39. The IEO will ensure that the findings, recommendations and lessons learned from the evaluation are disseminated and shared with a wide audience. The stakeholder mapping will be used to guide the dissemination of the report, in collaboration with the IEO Communication, Data and Knowledge Management Division.
40. The Evaluation team will organize a virtual workshop at the end of the evaluation process, with relevant UNDP personnel as well as with other potential users of the evaluation results. Other presentations could be organized at regional level to share regional-specific findings and conclusions, in collaboration with the UNDP Regional Officers and Chief Technical Advisors. The team also will identify external conferences on Access to Justice to promote the findings and will make use of the IEO social media platforms to reach a wider audience.

IEO Theory of Change



Drivers: Complexity of legal system; Institutions' transparency and accountability; CSOs' and legal capacities; Dominant social norms and power structure

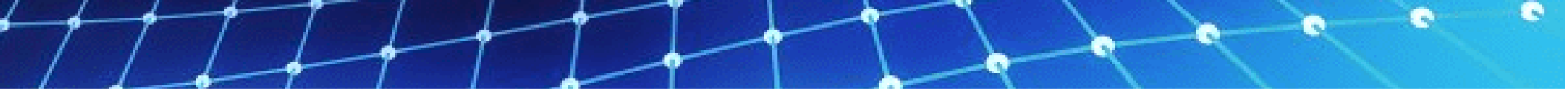
Assumptions/risk: Political stability and will; Population's literacy and time availability (giving competing priorities); Resources

ANNEX 2. EVALUATION DESIGN MATRIX

Evaluation question	Evaluation sub-questions	Indicators
I To what extent has UNDP support addressed the most critical judiciable needs of populations of concern, with particular attention paid to communities most at risk of being left behind, especially women and girls?	To what extent has UNDP veered towards a people-centred approach to justice, based on an analysis of legal needs and justice problems in the country?	<ul style="list-style-type: none"> * Evidence of evidence-based programming (legal needs survey, national assessments, victimization surveys, administrative data and/or other consultation process conducted ahead of programming and used to inform it) * Evidence of information about people's experiences with justice services taken into account to design and adapt programming
	Which of the three justice gap components (and sub-components) has UNDP addressed the most?	<ul style="list-style-type: none"> * Share of projects focused on unmet justice needs (civil, administrative, criminal) * Share of projects focused on provision/extension of legal opportunities (legal identity informal economy, housing and land tenure) * Share of projects focused on extreme conditions of injustice (statelessness, modern slavery, high levels of insecurity and no rule of law) * Share of projects aligned to SDG indicators SDG16.3.1 / 16.3.2 / 16.3.3 * Share of projects focused on people's most common justice problems (see listing of judiciable issues)
	Which of the people-centred justice services has UNDP supported the most?	<ul style="list-style-type: none"> * Share of projects supporting people-centred justice services (highlighted in bold in the listing) * Evidence of other elements of people-centred approaches (see listing) informing project design and measures of success * Evidence of people-centred approaches informing diagnostic of justice systems and/or national strategies on justice (when included in programme implementation)
	To what extent has UNDP work specifically targeted population groups that are most at risk of being left behind? Which groups have most benefitted from UNDP support?	<ul style="list-style-type: none"> * Evidence of identification of most-at-risk groups (with source, and beyond generic mentions) * Number/share of most-at-risk groups targeted by UNDP programmes * Evidence of targeting strategies for most-at-risk groups



	<p>What is seen as UNDP's most value added in the area of access to justice?</p>	<ul style="list-style-type: none"> * Feedback on relevance of UNDP support by stakeholders (national, international, populations of concern) * Feedback on strength of UNDP institutional positioning to convince governments and donors of the importance of financing justice work
	<p>To what extent has UNDP adapted its programme design to changing circumstances, while maintaining accountability?</p>	<ul style="list-style-type: none"> * Evidence of programme adaptation, based on changes in circumstances * Evidence of programme adaptation, based on challenges in delivering initial strategies (as supported by M&E data) * Evidence of feedback and user experiences with UNDP-supported justice services * Evidence of effective feedback loops in programs learning from people's experiences with the justice services provided to adapt methods and/or programs
II	<p>How relevant has UNDP support to access to justice remained after the outbreak of the COVID-19 pandemic, addressing institutional and community-level emerging needs?</p>	<p>How has UNDP changed its approach to access to justice during the COVID-19 pandemic?</p> <ul style="list-style-type: none"> * Evidence of new modalities of interventions adopted by UNDP programmes, divided by type * Feedback on promptness of UNDP response * Size of UNDP programming vs. past interventions
	<p>To what extent have virtual modalities allowed communities to continue accessing justice?</p>	<ul style="list-style-type: none"> * Evidence of continued functioning of justice institutions (and alternative dispute modalities) thanks to UNDP programme support
III	<p>To what extent has UNDP work on access to justice created, and relied on, synergies with other interventions by governments, United Nations partners, non-governmental organizations, and other stakeholders?</p>	<p>To what extent has UNDP partnered with other United Nations agencies and other international/national organizations in the delivery of access to justice services?</p> <ul style="list-style-type: none"> * #/share of programmes in which UNDP engaged in partnerships with international community * #/share of programmes in which UNDP engaged with CSOs * Evidence of the sharing of data and evidence on justice problems and people's experiences with justice * Evidence of duplication or lack of synergies in the area of access of justice (based on information on other stakeholders' programmes) - particularly as regards peacekeeping missions * Evidence of coordination with RCOs on high-level engagement, particularly around issues of transitional justice
	<p>What additional benefits have partnerships brought that would have not otherwise been reached?</p>	<ul style="list-style-type: none"> * Feedback on quality and effectiveness of partnerships by UNDP staff * Feedback on quality and effectiveness of partnerships by other stakeholders



	To what extent have access to justice interventions been implemented synergetically/in coordination with other UNDP programmes?	<ul style="list-style-type: none"> * Evidence of synergies between UNDP work on access to justice and other projects in the governance portfolio * Evidence of synergies between UNDP work on access to justice and other UNDP areas of work (e.g. poverty reduction, environment and climate change, gender) * Evidence of learning across UNDP Access to Justice programming 	
IV	To what extent has UNDP been able to implement its work at programme level in a timely manner as planned, within the allocated budgetary resources?	<ul style="list-style-type: none"> * Evidence of deliverables completed vs. not (by phase of the process, type of service, and barriers to access to justice - see listings) * ROI: Cost of projects vs people supported 	
	To what extent has UNDP been able to deliver quality outputs, given the time and resources available?	* Feedback/satisfaction re: deliverables completed (self and stakeholders, including target population)	
	What (positive and negative) factors have most affected UNDP ability to deliver?	<ul style="list-style-type: none"> * Mention of positive drivers of delivery (see listing factors affecting performance) by source/respondent * Mention of challenges to deliver (see listing factors affecting performance), by source/respondent 	
	To what extent have local partnerships enhanced UNDP ability to deliver in an efficient manner?	<ul style="list-style-type: none"> * Evidence of, and feedback on, ability of local partners/CSOs to deliver * Evidence of, and feedback on, ability of local partners/CSO to reach out to local communities 	
V	To what extent has UNDP effectively supported	To what extent has UNDP support to justice institutions enhanced access to justice by making institutions more responsive to people's needs?	* Evidence of contribution of UNDP institutional support (see listing) to access to justice (see listing of outcome indicators)

communities most at risk of being left behind in seeking and obtaining proper treatment of their grievances, especially girls and women?

To what extent has UNDP support at community level helped resolve and prevent justice problems for the communities most at risk to be left behind?

- * Enhanced level of understanding and knowledge (as indicated by population itself)
 - * Enhanced trust in the justice system
 - * Enhanced comfort/perceptions of being safe when accessing the justice system
 - * Decrease in unresolved justice problems
 - * Decrease in violence /conflicts
 - * Decrease in inequality and exclusion
- (See listing outcomes)

What type of UNDP support (or combination of) has been the most effective in enhancing access to justice different contexts?

- * Degree of correlation between type of support (or combination of) and effectiveness in achieving planned results, by context and population of concern

To what extent has UNDP support contributed to solve the justice problems of target populations?

- * Evidence of change for populations of concern, as identified by the groups themselves (by type of dispute/issue and outcome, see listings)
- * Evidence of most significant change, as reported by UNDP staff and/or partners (by type of dispute/issue and outcomes, see listing)
- * Evidence around reduced costs of solved legal problems (direct and indirect) vs unresolved legal problems

To what extent has UNDP work influenced or contributed to addressing long-term / systemic injustices?

