



Independent  
Evaluation  
Office

United Nations Development Programme

THE EVALUATION OF  
UNDP SUPPORT OF  
**ACCESS**  
*TO* **JUSTICE**





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EVALUATION OF THE UNDP SUPPORT TO ACCESS TO JUSTICE

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# FOREWORD

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Mid-way through the timeframe established for the achievement of the Sustainable Development Goals' targets, national governments and other stakeholders still struggle to promote access to justice for all. Too many people live at the margins of society, unable to use the law to protect their assets and to access services to which they have a right. In many countries, people's ability to seek and obtain justice is hampered by lack of knowledge or financial means to do so, compounded by institutions with inadequate capabilities, limited trust in formal systems, and social norms. Place of birth, income, ethnic affiliation and gender remain some of the most significant barriers driving individuals' choices and opportunities.

The evaluation of UNDP's support to access to justice – the first comprehensive assessment by the Independent Evaluation Office (IEO) in this area – analysed the relevance, coherence, effectiveness and sustainability of UNDP's offer. In line with UNDP's definition of access to justice, IEO examined UNDP's support to both the demand and the supply of justice services, while enlarging its analysis to alternative dispute resolution mechanisms and the expanding portfolio of environmental justice. The evaluation covered the evolution of UNDP programming, including the expanded support to digitization and digitalization, always first accounting for the needs of those most at risk of being left behind.

UNDP is a trusted provider of international development assistance in the justice sector. Its support to both institutions and communities is highly relevant, particularly in fragile and crisis contexts where the demand for justice is highest. UNDP's approach to legal aid allowed individuals who often lacked the means to access justice to avail themselves of the services of lawyers and receive advice which, in some cases, allowed them to resolve problems. The ability of people to obtain justice often remains uncertain, given the level of challenges faced by the justice sector and the complexity of the operating environment. Evidence collected by the evaluation calls on UNDP to expand its support to more efficient and trusted alternative dispute resolution mechanisms, provided that the respect of human rights is guaranteed. Fairness of processes and outcomes need to come more to the centre stage of all UNDP interventions, with stronger data systems supporting the monitoring of service provision.

The evaluation identifies seven recommendations. The Independent Evaluation Office trusts that these will further enhance UNDP's support to access to justice towards stronger people-centred approaches that more closely listen to individuals and communities' concerns, address their grievances, and contribute to solving their justiciable issues.



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# ACRONYMS AND ABBREVIATIONS

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<b>ADR</b>	Alternative Dispute Resolution
<b>B&amp;HR</b>	Business and Human Rights
<b>CDO</b>	UNDP Chief Digital Office
<b>CRSV</b>	Conflict-Related Sexual Violence
<b>CSOs</b>	Civil Society Organizations
<b>DPO</b>	United Nations Department for Peace Operations
<b>GANHRI</b>	Global Alliance of National Human Rights Institutions
<b>GRES</b>	Gender Results Effectiveness Scale
<b>IEO</b>	Independent Evaluation Office
<b>Hiil</b>	Hague Institute for Innovation of Law
<b>ICPE</b>	UNDP Independent Country Programme Evaluation
<b>LGBTI</b>	Lesbian Gay Bisexual Transgender and Intersex
<b>M&amp;E</b>	Monitoring and Evaluation
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>OHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>NHRI</b>	National Human Rights Institution
<b>oPT</b>	Occupied Palestinian Territory
<b>PAPP</b>	Programme of Assistance to the Palestinian People
<b>RBEC</b>	UNDP Regional Bureau for Europe and the Commonwealth of Independent States
<b>SDG</b>	Sustainable Development Goal
<b>SGBV</b>	Sexual and Gender Based Violence
<b>UNDP</b>	United Nations Development Programme
<b>UNEP</b>	United Nations Environment Programme
<b>UNFPA</b>	United Nations Population Fund
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>UN Women</b>	United Nations Entity for Gender Equality and the Empowerment of Women

# EXECUTIVE SUMMARY

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This evaluation of the United Nations Development Programme (UNDP) support to access to justice is the first dedicated global assessment by the Independent Evaluation Office (IEO) in this area. It was conducted as part of the IEO multi-year programme of work 2022-2025, and it will contribute to UNDP's evolving strategy on access to justice.

The evaluation covered the period 2014-2022, and it was framed around UNDP's definition of access to 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".

The evaluation was guided by six evaluation questions, aligned to international standard evaluation criteria of relevance, coherence, effectiveness and sustainability:

- (a) 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?
- (b) 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?
- (c) 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?
- (d) 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?
- (e) 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?
- (f) 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 to long term?