To what extent have UNDP interventions mitigated the risks of 'doing no harm'?

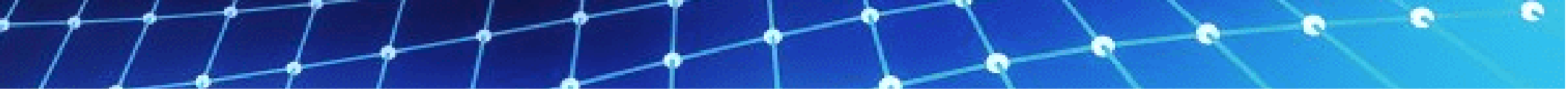
- * Evidence of mitigation strategies (e.g. protection mechanisms)

To what extent, and how effectively, has UNDP introduced innovative practices in promoting access to justice?

- * Evidence of unusual/innovative practices
- * Evidence of results (and lessons learned) of innovative practices
- * Evidence of use of technology in programming

To what extent has UNDP explored, and used, informal/traditional/alternative dispute resolution mechanisms that could meet the justiciable needs of populations of concern?

- * Evidence of use of informal/traditional/alternative dispute resolution mechanisms
- * Ability of informal/traditional/alternative dispute resolution mechanisms to address grievances while guaranteeing the full respect of human rights
- * Evidence of integration/recognition of informal systems in formal systems



VI	To what extent has UNDP support to access to justice contributed to developing institutional capacities and mechanisms that are likely to be sustained in the medium-long term?	To what extent have UNDP interventions promoted national ownership, and built solid partnerships to ensure sustainability of results?	<ul style="list-style-type: none">* Evidence of ability of national institutions (including civil society organizations) to continue working without UNDP support (by itself and/or through other partnerships facilitated by UNDP)* Evidence of lasting past achievements* Feedback by populations of concern of enhanced awareness and ability to access justice when needed
		To what extent has UNDP supported interventions and mechanisms that can be scaled up effectively to reach all people in the country, given the public resources available for the justice sector?	<ul style="list-style-type: none">* Feedback on scalability of interventions* Evidence of continuation of work (including through commitment of national resources)* Evidence of projects building up on past achievements (without reinventing the wheel) in case of subsequent interventions
V+VI	What factors have allowed or hampered UNDP to achieve the expected outcomes and sustain contributions to access to justice?		<ul style="list-style-type: none">* Mention of positive drivers of performance (effectiveness and sustainability), see listings* Mention of challenges to performance (effectiveness and sustainability), see listings
	To what extent have financial resources to UNDP to address justice programming at UNDP changed over time?		<ul style="list-style-type: none">* UNDP budget for Access to Justice projects (2014-2022)

ANNEX 3. JUSTICE INDICATORS FOR DEEP DIVE COUNTRIES

Country	Albania	Colombia	DRC	Guatemala	Kyrgyz Republic	Lebanon	Liberia	Mali	Myanmar	Pakistan	Paraguay	Tunisia
Region	RBEC	RBLAC	RBA	RBLAC	RBEC	RBAS	RBA	RBA	RBAP	RBAP	RBLAC	RBAS
Income Group	Upper middle	Upper middle	Low	Upper middle	Lower middle	Upper middle	Low	Low	Lower middle	Lower middle	Upper middle	Lower middle
WJP Rule of Law Index: Overall Score 2022	0.49	0.48	0.34	0.44	0.46	0.45	0.43	0.42	0.36	0.39	0.47	0.52
Factor 1: Constraints on Government Powers	0.43	0.51	0.39	0.51	0.44	0.48	0.49	0.44	0.31	0.48	0.50	0.56
Factor 2: Absence of Corruption	0.36	0.38	0.16	0.33	0.30	0.36	0.30	0.31	0.43	0.32	0.31	0.47
Factor 3: Open Government	0.46	0.62	0.33	0.51	0.52	0.43	0.46	0.46	0.31	0.42	0.55	0.49
Factor 4: Fundamental Rights	0.59	0.50	0.40	0.53	0.47	0.46	0.51	0.51	0.22	0.38	0.52	0.51
Factor 5: Order and Security	0.78	0.54	0.46	0.59	0.74	0.67	0.60	0.49	0.61	0.36	0.70	0.72
Factor 6: Regulatory Enforcement	0.42	0.53	0.36	0.41	0.42	0.43	0.40	0.48	0.42	0.38	0.48	0.51
Factor 7: Civil Justice	0.46	0.48	0.36	0.34	0.47	0.41	0.40	0.41	0.34	0.40	0.42	0.49
Factor 8: Criminal Justice	0.40	0.32	0.27	0.28	0.33	0.33	0.33	0.29	0.25	0.36	0.27	0.40
SDG 16.3 Latest available data												
16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities.												
a) Police reporting rate for robbery		35.24 [^]			36.1 ^{&}						52.7 [^]	

b) Police reporting rate for sexual assault					31.8&							
b) Police reporting rate for physical assault		27.3^			19.4&				0.06^		50.0\	
16.3.2: Unsented detainees as a proportion of overall prison population		24.1^		43.6\	14.48+	39.85^	63@			65.74#	69.92^	51.58@
16.3.3: 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		46.57*										

*Data from 2022; ^Data from 2020; \Data from 2019; + Data from 2018; @ Data from 2017; # Data from 2016; &Data from 2015.

ANNEX 4. ACCESS TO JUSTICE RESULTS IN UNDP STRATEGIC PLANS AND RELATED REPORTING

	Strategic Plan 2014-2017	Strategic Plan 2018-2021	Strategic Plan 2022-2025
Main output	<p>Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice</p> <ul style="list-style-type: none"> - Number of additional people who have access to justice, disaggregated by sex and broken down by people having had access to legal aid services or cases receiving judgement in the first instance of the formal justice system (further divided by GBV and non-GBV cases) - Number of additional victims whose grievances cases are addressed within transitional justice processes, disaggregated by sex 	<p>Capacities, functions and financing of rule of law and national human rights institutions and systems to expand access to justice and combat discrimination, with a focus on women and other marginalized groups</p> <ul style="list-style-type: none"> - Number of additional countries with strengthened institutions and systems supporting fulfilment of nationally and internationally ratified human rights obligations - Number and proportion of additional population who have access to justice, disaggregated by sex and marginalized groups - Number of additional countries with strengthened capacities for governance and oversight of rule of law institutions - Number of countries with national and local systems restored or adopted following crises 	<p>Civic space and access to justice expanded, racism and discrimination addressed, and rule of law, human rights and equity strengthened</p> <ul style="list-style-type: none"> - Institutions/systems/stakeholders (including rule of law/justice, human rights, and private sector) capacitated to support the fulfilment of nationally and internationally ratified human rights obligations - Systems with strengthened capacities to address discrimination - People with access to justice, disaggregated by gender, age (youth), income (poor), disability level, displacement condition and ethnic minorities
Other	<ul style="list-style-type: none"> - strengthening of HR institutions' capacities, in support of the fulfilment of national and international human rights obligations - legal reforms to fight discrimination and address emerging issues such as environmental and electoral justice 	<ul style="list-style-type: none"> - Rule of law and justice as basic services which marginalized groups should be empowered to access to build productive capacities and benefit from sustainable livelihoods and jobs (However, the indicator is about legal framework revisions) - Measures in place and implemented across sectors to prevent and respond to SGBV 	<ul style="list-style-type: none"> - Measures to eliminate gender-based discrimination and segregation in labour market - New and/or strengthened policy and legislative and institutional environment to prevent GBV - Cross-border, regional, national, and sub-national policies, strategies, and