The evaluation employed mixed methods (quantitative and qualitative) to answer the evaluation questions and test some of the hypotheses formulated in the reconstructed theory of change. These included:

- A review of UNDP strategic and programmatic documents and global studies on access to justice
- Correlation analysis of budgetary data
- 12 deep-dive country-level case studies, including a qualitative comparative analysis of project performance information
- A meta-analysis of 140 evaluations
- A survey to UNDP Chief Technical Advisors and staff responsible for the management of justice programmes at country level
- more than 600 interviews at Headquarters, regional, and country levels.



## Background

Despite the commitment of the international community to ensure equal access to justice for all by 2030, 5.1 billion people – two thirds of the world’s population – still live without access to justice. The great majority of them (4.5 billion) are excluded from the opportunities that law provides because they lack legal tools 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. Some 253 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. Place of birth, income, education level, age, ethnic affiliation, disability status, sexual orientation and gender remain statistically independent predictors of reduced access to justice.

The COVID-19 pandemic had a severe impact on rule of law and the functioning of justice institutions, with almost two thirds of countries experiencing a more limited respect of fundamental rights and a decline in the quality of civil justice systems. While digital tools and virtual platforms overall helped improve access to justice, the pandemic highlighted the challenge of digital inclusion, with 2.9 billion people worldwide still offline and with data protection concerns raised in the absence of heightened security systems.

Closing the justice gap requires more sustained investments at national and international levels. Governments in low- and middle-income countries allocate, on average, a maximum of 4 percent of their budget to cover justice needs. With the exception of a few countries that benefitted from external resources in the mid-2010s, official development assistance to justice represents 1 percent of bilateral aid, compared to 7 percent allocated to education and 13 percent to health.

## UNDP portfolio

The UNDP justice portfolio 2014-2022 comprised 423 projects, for a total budget of US\$3.2 billion, including initiatives financed through the Global Programme on Rule of Law and Human Rights. As support to the rule of law sector in Afghanistan largely diminished after 2014-2015, UNDP budget oscillated between \$150 million and \$281 million per year, reaching its highest point in 2022, at \$373 million. Half of the resources for justice programming benefitted the top 10 fragile countries, with a focus on Africa and the Arab States. The majority of funds (86 percent) came from externally mobilized funding.

The provision of legal aid and counsel to those most at risk of being left behind remains the core focus of UNDP’s work, while supporting institutional development and the strengthening of legal and judicial proceedings to ensure that due process is respected. Guaranteeing legal protection and promoting justice oversight complement UNDP’s approach to access to justice.

## Key findings and conclusions

**UNDP is widely recognized as a key provider of international development assistance in the justice sector.** Its support strengthened national institutions, while empowering communities most at risk of being left behind in seeking justice through knowledge and free legal advice. Across development settings, UNDP has played a key role in meeting the needs of often frail justice sectors, enhancing the technical and financial capacity of Ministries of Justice and courts. Its responsiveness and flexibility,

combined with the neutrality derived from its mandate, have deepened the relationship of trust with national institutions. Particularly in fragile and conflict-affected countries, UNDP's support has allowed the continued functioning and capacity development of justice structures, including through transitional justice processes that valuably promoted reconciliation and allowed communities to reconcile the pain of the past with hope for brighter futures. Insufficient consideration paid to the political nature of justice work and justice oversight challenged UNDP's contribution.

**UNDP's support to legal counsel and aid contributed to enhancing the ability of people to seek remedies from justice institutions**, effectively addressing knowledge-related and financial-related barriers to access to justice. UNDP also effectively promoted legal aid infrastructures, with positive examples of enhanced ownership by national institutions in Middle Income Countries, and overall satisfaction around the quality of support. UNDP has put communities most at risk of being left behind, particularly women, indigenous people, and individuals living in rural areas, at the forefront of its support to access to justice. The development of behaviourally informed strategies for key target groups, including, but not limited to, women, is an area for improvement.

**UNDP supported the development of justice sector capacity, with limited focus on improving fairness and quality of decision-making.** Mobile and/or specialized courts facilitated case management and promoted faster resolution of cases, with some questions raised on the sustainability of the interventions. UNDP e-justice interventions have been primarily aimed at promoting efficiency and business continuity, without applying best practices to address the digital divide at the design stage.

**The ability of individuals to obtain justice often remains uncertain**, given the level of challenges faced by the justice sector and the complexity of the operating environment. Furthermore, the extent to which UNDP programming ultimately contributed to providing remedies and solving people's justiciable issues is in most cases uncaptured, in the absence of strong monitoring and evaluation systems. Support to the presence and capacity development of the State justice sector remains at the core of UNDP's mandate on access to justice. It is clear that more needs to be done to make those institutions more people-centred, accessible and better able to provide faster solutions to the most common justiciable needs of individuals, which pertain to both the criminal and civil justice domain.