<ul style="list-style-type: none"> - legal frameworks in place for benefit sharing of natural resources (in line with international conventions and national legislations) - legal/policy frameworks to prevent and address SGBV - national mechanisms for mediation and consensus-building on contested issues and disputes that need to be resolved 	<ul style="list-style-type: none"> - use of digital technologies and big data enabled for improved public services and other government functions - Legal/policy/institutional reforms to remove discrimination for women in labour markets, access to/control over assets and services, regulation of identity/tenancy rights/inheritance/marital status, unpaid care work - equitable access to/benefit sharing of natural resources, in line with international conventions and national legislation - improved capacities for dialogue, consensus-building and reconciliation around contested issues 	<ul style="list-style-type: none"> action plans for conflict prevention and peacebuilding (including reconciliation and climate change) - Cross-border, regional, national, sub-national and community-based organizations with capacities for mediation, dialogue and consensus - Natural resources that are managed under a sustainable use, conservation, access and benefit sharing regimes
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Strategic Plan 2014-2017						
Output: Functions, financing and capacity of rule of law institutions enabled, including to improve access to justice and redress	Baseline (2013)	2014 (actual)	2015 (actual)	2016 (actual)	2017 (target)	2017 (actual)
Number of additional people who have access to justice, disaggregated by sex						
Access to legal aid services						
a. Number of additional men	0	407,580	718,938	996,116	1,030,660	1,247,013
b. Number of additional women	0	409,279	740,113	990,146	1,028,129	1,272,426
Cases receiving judgment in the first instance of the formal justice system						

c. Number of new GBV cases	0	10,855	18,312	23,390	29,803	28,052
d. Number of new non-GBV cases	0	352,796	407,033	564,078	459,876	848,662
Number of additional victims whose grievances cases are addressed within transitional justice processes, disaggregated by sex						
a. Additional male victims	0	139,605	414,825	470,000	629,737	534,814
b. Additional female victims	0	72,699	304,534	356,460	423,957	408,131
Notes:						
1\Number of countries linked: 47 (December 2017)						
2\ Tracks the cumulative number of additional men and women who have access to legal aid services with UNDP support (based on requests from programme countries), and the cumulative number of additional cases where judgments are made in the first instance of the formal justice system (disaggregated by Gender Based Violence cases or others), with UNDP support, since January 2014. An additional 1,617,762 people had access to legal aid services by the end of 2017 for which sex disaggregated data is not available.						

Strategic Plan 2018-2021							
Output: Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalized groups	No. countries	Baseline (2017)	2018 (actual)	2019 (actual)	2020 (actual)	2021 (target)	2021 (actual)
Number of <i>additional</i> countries with strengthened institutions and systems supporting fulfilment of nationally and internationally ratified human rights obligations							
a. Rule of law and justice	76	0	11	15	25	30	28
b. Human rights	75	0	14	19	26	31	30
Number and proportion of <i>additional</i> population who have access to justice, disaggregated by sex and marginalized groups:							
Numbers							

a. Total	41	0	3,869,764	8,542,639	15,952,523	25,208,535	31,642,93
a. Female	38	0	1,786,916	3,970,249	8,143,750	12,474,931	12,730,026
i. Male	37	0	2,685,322	4,388,193	6,782,681	12,847,915	12,268,058
a. Other marginalised group	26	0	1,380,472	1,477,283	1,886,510	3,148,597	3,825,391
Proportions							
a. Total	30	6%	7%	8%	8%	10%	10%
b. Female	30	6%	6%	7%	8%	9%	9%
ii. Male	29	7%	8%	8%	8%	10%	10%
b. Other marginalised group	20	11%	17%	18%	18%	25%	26%
Number of <i>additional</i> countries with strengthened capacities for governance and oversight of rule of law institutions	58	0	11	20	24	33	29
Number of countries with national and local systems restored or adopted following crises: 1\							
a. Functional justice systems	14	8	8	11	9	13	14
b. Victim redress mechanisms including transitional justice	15	5	8	11	12	14	14
c. Community-oriented security services and oversight mechanisms	19	9	12	15	16	18	19
d. Across a) – c) utilizing joint UN approaches to rebuilding rule of law and justice sector institutions and services	17	7	13	16	14	17	17
Output: Governments and civil societies empowered to navigate crisis and uncertainty caused by the COVID-19 pandemic to deliver uninterrupted and inclusive services and to build social capital and open civic space for response and recovery efforts							
Number of community-based organizations capacitated to respond to and mitigate the pandemic, fight against COVID-19 related domestic violence, racism, xenophobia, stigma, and other forms of discrimination, prevent and remedy human rights abuses and ensure longer-term recovery - including livelihoods support and basis service delivery - disaggregated by type of community-based organization							
a. Women's organizations	34	0			110	173	128

b. Youth organizations	31	0			446	485	459
c. Urban community-based organizations, networks, associations and slum federations	22	0			3,706	3,561	3,728
d. National human rights institutions (NHRIs)	18	0			30	58	32
e. Religious community organizations	10	0			44	57	49
f. Indigenous community	10	0			453	2,724	2,651
g. Community-based organisations in fragile and conflict-affected countries	15	0			162	274	325
h. Community-based organization representing other at-risk population	23	0			267	792	759
i. Community-based organisations providing livelihoods support and basic services delivery	29	0			163	312	174
Number of countries that have measures in place to address gender-based violence (GBV) during the COVID-19 pandemic, which							
a. integrate violence prevention and response into COVID-19 response plans	33	0			30	33	31
b. raise awareness through advocacy and campaigns, with targeted messages to both women and men	43	0			40	43	41
c. provide options for women to report abuse and seek help without alerting perpetrators	31	0			27	31	29
d. ensure continued functioning of shelters for victims of violence and expand their capacity	27	0			26	27	26
e. ensure women's access to justice through police and justice responses to address impunity of perpetrators and protect women and their children	28	0			23	28	25

Notes:

1\Reported on an annual basis

ANNEX 5. EVALUATING THE GENDER RESPONSIVENESS OF ACCESS TO JUSTICE PROGRAMMES

1. Why we need a particular focus on gender responsiveness

The major gendered differences found between the justice needs of women, girls, men and boys are well established, as are the generally poor capacities of justice systems to adequately respond to those differing needs. Constraints on women's and girls' access to justice stem from the lack of gender equality in their societies and the unequal power relationships between men and women. This is reflected in the wider social, economic, cultural and legal systems that entrench gender inequality and make it harder for women and girls to exercise their rights and receive equal protection of the law, on the same basis as others.


Mainstreaming gender allows for access to justice programming to be developed and implemented around understandings that sex, gender, sexual orientation and gender identity all play roles in shaping different experiences of laws, policies and justice processes, sustained by social and power relations. Multiple intersectional forms of discrimination against women and girls based on personal characteristics and situational circumstances such as age, race, ethnicity, disability, sexual orientation and gender identity can compound the level of harm or type of discrimination faced by women and girls and make it even harder for them to secure access to justice. Given the specific developmental needs and vulnerabilities of children, it also is important to adopt both a gender and child-sensitive approach to gender-mainstreaming.

2. UNDP, gender and access to justice

UNDP is explicitly committed and mandated to actively and visibly mainstream gender across all areas of access to justice programming. UNDP's Access to Justice programming globally places particular emphasis on ensuring that the justice needs and barriers faced by women and girls are addressed, both through programmes that specifically target their protection and justice needs, as well as by meaningfully mainstreaming gender responsiveness across all activities in ways that can be captured and tracked.

A Gender Facility recently was opened in the UNDP Crisis Bureau (in Headquarters) to respond to country offices' demands, with a specific focus on Gender-Based Violence. A new partnership with UN Women on gender justice has been signed. UNDP also is working on enhancing women's participation in the justice and security sector, with a pilot initiative in Africa that aims to see whether the enhanced presence of women creates more space for 'soft themes'. In conflict-affected countries, UNDP also supports the Team of Experts on Conflict-Related Sexual Violence.

The ambitious EU/UN Spotlight multi-stakeholder partnership is the largest ever at-scale targeted support aimed at achieving gender equality and women's empowerment in line with the 2030 Agenda for Sustainable Development. Spotlight reflects a global effort to eliminate all forms of violence against women and girls, including family and sexual violence, harmful practices and human trafficking and sexual and labour exploitation. It is focused on addressing all root causes of gender inequality, including laws and policies, creating gender responsive governance, focusing on prevention efforts including through



promoting empowered women's movements and engaging men and boys, while expanding high quality, tailored integrated service models and improving data systems for measuring and tracking violence against women and girls.

To ensure that the gender responsiveness of all programming is evaluated in a standardized way, this evaluation covers both dedicated programming targeting women and girls and generalised access to justice programming. The evaluation aims to document and capture the full extent of the inclusion, participation and impact of interventions on the human rights of women and girls and their access to justice.

Relevant guidance and tools for gender mainstreamed approaches relevant to Access to Justice programming include:

Joint Global Programme on [Essential Services](#) for Women and Girls Subject to Violence: This guide reflects the partnership approach between UN Women, UNFPA, WHO, UNDP and UNODC, emphasising the importance of access to coordinated and quality multi-sectoral services for all women and girls who have experienced gender based violence, including health, social services, and police and justice sectors, and provides guidance on the coordination mechanisms for those services.