**UNDP has focused its assistance on formal/State justice sector institutions. Opportunities to support more effective models of justice delivery, including hybrid structures and alternative dispute resolution mechanisms, remain underutilized.** Interventions in support of alternative dispute resolution mechanisms, which delivered promising results in terms of faster responses, following at times less adversarial methods closer to community cultures, have been carried out, but were limited to a few countries. The often-insufficient resources allocated to alternative mechanisms were seen as subtracted from support to the formal State system, in a false dichotomy of support given the shared goal of promoting access to justice for the efficient and fair resolution of individuals' justiciable issues.

**The space for further synergies with other UNDP areas of work, particularly around civil justice issues, including environmental matters, is yet to be leveraged.** The impact of the environmental and climate crises on the economy and society, with higher prices paid by marginalized communities, requires more effort to engage for the protection of individual and collective rights, through justice mechanisms and stronger accountability vis-à-vis international agreements.

**Beyond joint programmes, the intent of UNDP to partner with other technical agencies as a multiplier of effectiveness was evident** in the numerous agreements and coordinated efforts launched at Headquarters. Partnerships with United Nations agencies proved valuable in promoting more coordinated approaches, particularly on issues of access to justice for women and displaced populations. In conflict-affected countries, cooperation with peacekeeping operations remains challenging, but reportedly is better in more recently established missions. The dialogue with United Nations Special Political Missions could be further leveraged for enhanced access to justice. Civil society organizations (CSOs) have been a key partner of UNDP in programme implementation at the local level, playing an important role in promoting legal awareness and legal aid across contexts. The depth of engagement often was dependent on both local capacity and the permissiveness of the political enabling environment.

## Recommendations

The evaluation puts forward six interrelated recommendations.

**Recommendation 1.** UNDP should enhance its investment and strengthen its value proposition in the area of access to justice at country level, based on comprehensive analyses of both institutional and people's justice needs. UNDP should partner more closely with other actors to strengthen political engagement for equal access to justice for all at the highest levels, including in the area of transitional justice.

To ensure the full relevance and effectiveness of its development support to the justice sector, UNDP should consistently base its offer at country level on an in-depth context and institutional analysis that is grounded in people-centred justice data and that reflects the complex interplay of stakeholders, incentives and vested interests. UNDP should identify national institutions across all sectors that are demonstrably effective in increasing justice and engage them in dialogue with national stakeholders. This would include significantly extending engagement with CSOs and communities in the programme planning phase and making full use of access to justice and legal needs assessments, to have a thorough understanding of the reasons the existing legal framework and structures may not be serving the needs of those most at risk of being left behind, at times perpetuating inequalities.

While the formulation of justice strategies remains fully in the purview of national actors and institutions, UNDP, as the most long-standing provider of technical assistance to the justice sector, should strengthen its support to national coordination mechanisms and foster a network of alliances with multilateral, bilateral and national partners for a more harmonized approach to access to justice. UNDP should support data-driven and evidence-based strategy development and promote a clear focus on creating fair outcomes for all.

UNDP should reinforce its dialogue with United Nations peace operations and political offices, with regular coordination meetings and joint engagement at the highest levels, to strengthen the linkages between the political and technical aspects of justice support.

UNDP should continue its dialogue with national governments and donors to better define its positioning in the area of transitional justice, and its continued support to ongoing processes, to maintain transparency and accountability towards all stakeholders and affected communities.

**Recommendation 2.** UNDP programmes should make the pivot to people-centred justice, particularly with reference to institutional development. Beyond continued support to the institutionalization of legal aid, UNDP should enhance its programmatic focus on fairness, quality and oversight of justice processes, and the core of access to justice: people’s ability to resolve and prevent justice problems.

As the United Nations Agency with SDG 16 at the core of its mandate and as a member of the Justice Action Coalition, UNDP has a unique opportunity to lead the way in making the pivot to people-centred justice in all its programmes, as called for in the 2023 Justice Appeal. UNDP should ensure that all its justice programmes, including projects that support institutional development, are designed with a clear intent of enhancing not only the availability but also the accessibility and quality of justice provision, as measured by the ability of people to resolve and prevent their justice problems.

UNDP should strengthen its programmatic efforts to enhance the fairness, quality and oversight of justice. UNDP projects should introduce and institutionalize measures to systematically monitor justice processes, including through the wider adaptation of tools such as the Judicial Integrity Checklist adopted in Asia and the Pacific. UNDP also should enhance its engagement with national institutions, including parliaments, national human rights institutions, ombudsperson offices and civil society organizations, to strengthen the establishment of adequate mechanisms that reduce discrimination and promote transparency, accountability and oversight of the justice sector.

UNDP should invest in creating an expanded cadre of highly qualified rule of law and access to justice practitioners in Headquarters, regional and country offices who are able to support countries to make the pivot to people-centred justice. Through existing communities of practice and mechanisms (including the nascent Justice Futures Colab), UNDP should build a culture of learning from data and evidence, and systematically develop the justice sector’s understanding of what works to increase access to justice for all.