[Informal Justice Systems: Charting a Course for Human Rights-based Engagement:](#) This joint UNDP/UN Women/UNICEF publication, in Chapters 7 and 8, provides guidance relating to women's and girls' rights and children's rights in informal justice systems.

[Women's Meaningful Participation in Transitional Justice:](#) This joint UNDP/UN Women publication focuses on closing the justice gap for women and girls in complex contexts of conflict and crisis. The guidance includes useful benchmarks for visioning what gender transformative outcomes might look like, including addressing systemic biases, inequality and structural biases experienced by women. It grounds processes in women's lived experience from the outset, requiring equal participation of women, not only in numbers but also the level of influence they are able to assert in the process, and a gender perspective at all stage of planning, implementation and monitoring.

[Gender justice and Equality Before the Law: Analysis of Progress and Challenges in the Arab States Region:](#) This joint UNDP/UN Women/UNFPA, ESCWA publication provides a deep dive into women's status under law and access to justice across Arab states. It highlights the need for law reform, improved law enforcement and strengthened women's access to justice through intensification of specialised legal aid services and reform of legal processes to reduce the financial, administrative and undue personal burden on survivors of GBV and provide protection of privacy and safety in the courtroom.

A [Practitioner's Toolkit](#) on Women's Access to Justice Programming: This joint publication of UNDP, UNODC, UN Women and the OHCHR provides five useful step-by-step modules on women's access to justice programming, including at the country level, followed by detailed guidance on marriage, family and property rights, ending violence against women, and women in conflict with the law.

[CEDAW General Recommendation No 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations](#) (CEDAW GR 30) focuses on the complementarity of CEDAW with international human rights, refugee and international humanitarian law and the need for accountability of non-state actors for violations against women.



[CEDAW General Recommendation No 33 on Women's Access to Justice](#) (CEDAW GR 33) focuses on six interrelated and essential components — justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems — necessary to ensure access to justice for women. These factors apply across all levels of justice systems, including plural justice systems. Focused efforts are needed to address discriminatory laws, harmful cultural practices, gendered stereotypes, intersectional factors making it more difficult for women from these groups to access justice.


3. Gendered differences in legal needs and common barriers experienced by women and girls: A top-line summary

Significantly lower levels of legal literacy than men and boys: Women and girls have much lower knowledge of their rights, the laws and how to access help to seek protection and justice. Higher rates of illiteracy, men's larger control over information, physical isolation and the burden of work often all work to prevent women and girls from having access to information about their rights and justice options.

Poverty: Women and girls are often among the poorest people within communities, whether in development, conflict, post-conflict or other crisis situations. They also often have the least control over financial resources and can least afford to take time away from productive labour to seek justice. Where justice services are remote, women and girls are less able to afford transport, to find the time to travel or to know where to find the services. Barriers such as delays in court proceedings, expensive procedures or those that rely on access to technology may have a disproportionate impact on women's and girls' access. Women and girls also are deterred from seeking justice where to do so may result in further impoverishment, such as if they face losing economic support from their families for acting against cultural norms by seeking justice from a court. While customary processes often are assumed to be cheap and accessible, many chiefs charge fees for conducting adjudications, often making those processes unaffordable to women. Women often cannot afford bribes or 'assistance' to other service providers who informally charge 'fees' to parties to progress their cases.

Gender bias in laws: Laws vary from country to country, but many contain provisions that overtly discriminate against women and girls, and all contain provisions that have a discriminatory impact in effect. Areas of law where women and girls commonly face overt or indirect gender discrimination include personal status laws, nationality laws and labour laws., Additional areas include lack of effective laws regarding violence against women and girls, including rape, family violence, human trafficking, female genital cutting and other harmful practices; laws that criminalise rape victims, sexual harassment victims, abortion, infanticide, femicide, adultery, and sex outside of marriage; and laws that discriminate or even persecute based on sexual orientation or gender identity. These impacts are commonly exacerbated in humanitarian settings where early marriage may be seen as a protective measure or economic necessity.

Gender discrimination in state justice processes: Women and girls are predominantly present in courts as victims in criminal law matters and complainants/plaintiffs in family law cases and seeking family protection orders. Men and boys are most often present as criminal law defendants (in cases involving crimes against other men/boys or against women/girls), as parties in land and contractual disputes and as respondents in family law and family protection matters. State justice service-providers often also share 'cultural' assumptions about women and girls that act to the detriment of women and girls seeking to access justice. Police officers may treat women and girls with disrespect. Inefficiencies in court proceedings, poor case management and poor infrastructure all drive women to rely on community-based



mechanisms instead of courts. Courts often do not ensure the physical and psychological safety of women and girls to enable them to equally participate in the court process.

Gender bias permeates many areas beyond the laws themselves, such as in procedures for giving evidence, criminal law defences, sentencing and case management priorities, to name a few. Women often also are under-represented as magistrates and especially as judges in state courts. Women prisoners are more likely to have a history of physical and sexual abuse and mental health problems and experience drug and alcohol dependence more than men and are more likely to be imprisoned for property and drug related offences, and much less often for violent crimes. Indigenous women often are particularly over-represented, reflecting multiple layers of disadvantage and often systemic racism. Female prisoners also face separation from children and inadequate visitation rights and access to health care and other facilities.

Gender bias in access to legal assistance: Legal aid is in very short supply in most countries, and heavily concentrated in capitals and regional centres. Priority is given to providing legal aid for criminal defence in serious indictable matters. Men make up approximately 75 percent of offenders convicted of indictable crimes and 95 percent of sentenced prisoners globally. They therefore consume the vast majority of scarce legal aid resources, leaving little for civil and family cases, those being the case types where women are most commonly seeking their rights. Rural women and girls have even more meagre chances of securing any legal assistance.

Gendered norms in customary/religious/other community-based systems and harmful practices: These localised systems are highly variable and often unable to provide reliable human rights protection for women and girls. Yet women and girls frequently have no choice but to use them due to lack of practical access to state courts and pressures not to escalate cases to state courts. Women and girls who seek justice, particularly in the formal sector, often are considered to have acted against cultural norms. Women are typically conspicuously absent as decision makers in community justice processes, which are predominantly comprised of older men likely to apply patriarchal, rigid gendered norms in decisions, more often finding in favour of men. Various forms of violence against women are justified in the name of custom and/or religion and not considered punishable. These include honour crimes, harmful traditional practices such as sorcery-related violence and violence against older women, dowry-related violence, virginity testing and FGM/C. Victims of violence, including child victims of rape, are often ‘spoken for’ by male family members and pressured to accept financial settlements for the sake of their family and to preserve community relationships.

Family violence, especially intimate partner violence by men against women, is endemic globally and normalised in many countries, and often worsened in post-conflict situations. Other forms of family violence also are prevalent against women and girls, yet are vastly under-reported, resulting in women and girls rarely receiving either protection or justice for the harm done to them. Victims often do not disclose the violence or do not seek help from any source. Where they do, they most frequently turn to family members for support. Cases are rarely reported to police or courts due to lack of awareness and knowhow, pressure from family, communities and gatekeepers, and lack of confidence that bringing a case will be effective in ending the violence or achieving ongoing benefits for victims. Long after cases are finished, victims often still face community stigma and family abandonment/loss of economic support for not ‘putting up with’ violence, as is expected. COVID-19 restrictions led to an exponential increase in family violence, combining pre-existing toxic social norms and gender inequalities, economic and social

stress caused by the pandemic with restricted movement and social isolation measures. Many women and girls have faced 'lockdown' at home with their abusers while being cut off from normal support services.

Sexual violence against women and girls also is common in many countries. Often the perpetrator is known to the victim and is in a position of trust, such as with family members, teachers or religious authorities. Women with disabilities face especially high risks of sexual violence. Sexual abuse of adolescent girls often is not reported but rather 'settled' between families. While sexual violence against young girls is more likely to be considered a crime and reported, cases are still frequently 'settled' between families, contrary to the rights of women and children. Rape within marriage (including girls in under-age marriages) is not considered a crime in many countries and even where it is, is rarely reported. In conflict/post-conflict contexts sexual violence may be used against women and girls even more widely and systematically. In all settings, women and girls may be at risk of human trafficking and experience protracted sexual violence accompanied by many other violations. Even those victims who are able to seek help often find that the authorities they turn to are poorly equipped to provide effective protection and justice and even find themselves at risk of punitive action.

Checklist for Evaluating Gender Responsiveness of Access to Justice Programmes

Assessment, analysis and design	Involvement of someone with gender expertise in programme design
	Situational analysis undertaken of key social, legal, economic, practical and normative barriers impacting on women and girls' access to justice
	Collection of evidence based on women and girls' experiences in accessing justice processes elicited/identified and used to inform woman/girl-centred design
	Assessment of what has worked/not worked in other comparable access to justice programs targeting women and girls, tailored to local context
	Identification of targeted groups: Who is most at risk of being left behind among women and girls?
Do no harm risks and mitigation strategies	<p>Assessment of 'do no harm' risks and mitigation strategies identified especially regarding participation of women, girls and other vulnerable groups -- All interventions must, at minimum, do no harm, by ensuring that they do not reinforce or reproduce the existing power imbalances and patriarchal norms which underpin gender inequality.</p> <p>Has implementation of all activities taken into account 'do no harm' mitigation strategies for participation of women and girls? Such as steps to reduce personal security risks of women travelling to participate in program activities, ways to respect confidentiality, ways to reduce risk that participation, if becomes known, could trigger further violence; avoiding pressures into negative coping mechanisms, avoiding legal risks</p>
Mainstreaming GBV in non-GBV specific programmes	Assess if GBV tools are mainstreamed into programmes not directly addressing GBV , including by ensuring GBV context is well understood in planning phase, referral pathways are mapped and updated, GBV indicators are included in M&E; engage people working in community to gauge approach to GBV including men and gatekeepers in the community; incorporate GBV information and other GBV prevention activities into other community awareness efforts, have protocols in place and trained

	staff if GBV cases arise and monitor incidents using a simple confidential tracking system to document events staff hear about and observe; include single-sex safe spaces for critical reflection/sharing
Theory of change	Analysis and programme response to the known physical, economic, knowledge/awareness, normative, access barriers for women and girls: How programme expects to achieve transformational change, increase meaningful participation, representation, empowerment, knowledge, awareness, use of justice mechanism
Gendered data capture across programmes	Capacity to consistently and reliably capture disaggregated age/sex/other relevant gender diversities data across all programming activities
Gendered indicators	Indicators to meaningfully measure responsiveness to women/girls in dedicated programming and mainstreaming responsiveness to women/girls, both: Quantitative (participation/representation of women and girls) Qualitative indicators of change sought, including measures of women and girls' influence or power within processes, not just their numbers
Gendered budgeting	Evidence of budget targets for share of resources committed to programmes targeting women and girls and most-at-risk groups and also Share of expenditure used for female beneficiaries across all programme activities (based on sex disaggregated data)
Physical and practical barriers	Strategies used by programme to address practical access barriers for women and girls to access relevant justice processes such as distance, cost, time, convenience, covering carer responsibilities Assess accessibility of services for women and girls with disabilities, both physical and mental impairments or disabilities
Knowledge, awareness and informational barriers	Assess strategies to provide specialised outreach, engagement and legal information in formats/media/places most accessible to women and girls, with greatest inclusion and geographic coverage, including hard-to-reach, remote and vulnerable groups; Consider use of multiple channels (such as TV, radio, SM, internet if available) and formats accessible to women/girls with disabilities, such as text captioning or signed videos for hearing impaired, simple language documents Consider use of female-only spaces and targeted materials (based on piloted testing of materials with targeted female populations) and coordinating with relevant actors such as health services, midwives, women's rights NGOs to maximise coverage and coordination
Normative barriers	Strategies to improve pathways/escalation options for women and girls navigating between state justice systems and customary/community justice systems , addressing gate keepers, family/community pressures, involving courts in messaging clear escalation pathways especially for cases involving family and sexual violence Men's behavioural change programmes

	Community awareness programmes regarding harm of family violence, sexual violence
Lack of available/specialised legal assistance	Strategies to increase proportion of legal aid spent on women/girls legal needs, specialised services, female lawyers, paralegals, community legal advocates, duty lawyers, self-help guides, linkages to women’s organisations, specialised/female police
Lack of available/specialised policing and support services	Strategies to increase availability and quality of specialised support services for women and girls including those at risk of violence, homelessness, lacking social protection
Female representation and empowerment as decision makers, service providers, service users	Strategies to increase the participation and empowerment of women across state and community-based justice processes, as decision makers, advocates, law enforcement, service providers (social protection, housing, health, etc) and as service users Looking not only at participation of women measured by their numbers but their meaningful participation, also measuring their power and influence within male dominated settings
Particular features to look for in programmes addressing violence against women and girls	Particular care needed in assessing ‘do no harm’ risks, mitigation strategies, monitoring and adapting these as needed throughout implementation Assess efforts to support coordinated services ‘wrapped around’ victim/survivor covering essential services including health, police, justice, housing, counselling/psychological care, legal/accompaniment through the process; Have minimum standards for these services (per population) been established? Assess efforts to build partnerships to empower and support women’s organisations involved in both service provision and advocacy Assess efforts to forge close partnerships with customary and religious leaders, including men and boys, to identify and reform customs, attitudes and beliefs which perpetuate violence COVID-19 adaptations: Assess efforts to ensure that GBV response services, including justice services, are designated as essential and remain open, accessible and boosted with increased resources, including through online and digital platforms, with safeguards built in (e.g., women may fear being overheard by abuser, so code words/numbers or ‘no dial/chat’ functions may be needed) Assess efforts to advocate for ensuring resources for essential GBV and maternal health services are not diverted to COVID-19 responses; Assess efforts to conduct rapid GBV and COVID-19 assessments to understand the changing context and any gaps in capacity or services and promote the inclusion of women’s organizations in COVID-19 plan development, implementation, and monitoring Assess impacts of COVID-19 on economic support for GBV victims, including women in the informal economy, risks to girls of forced or early marriage as a coping strategy to financial and food insecurity, while alert to risks that increased economic autonomy may result in male backlash

ANNEX 6. QUALITATIVE COMPARATIVE ANALYSIS

The Qualitative Comparative Analysis aimed to gain further insights around factors affecting project performance by comparing data across projects and countries.

Methodology

During data collection, consultants were asked to describe projects using a list of project attributes with the aid of an Excel spreadsheet. The list of project attributes was grouped around the following categories:

- Start and end dates of project implementation, project budget and expenditure
- Project focus, type of justice and type of justiciable issues
- Type of institutional and community-level support
- Barriers to justice and factors affecting performance
- Outcome ratings, ranked in five categories (5-Yes; 4-To a large extent; 3-To some extent; 2-To a limited extent; 1-No).³⁶

The dataset analysed was composed of 54 projects from Albania, Democratic Republic of Congo, Guatemala, Kyrgyzstan, Lebanon, Mali, Myanmar and Pakistan. Of the projects included, 40 were rated with an outcome rating and could be used for the analysis.

The IEO then used ordinal regression models to analyse the data and estimate the level of correlation between project success and a set of predictive variables, while also estimating the relative predictive probability among variables. This probability also helps to understand which variables are more important in determining project success, when controlling for all the relevant variables.


To identify the predictors of project performance through ordered logic models, the IEO first conducted several logit models by category of analysis (e.g. project focus, type of justice, type of support) as an attempt to identify statistically significant correlation coefficients between project performance and the predictors. The most relevant variables were then combined into a single model as a robustness check to see if their significance was maintained. This occurred in two stages to avoid the problem of 'quasi-complete' separation.³⁷

Outcome rating

More than 80 percent of projects were rated as successful either to some extent (47.5%) or to a large extent (35%). The highest-ranking category ('5-Yes') accounted for 15 percent of the project ratings, while the lowest category ('1-No') represented 2.5 projects of projects. No projects were rated with category '2-To a limited extent'.

³⁶ The ratings given were trying to respond to the following question: Did the project achieve all its outcomes?

³⁷ A complete separation happens when the outcome variable separates a predictor variable or a combination of predictor variables completely, implying that all independent variables together make an exact prediction of the dependent variable. In case of ordered logit models, this often happens when having too many independent variables that are dichotomous or with having a sample size that it is too small.




Albania, Guatemala and Mali stand out as the countries with projects being rated in the highest success rating categories. For example, 75 percent of the projects from Mali and 71 of projects from Guatemala were rated with categories 5 or 4, while 100 percent of projects from Albania were rated with category 4.