**Recommendation 3.** UNDP should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.

Once national and local justice mechanisms, including customary, informal and community institutions, have proven to be effective in meeting people’s needs and providing fair outcomes, UNDP should actively support the integration of such mechanisms into laws and policies, ensuring clarity in the mandates and referral mechanisms to/from different justice mechanisms. Alternative mechanisms should offer faster, yet equitable solutions to most common judiciable issues, particularly as pertaining to civil rights matters.

The UNDP support offer should be based on an assessment of the extent to which existing systems and norms comply with internationally recognized human rights standards and should consider how power dynamics and intra-societal divides risk enhancing discrimination and marginalization.

Adequate consideration should be given to the reinforcement of State non-judiciable mechanisms (arbitration, mediation and conciliation) as well as to the role that para-legal mechanisms could play, if properly sustained and institutionalized.



**Recommendation 4.** UNDP should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection and livelihoods, health, environment and climate change. In all areas of UNDP work, programme design can be improved and access to justice increased by including effective recourse options for affected people. UNDP also should increase its support to legal protection of individuals without identity documents, tenure certificates or job security.

In line with the value attached to portfolio approaches as part of the Strategic Plan 2022-2025, UNDP should enhance the promotion of justice as part of integrated systems that allow individuals to access all the services they need to solve their problems holistically, regardless of the entry point for assistance. Grievance resolution mechanisms and links to established legal aid and mediation services should be offered across programmes to promote the resolution of disputes and enable people to stand up for their rights. Effective recourse options, including individual complaint mechanisms, not only increase justice for people directly; they also provide an invaluable feedback loop about the programmes' intended and unintended effects on the people concerned, generating information to increase effectiveness.

Access to justice/legal needs assessments, SDG 16.3.3. national surveys, and other ongoing engagement by UNDP at community level (including participatory local governance mechanisms and community surveys) should be used to gather data and inform more thematic and inter-sectoral work on civil justice issues, contributing to the prevention of recurring legal problems, building on lessons learned from one-stop-shop services.

UNDP should strengthen its programming in the area of environmental justice, promoting holistic solutions that build on the comparative advantage of its integrator role. Through dedicated country-level initiatives jointly supported by UNDP Rule of Law and Nature Climate and Energy programme officers, UNDP should enhance its support to environmental courts and capacity development of justice institutions. The ongoing partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and United Nations Environment Programme (UNEP) in this area should be formalized and continuously nurtured. UNDP also should reinforce its engagement with CSOs and environmental human rights defenders through support and joint advocacy efforts.

UNDP should expand its support to the reduction of the largest justice gap, which results from people's limited access to the opportunities that law provides because of lack of legal tools. UNDP's engagement on legal identity, land reform, informal economy and business and human rights needs to be strengthened.

**Recommendation 5.** UNDP should invest in more and better people-centred justice data, and significantly strengthen the monitoring and evaluation of its justice programmes to understand the extent to which current models of support work for enhanced access to justice for those who find it hardest to access justice, and better adapt courses of action.

In its work on access to justice, UNDP should expand its monitoring practices beyond due diligence for activities and completion of outputs, to include outcome measurements that reflect quality of justice delivery. UNDP should regularly conduct perception surveys of programme beneficiaries that mirror the level of satisfaction of justice clients regarding processes and outcomes. These assessments should occur during projects' implementation and not be left to terminal evaluations, to inform discussion with decision-makers on progress against benchmarks, learning and adaptation. This will require investments by UNDP for dedicated M&E resources within programmes.

UNDP should further promote the use of people-centred justice data and evidence by national justice institutions and support the institutionalization of data collection and analytical tools to this end. UNDP should support the creation of feedback mechanisms that are based on people's needs and experiences with justice actors to assess whether fair outcomes are achieved and trust is built.

In partnership with UNDP Accelerator Labs, the Justice Futures CoLab should champion and test the effectiveness of innovative approaches for justice transformation, while supporting knowledge management through a repository of studies and exchange of practices across UNDP regional and country offices in key areas of intervention. These efforts should be undertaken in consultation with other actors that have similar initiatives, such as Hiil's Justice Innovation Labs and the learning labs for rule of law programmes by the United States Agency for International Development.

**Recommendation 6.** UNDP should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice.

Building on the lessons learned from its work on access to justice for women and girls and other marginalized communities, UNDP should ensure that its access to justice interventions are based on targeted strategies that effectively empower those who find it hardest to access justice by removing the specific barriers that challenge them differently and prevent their full participation in society.

Beyond legal protection and aid, dedicated attention should be paid to whether justiciable issues are derived from discrimination in the law and/or its implementation. Issues of social norms and stigma, as well as unbalanced power structures and economic dependence when it comes to violence against women and girls, should be more carefully considered. The justice that survivors of sexual and gender-based violence (SGBV) want and need, and their experiences on their justice journey, should be central to the design of any programme meant to benefit them.