Findings

- *Project focus.* Most projects supported by UNDP aimed to support legal empowerment (24%) or legal aid (20%), while 10 percent fell in enforcement and 14 percent in the oversight category. . An initial exploratory analysis reveals that most well-ranked projects regarding the access to justice chain are those related to legal protection (23%), legal empowerment (23%) and the enforcement of justice measures (23%), which together accounted for approximately 69 percent of the cases ranked with category 5. Similarly, approximately 54 percent of projects related to legal empowerment and legal counsel were rated with category 4. Interestingly, projects seeking to strengthen legal empowerment (24%) and legal protection (18%) were among those classified in category 3, along with those belonging to legal aid (18%) and adjudication of cases (18%).
- *Type of justice.* UNDP mostly supported projects focusing on civil (26%) or criminal (22%) issues, while those related to constitutional, business or environmental issues were less common (each accounting for less than 2% of cases). A similar analysis revealed that the most well-rated projects were those aiming to address civil, administrative or gender-related justice issues. Approximately 50 percent of the projects rated as 5 belong to the civil or administrative categories. Similarly, approximately 28 percent of projects rated as 4 belong to those same categories, while 18 percent of projects rated 4 belong to the gender category. On the other hand, 62 percent of projects ranked 3 belong to civil or criminal matters. Surprisingly, projects addressing civil matters were both among the better and worse rated projects.
- *Justiciable issues.* The justiciable issues most commonly supported by UNDP projects were related to crime (18%), gender-based violence³⁸ (13%), land disputes (12%) or government decisions/discrimination (11%). Among those projects with the highest ranking (5), approximately 60 percent aimed to solve criminal, gender-based violence or land dispute issues. Similarly, most projects ranked as 4 tried to solve criminal (21%) or gender-based violence issues (15%). On the other hand, projects with the worse ranking also aimed to address issues with government-related decisions (16%), land disputes (16%) or criminal (16%) matters.
- *Target population.* Approximately 32 percent of projects supported by UNDP seek to address justice for women/girls (12%), victims of violent crimes (10%) or victims of human rights violations (10%). In relation to performance, most projects addressing women/girls, people with disabilities or victims of violent crimes were among those with highest performance. For example, 18 percent of projects addressing women/girls issues and 12 percent of projects addressing populations with disabilities were ranked as 5, while 11 percent of projects addressing victims of violent crimes and 10 percent of projects addressing women/girls issues were given a ranking of 4. On the other hand, approximately 34 percent of projects that addressed youth/children, victims of human rights violations or women/girls issues were the less performing ones.
- *Institutional support.* The most common types of institutional support delivered by UNDP were related to capacity development (29%), support to process efficiency and effectiveness (23%) or support to advocacy and legal/institutional reforms (20%). Support to oversight processes was less common (15%). Under capacity development, the most common type of initiatives supported were those related to the delivery training, legal information and enhancing support to vulnerable populations.

³⁸ As a separate category from crime.




With regard to process efficiency and effectiveness, UNDP mainly supported projects dealing with court case management, creation of applications or the use of data. With respect to advocacy and reforms, UNDP concentrated on legal reforms to ensure compliance with international human rights standards, creation of legal frameworks or advocacy. There is not a clear trend regarding project performance given the fact that projects with highest rating but also the lowest rating seem to be concentrated in the advocacy, capacity development and process efficiency/effectiveness categories.

- *Community support.* At the community level, UNDP seemed to have focused more on projects related to legal empowerment (e.g., legal information, legal clinics, 24% of cases) legal aid (24%) or CSO capacity building (22%). Projects aimed at increasing civil registration, traditional dispute resolution or coordination between state and community justice process were much less common (less than 8% of cases). A preliminary analysis identified that the highest performing projects (ranking 5) were those aimed at improving CSOs (25%) or traditional dispute resolution mechanisms (25%), while 48% of projects in category 4 aimed at improving legal empowerment or legal aid. Lowest performing projects (rated 3) were those supporting legal empowerment, legal aid and CSOs.
- *Barriers to access justice.* This analysis found that the most common type of barriers to access justice were related to complicated/lengthy resolution processes (9%), lack of capable institutions/failure to provide adequate solutions (8%) and limited legal awareness and knowledge of justice procedures (8%). Projects that seem to be associated with worse performance ratings were those that seek to address lengthy/complicated resolution processes, the lack of IT infrastructure, lack of capable institutions, limited awareness of justice processes and insecurity conditions.
- *Factors affecting performance.* The most common types of factors that seemed to have affected project performance were contextual factors (40% of cases, including institutions and capacities in 17%, political in 12% and prevalence of harmful social norms in 11%) and lack of data to attribute change to interventions (13%). Projects that seemed to have faced issues related to lack of political will or short timeframes as well as those facing lack of capable institutional capacities and harmful contextual social norms received the lowest ranking (1 or 3).
- *Gender Index.* The gender index goes from 0 to 1, 0 being the lowest degree gender consideration in project design and implementation and 1 being the highest degree of gender consideration. The average gender index was 0.41. Projects in categories 4 and 3 were the ones with the highest ranking on the gender index, ranking 0.49 and 0.40, respectively. Projects in category 1 were also the ones with the lowest gender index ranking, at 0.09.

Inferential

The analysis identified that adjudication, enforcement and oversight appeared to be significantly correlated with project outcome performance. While UNDP projects focusing on enforcement have a higher probability to be rated at a higher-performing category, projects focusing on adjudication and oversight have a higher probability of being rated poorly. Projects addressing oversight issues were more associated with lower performance ratings as compared with adjudication. The analysis did not find evidence that projects aimed at ensuring legal awareness, legal protection or legal aid were significantly correlated with project outcomes, which may imply that projects with those attributes may be almost equally distributed across the different outcome ratings. This analysis also found that projects dealing with administrative, transitional, constitutional and traditional justice were significantly correlated with project outcome performance. Projects dealing with constitutional justice seem to have a higher probability of being rated with a higher mark, followed by projects dealing with traditional, transitional and administrative justice, in that order. Projects working with criminal, civil, gender, business and environmental issues do not seem to be statistically significant in determining project performance.



The ordered logit regression for the institutional- and community-level support also revealed no statistically significant correlation between any of the subcategories from these two groups and the outcome variable. This implies that the subcategories utilized for characterizing projects are not strong predictors of project performance. Projects targeting victims of non-violent crimes or addressing marginalization issues (e.g., identity and voice) were the only categories that were significantly correlated with performance ratings. For example, projects addressing victims of non-violent crimes had a higher probability of being rated with a high-performance mark. The opposite was true for projects addressing marginalization issues.

Regarding barriers to access justice, this analysis found that most of the barriers included in the checkbox list were significantly correlated with project performance, but not always in the expected direction. On the one hand, the analysis found that projects facing barriers such as lack of public defenders, complicated resolutions processes, absence of oversight mechanisms, absence of rule of law institutions, geographic distance and intangible costs had a higher probability of being assigned a lower performance rating. The direction of the relationship seems to be consistent with expectations. On the other hand, and contrary to expectations, projects facing barriers such as limited courts, lack of lawyers, lack of digitalization, infrastructure, language, disability, insecurity, lack of trust in the system, incapable institutions and discrimination in the law had a higher likelihood of being assigned with high-performing marks. This result seems to contradict expectations and can be attributed to measurement bias. Barriers such as limited participation of people in law making, lack of documents, gender and other harmful social norms and limited awareness of justice options did not emerge as being significantly correlated with project performance. Political willingness was negatively correlated with project performance, implying that projects with lack of political willingness have a higher probability of being rated poorly.

The only relationships maintained in the robustness check were with respect to variables such as adjudication and enforcement (project focus), administrative, transitional, constitutional, traditional (type of justice), victims of non-violent conflicts (target groups), language and absence of rule of law institutions (barriers).

ANNEX 7. CORRELATION ANALYSIS UNDP RESOURCES AND NEEDS

The IEO aimed to identify the correlation between UNDP justice resources and needs globally, by looking at several contextual variables such as countries' fragility, income levels, corruption, and legal needs. The IEO used the following questions to guide its analysis:

- To what extent do the countries' levels of fragility, income and corruption determine UNDP's level of budget assigned to justice-related programming?
- To what extent is a country's level of fragility affected by its civil and criminal systems?