UNDP should enhance its efforts to promote diversity in service provision and continuously advocate for a more representative justice workforce that includes women, members of the LGBTI community, ethnic/religious minorities, or displaced populations, to enhance the trust of the target population and users. UNDP should then monitor the effectiveness of change in terms of usage, perceptions of the quality of service provision, and the outcomes of decision-making.

**Recommendation 7.** UNDP should deepen its support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.

Working in close collaboration with the Office of the Chief Digital Officer and building on lessons learned from its previous support to e-governance processes, UNDP should spearhead initiatives aimed at promoting digitalization and the use of technology in the justice sector, from the standpoint of human-rights-based approaches and full integration of considerations for Leaving No One Behind.

In line with the recommendations of the 2022 paper '*e-justice: Digital transformation to close the justice gap*', UNDP should promote the development of in-house expertise in this area and enhance the adoption of the Chief Digital Office's digital standards in UNDP country offices.

Given the high risks for individuals and communities that UNDP is trying to protect, UNDP should ensure that data protection is an integral part of its e-justice support. Tailored mitigation strategies should be conceived to avoid data leakage harming individuals and communities that UNDP is trying to protect.



## CHAPTER 1.

# INTRODUCTION

## 1.1. Background

This evaluation of the United Nations Development Programme (UNDP) support to access to justice is the first dedicated global assessment by the Independent Evaluation Office (IEO) in this area. It was conducted as part of the IEO multi-year programme of work 2022-2025, as approved by the UNDP Executive Board (DP/2022/6). The evaluation will be presented to the Annual Session of the Executive Board in June 2023.

UNDP defines access to 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”.<sup>1</sup> UNDP’s support to legal processes and justice institutions is considered “part and parcel of promotion of democratic governance for poverty eradication and sustainable human development”;<sup>2</sup> an essential dimension of social contracts, foundational to the promotion of peaceful societies and socio-economic development. If left unsolved, challenges in access to justice can disrupt cohesion and lead to conflict, with cascading problems and costs for individuals, communities and societies.

The evaluation will contribute to UNDP’s evolving strategy on access to justice, as formulated in the UNDP Strategic Plan 2022-2025 and phase IV of the Global Programme for Strengthening the Rule of Law, Human Rights, Justice and Security for Sustainable Peace and Development (hereinafter, the Global Programme). The evaluation findings and reflections also intend to contribute to the global discussion on the acceleration of access to justice for all.

## 1.2. Evaluation objectives and scope

The evaluation of the UNDP support to access to justice maintained a two-fold accountability and learning goal, providing UNDP Management, its Executive Board, and other stakeholders with an assessment of results achieved, or contributed to, by UNDP, as well as lessons learned around factors affecting performance. By examining the relevance, coherence, efficiency, effectiveness and sustainability of UNDP’s support, the evaluation aimed to determine the extent to which this has increased trust in, and use of, efficient and quality legal and justice services that meet the most pressing justiciable needs of the population. In assessing UNDP’s achievements against its goals (as stated in strategic and programmatic documents), the evaluation adopted a realistic approach to data analysis,<sup>3</sup> contextualizing the information collected in broader assessment of countries’ political economies while accounting for the evolution of the discourse around people-centred justice in international development. The UNDP support to access to justice through innovation and digital modalities, particularly after the outbreak of the COVID-19 pandemic, was a key area of focus.

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<sup>1</sup> UNDP. (2014). Guidance Note on Assessing Rule of Law Using Institutional and Context Analysis. Page 2.

<sup>2</sup> UNDP. (2004). Access to Justice - practice note.

<sup>3</sup> As described in Pawson, R. & Tilley, P. (1997). Realistic evaluations. Sage Publications Ltd.



The evaluation was framed around UNDP’s definition of access to justice, and its articulation around six non-sequential phases: legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, civil society and parliamentary oversight (*see section 3.1 for more details*). The role played by both State and non-State actors in promoting access to justice, through formal and informal systems, was considered.<sup>4</sup>

The UNDP justice programmes – mostly implemented within UNDP Country Programmes governance portfolios across development contexts – remained the entry point for assessing UNDP results. Care was taken to identify efforts in other areas to understand coherence and synergies among UNDP’s interventions in supporting resolution of justiciable issues. The evaluation paid dedicated attention to UNDP’s response to Sexual and Gender-Based-Violence (SGBV), as well as matters of environmental justice,<sup>5</sup> through a formative lens, in the latter case considering that stronger engagement by UNDP in this area was only framed in the 2022-2025 Global Programme.

The evaluation assessed how UNDP interventions have distinctively benefitted individuals who are most at risk of being left behind, subject to discrimination and/or prevented the full enjoyment of their human rights by the formulation or implementation of the law. These include, but are not limited to, women and girls, indigenous populations, migrants and refugees, people living with disabilities, and members of the Lesbian Gay Bisexual Transgender and Intersex (LGBTI) community.