Methodology

Data from the World Justice Project from 2015-2022 was compiled in relation to the following indices: absence of corruption, civil justice and criminal justice. The IEO also downloaded available data on the countries' legal needs from the World Justice Project for 2018/2019.³⁹ Data from the Fund for Peace Foundation from 2014-2022 was compiled in relation to the fragility states index, which accounts for conflict situations.⁴⁰ The IEO also obtained data on UNDP's budget for justice-related programming from the IEO Data Mart-Power BI.⁴¹

The IEO initially performed a single correlation analysis between the countries' budget share with respect to each of the following variables: absence of corruption index, fragility index, level of income, legal needs, civil justice index and criminal justice index. IEO also performed a multi-regression analysis between UNDP's budget and all the variables mentioned above as a robustness check. In performing the correlation analysis, the IEO disregarded the observation of Afghanistan when performing budget analysis because the country is an outlier, with a budget share of approximately 40 percent. The IEO conducted single correlation analysis between fragility index and the indices on civil and criminal justice.

Findings

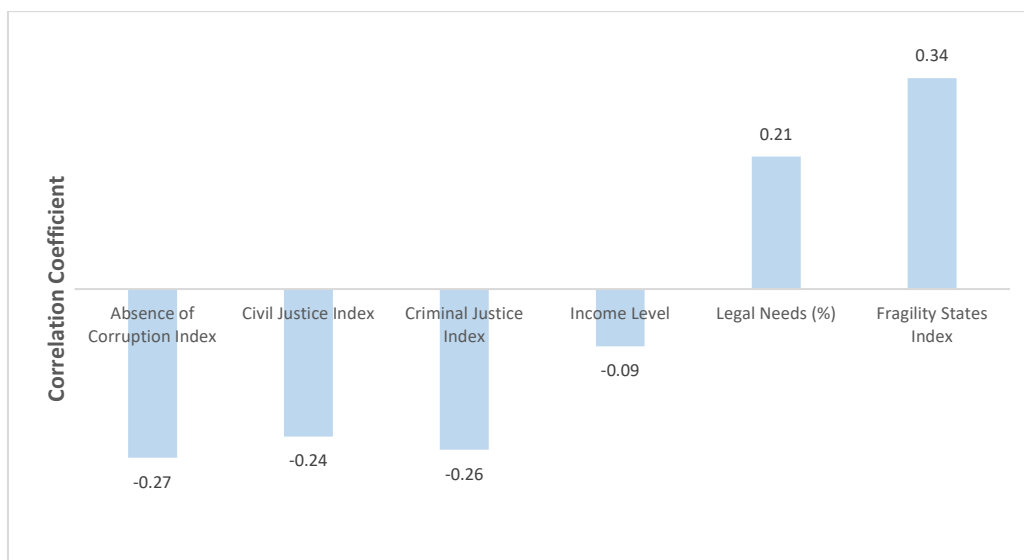
1. This analysis found indications that the level of fragility and corruption of a country have influenced UNDP's budget allocation for justice programming during the period 2014-2021. Although the level of income seems to be important in determining UNDP's budget shares to countries, this analysis could not fully confirm that. The IEO identified that more fragile and less corrupt countries were assigned higher budget to tackle justice issues. Similarly, the IEO found indications that UNDP's budget was being driven by the strength of countries' civil and criminal systems as well as their legal needs. This analysis found that countries with weaker civil and criminal justice systems tended to receive higher budget shares from UNDP. In the same way, countries with more legal needs were allocated with more budget. This analysis identified that more fragile settings are generally associated with weaker civil and criminal systems, the former being slightly more influential.

³⁹ The following variables are in the form of index from 0 to 1, 0 being the lowest and 1 being the highest: absence of corruption, civil justice index, criminal justice index.

⁴⁰ The Fragility States Index is a measurement of how fragile countries in terms of cohesion, economic, political and social indicators. The index goes from 0 to 120, 0 being less fragile (sustainable) and 120 being the more fragile (alert).

⁴¹ Budget shares by countries with respect to total budget were used in this analysis (budget per country divided by total budget).

Figure 1. Correlation against UNDP's Budget Share by Country



Notes: 1) Afghanistan deleted from sample because of being an outlier; 2) All variables are statistically significant at 5% confidence level, except for "legal needs" which is significant at 10% level and "Income" not being significant.

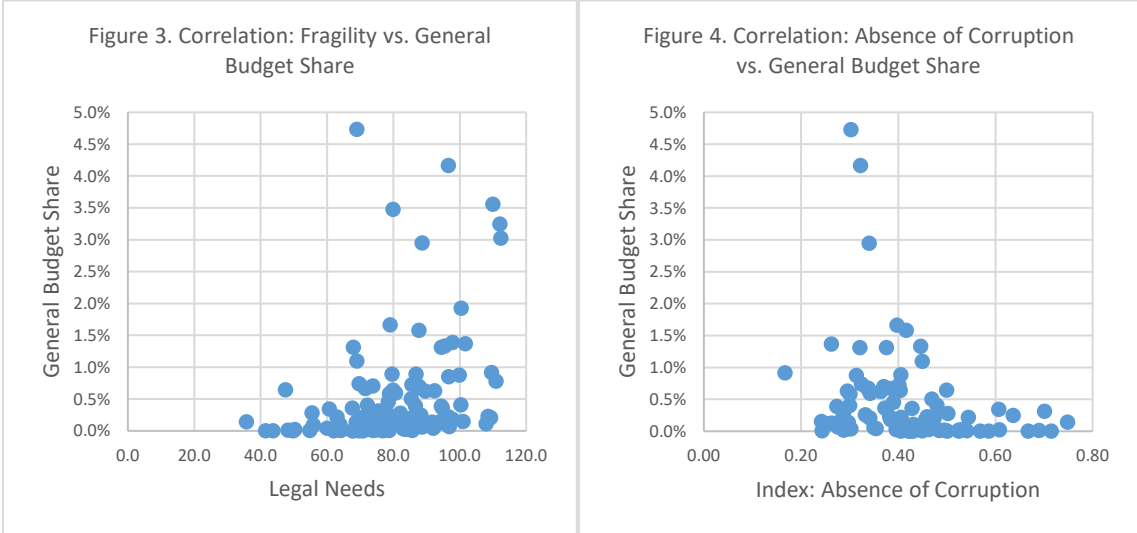
Determinants of UNDP's budget

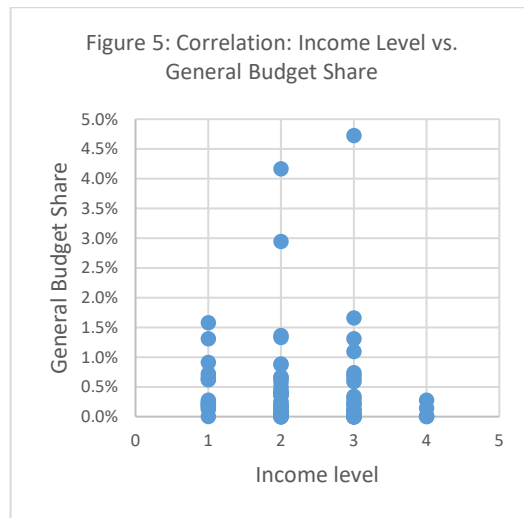
Fragility, corruption and income

2. The IEO found indications that countries' fragility and corruption were important factors in determining the level of budget allotted by UNDP country offices to address justice-related issues. While the relationship between the countries' fragility and UNDP's budget was positive, which suggests that UNDP's budget allocation for justice programming increases in higher fragility settings, the relationship between corruption and UNDP's budget was not conclusive. Surprisingly, the IEO identified that countries' income level was not a decisive variable of UNDP's budget allocations within the sample of countries reviewed.
3. The univariate regression analysis revealed a statistically significant and positive correlation coefficient of 0.34 between UNDP's budget allocation for justice programming and a country's fragility situation. After performing a multi-regression analysis, the correlation coefficient became not statistically significant, but the positive relationship was maintained. The positive correlation coefficient suggests that UNDP's budget share for justice programming is higher among the more fragile countries. This finding suggests that UNDP may be allocating resources efficiently based on vulnerability needs; however, it also confirms the latent risk associated with working in fragile contexts. It is well known that fragile settings usually have weaker institutional capacities to manage and implement development funds and to sustain results achieved.
4. The IEO also found, through the univariate regression analysis, a statistically significant correlation coefficient of -0.23 between UNDP's budget share and the countries' absence of corruption index. However, after conducting a multi-regression analysis, the correlation coefficient became not significant and the direction of the relationship between the two variables changed to positive. While a positive correlation between the two variables may indicate that higher resources to address justice-

related issues were being assigned by UNDP in countries with lower corruption index, this result should be interpreted with caution because of the lack of consistency of the correlation coefficient while using the two methods. Given that corruption is a complex issue, when introduced as a single explanatory variable it may be capturing the effects of very strongly related variables such as poverty, weak institutional capacities, and other similar variables. Therefore, when fragility or income is introduced into the equation, the correlation coefficient between UNDP’s budget share and corruption varies, suggesting that the initial correlation coefficient may not only be measuring corruption but also other factors that are usually associated to corruption, as previously explained. (Refer to Figure 4 for more details.)