In line with the UNDP strategic planning cycles, the evaluation covered the period 2014-2021. Programme activities carried out by UNDP until September 2022 were considered where relevant to reflect changes in the organization’s strategic direction, or as late manifestations of outcome-level results stemming from previous years’ efforts.

### 1.3. Evaluation questions

The evaluation assessed the UNDP support to access to justice according to international standard evaluation criteria, as agreed by the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD) in 2020,<sup>6</sup> by responding to the following questions:

- 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?
- 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?
- 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?

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<sup>4</sup> UNDP broadly labels ‘informal justice’ as the “resolution of disputes [...] by adjudication [...] of a neutral third party that is not a part of the judiciary as established by law and/or whose substantive, procedural or structural foundation is not primarily based on statutory law”. Source: UNDP, UN Women, and UNICEF. (2013). *Informal justice systems: charting a course for human rights-based engagement*.

<sup>5</sup> Defined by UNDP as “promoting justice and accountability in environmental matters, focusing on the respect, protection and fulfilment of environmental rights and the promotion of the environmental rule of law”. Source: UNDP (2022). *Environmental Justice: securing our right to a clean, healthy and sustainable environment*.

<sup>6</sup> <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>.

- 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 civil society organizations (CSOs), enhanced UNDP ability to deliver in an efficient manner?
- 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?
- 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 to 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 Matrix (Annex 2) includes an expanded version of the evaluation questions.

## 1.4. Evaluation methodology

The evaluation employed mixed methods (quantitative and qualitative) to answer the evaluation questions and test some of the hypotheses formulated in the reconstructed theory of change (Annex 1). Data collection occurred through different channels (review of outcome and performance monitoring documents, surveys, interviews, focus groups, and some observational studies at country level), and was primarily influenced by Contribution Analysis, Qualitative Comparative Analysis, and Most Significant Change theory-based methods.<sup>7</sup> An iterative and adaptive approach to data collection allowed for adjustment in the direction of the evaluation based on emerging evidence, while remaining within the framework set by the evaluation scope and questions.

To ensure a fuller understanding of the UNDP positioning and strategic focus, the evaluation reviewed all UNDP strategic and programmatic documents, including sectoral planning frameworks, guidance and thought pieces developed by the UNDP Rule of Law team, as well as data reported in the UNDP results-based-management system (2014-2021) and other corporate monitoring reports. Global studies on access to justice, relevant legal needs surveys and existing databases on access to justice were explored to assess the relevance of the UNDP work, and frame the evaluation's assessment in the

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<sup>7</sup> Most Significant Change and Contribution Analysis were used to determine the effectiveness of UNDP's support, while Qualitative Comparative Analysis was applied to identify factors affecting performance of select projects in deep-dive countries (see Annex 6 for more details).

context of the broader international institutional landscape.<sup>8</sup> Linear and multiple regression analyses were run to explore the correlation between UNDP's size of programming<sup>9</sup> and contextual variables, including countries' fragility and income levels (measured through the Fund for Peace Foundation<sup>10</sup> and the World Bank income categorization) as well as the capacity and integrity of their civil and criminal institutions (assessed through dedicated components of the World Justice Project's Rule of Law Index 2015-2022, and legal needs surveys 2018-2019).<sup>11</sup>

The basis of evidence thus collected was then cross-checked and complemented with information from 12 'deep-dive' studies at country level, selected based on several criteria, including contextual factors (e.g., countries' high justice needs across income and fragility categories), the level of the UNDP financial investment in the period under consideration, geographic balance among UNDP regions, and the absence of (or limited) previous evaluation coverage. The selected countries included: Democratic Republic of Congo, Liberia and Mali (Africa); Lebanon and Tunisia (Arab States); Myanmar and Pakistan (Asia and the Pacific); Albania and Kyrgyzstan (Europe and Central Asia); Colombia, Guatemala and Paraguay (Latin America and the Caribbean).<sup>12</sup> Ordered (logit) regression models were run with project data from eight countries to identify predictors of performance. The most relevant variables were then combined into a single model to confirm the robustness of the statistical significance found.

The evaluation also coordinated efforts with seven ongoing IEO Independent Country Programme Evaluations (ICPEs) to expand evaluative evidence and avoid unnecessary strains on UNDP country offices.<sup>13</sup> The evaluation also explored in more depth the UNDP support to non-State Alternative Dispute Resolution (ADR) mechanisms in Somalia,<sup>14</sup> as well as e-justice interventions in four contexts (Bhutan, Brazil, Sierra Leone, and the Programme of Assistance to the Palestinian People, or PAPP).

Protocols and checklists were developed to promote consistency in data collection and comparative analyses against the evaluation questions, as well as to ensure the full respect of ethical considerations, particularly around anonymity, data protection and informed consent by vulnerable populations, in line with the Ethical Guidelines for Evaluation set by the United Nations Evaluation Group (2020).<sup>15</sup>

The evaluation adopted a multi-stakeholder consultation process by interviewing more than 600 individuals at Headquarters, regional and country levels. The interviewees included 221 UNDP staff, 119 representatives of National Governments, 36 United Nations partners, and 231 members of civil society (non-governmental and civil society organizations, experts) and/or beneficiaries of UNDP's assistance. The IEO also sent a survey to 169 UNDP Chief Technical Advisors and staff responsible for the management of justice programmes at country level, which recorded a 33 percent response rate.<sup>16</sup>

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<sup>8</sup> A full list of documents and sources consulted is available in Annex 8.

<sup>9</sup> Obtained through the IEO Data Mart on Power Bi.

<sup>10</sup> The Fragile States Index is a globally recognized tool measuring fragility of countries in terms of cohesion, economic, political and social indicators. <https://fragilestatesindex.org/2022/07/13/fragile-states-index-2022-annual-report/>.

<sup>11</sup> <https://worldjusticeproject.org/about-us>. See Annex 7 for more details.

<sup>12</sup> See Annex 3 for more details.

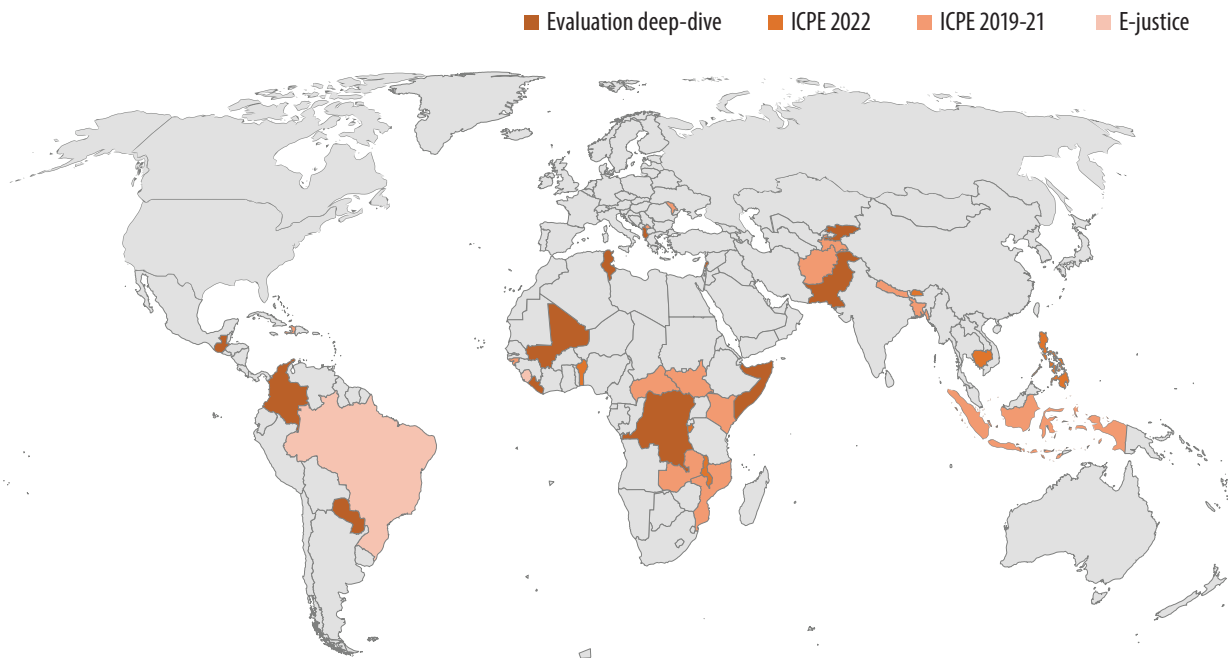
<sup>13</sup> Benin, Bhutan, Burundi, Cambodia, Malawi, PAPP and Philippines.

<sup>14</sup> ADR refers to any method of resolving disputes without litigation, including mediation, arbitration, conciliation, negotiation and transaction. Source: [https://www.law.cornell.edu/wex/alternative\\_dispute\\_resolution](https://www.law.cornell.edu/wex/alternative_dispute_resolution).

<sup>15</sup> <http://www.unevaluation.org/document/detail/2866>.

<sup>16</sup> The survey registered 56 responses (39 percent women, 38 percent men, 23 percent preferred not to answer that question). Available data indicate that 36 percent of respondents were based in Africa, 18 percent were based in the Arab States, 18 percent in Asia and the Pacific, 18 percent in Europe and Central Asia, and 7 percent were based in Latin America and the Caribbean.