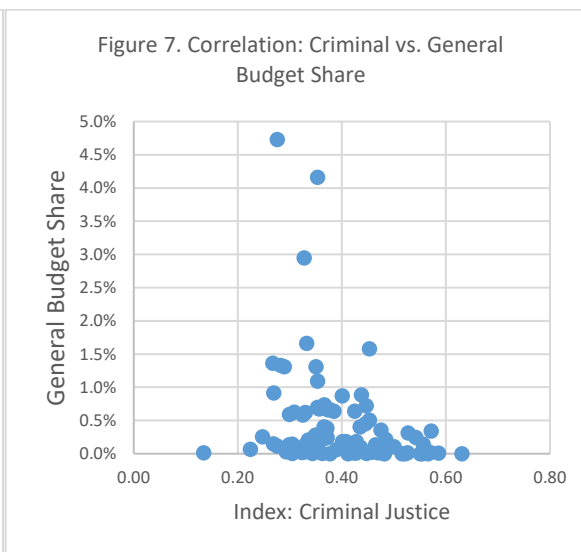
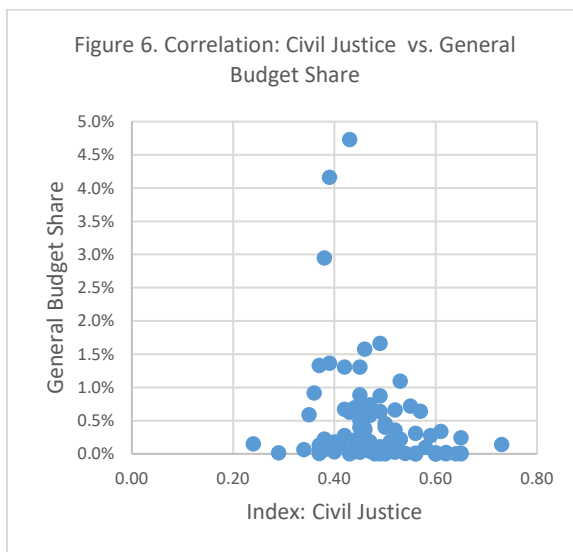
- 5. This analysis did not identify a statistically significant correlation coefficient between UNDP’s budget allocation and countries’ level of income, either through the univariate or multi-regression analysis. However, in two cases the relationship of the two variables was negative, implying that the higher the level of countries’ income, the lower the budget allocated by UNDP in addressing justice issues. The lack of significance of the correlation coefficient in the univariate regression analysis may be due to a selection bias issue indicating that countries in the sample are generally from lower income categories in need of UNDP support. Consequently, even if budget shares are significantly different across countries, because countries are grouped in a very similar income group, the correlation coefficient will not be statistically significant. (Refer to Figure 5 for more details.)





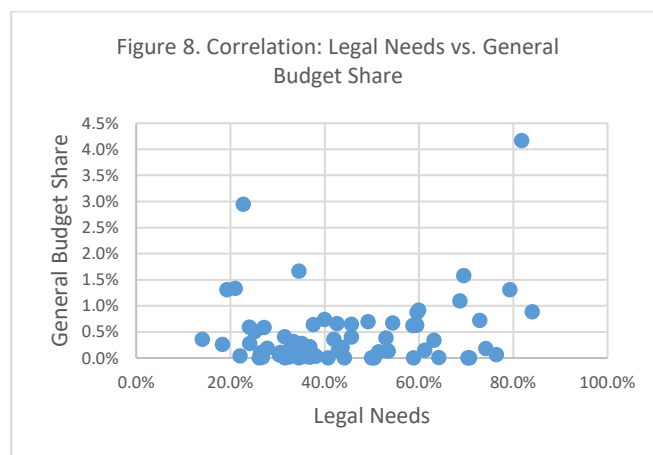
Civil and criminal justice

6. The IEO found indications that the current states of the countries’ criminal and justice systems were being taken into consideration for the allocation of UNDP’s budget for justice programming. This analysis revealed that higher UNDP’s budget shares were being allocated to countries with weaker civil and criminal systems. This finding may indicate that UNDP is distributing resources efficiently.
7. The univariate regression analysis conducted separately for the civil and criminal justice indices with respect to UNDP’s budget for justice programming revealed a negative and statistically significant correlation coefficient of -0.24 and -0.26, respectively. After performing a multi-regression analysis, the negative relationship between the variables was maintained but the significance was lost. This finding could be indicative of the fact that UNDP’s budget allocations increase as justice systems weaken. (Refer to Figures 6 and 7 for more details.)
8. After controlling for other variables in the multi-regression analysis, the IEO noted a slightly higher correlation coefficient between the civil justice index and budget as compared to the criminal justice system. This may indicate that more money is allocated to civil justice needs as opposed to criminal justice needs. However, this result should be interpreted with caution as the correlation coefficients (civil and criminal justice indices) were not statistically significant in the multi-regression analysis.



Legal needs

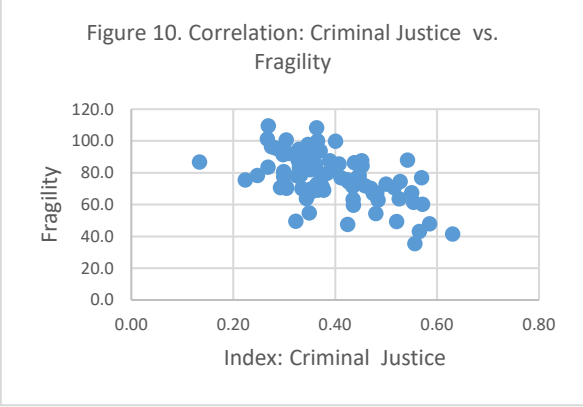
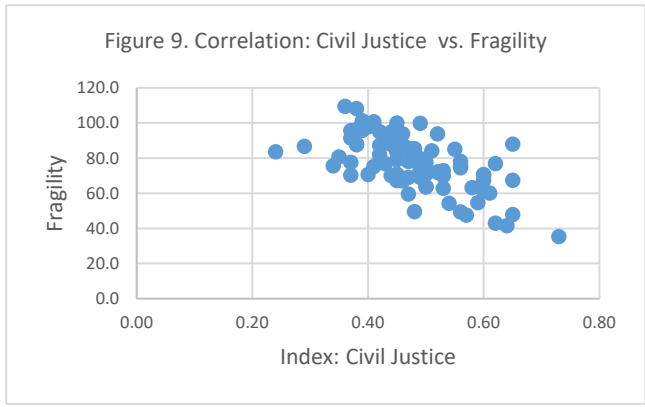
9. (Specific finding) The IEO also found indications that UNDP's budget allocations for justice-related issues were connected to legal needs. In other words, the higher the number of justice-related incidents in a country, the higher the share of UNDP's budget being allocated.
10. A statistically significant⁴² and positive correlation coefficient of 0.21 between the legal needs indicator and UNDP's budget was estimated through a univariate regression analysis. The direction of the relationship between the two variables was maintained when the multi-regression analysis was conducted, but its significance was eroded. The fact that the relationship did not vary after controlling for additional variables is a strong indication that legal needs are still positively connected with UNDP's budget shares per country to address justice needs.



Civil and Justice Systems in Fragile Settings

11. (Specific finding) The IEO also investigated the role of the civil and criminal justice systems in fragile settings to understand which of the two systems is more influential of fragility conditions. Although it was not possible to fully confirm, IEO found strong indications that both civil and justice systems determine how fragile states are, with civil justice systems having a slighter larger impact.
12. The univariate regression analysis yielded negative and statistically significant correlation coefficients of -0.63 between the civil justice and the fragile states indices, and a correlation coefficient of -0.54 between the criminal justice and the fragile states indices. Both correlation coefficients are large in magnitude and are statistically significant. This may suggest that both justice systems are very telling of the fragility situation of states. The fact that the civil justice index is slightly more correlated with fragility as compared to the criminal justice index may also indicate that the civil justice system makes states more vulnerable. A multi-regression analysis could have been of help to confirm that. (Refer to Figures 9 and 10 for more details.)

⁴² At the 10% confidence level.



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