**FIGURE 1: Evaluation coverage of UNDP work at country level**



Source: IEO

The evaluation made extensive use of existing evaluative knowledge around the UNDP programming on access to justice. In addition to the in-depth review of 11 previous ICPEs and related outcome analyses,<sup>17</sup> the IEO ran a meta-analysis of qualitative evidence available in 140 evaluations commissioned by UNDP to gather evidence of achievements at outcome level, challenges and lessons learned in UNDP's access to justice programming.<sup>18</sup> The IEO cloud-based Artificial Intelligence for Development Analytics (AIDA)<sup>19</sup> also allowed the evaluation to identify relevant reports for its formative assessment on environmental justice, which were then sampled and analysed using keywords aligned to the three approaches identified by UNDP as entry points for programming in its most recent guidance on the topic.<sup>20</sup> Content analysis was performed to identify major trends.

The evaluation paid dedicated attention to assessing the effectiveness and lessons learned of gender-related components of UNDP's access to justice programming, including through partnerships and joint initiatives such as Spotlight,<sup>21</sup> based on the framework defined in the 2018 guidance developed

<sup>17</sup> Afghanistan, Bangladesh, Central African Republic, Haiti, Kenya, Kosovo (references to Kosovo shall be understood to be in the context of United Nations Security Council Resolution 1244), Moldova, Mozambique, Nepal, Tajikistan, Zambia

<sup>18</sup> These included 80 ICPEs, 53 high-quality project evaluations, and 7 thematic/programme evaluations by UNDP and the International Security Sector Advisory Team.

<sup>19</sup> <https://aida.undp.org/landing>.

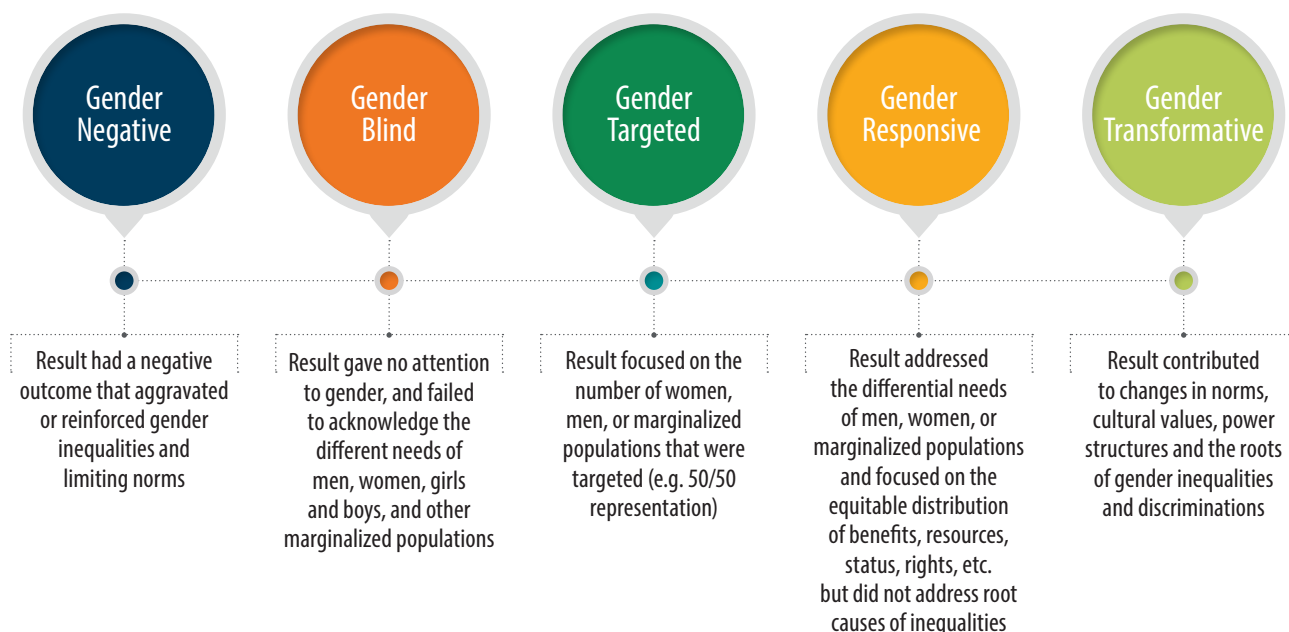
<sup>20</sup> Establishing enabling legal frameworks at national and international levels; Strengthening people-centred and effective institutions; and Increasing access to justice and legal empowerment in environmental and climate change matters. Source: UNDP (2022). Guidance note - Promoting environmental justice through UNDP programming.

<sup>21</sup> Spotlight, a multi-stakeholder partnership among the European Union and United Nations agencies, reflects a major global effort to eliminate all forms of violence against women and girls. The evaluation assessed Spotlight's results through its country level analysis and a meta-synthesis of 28 Spotlight monitoring and evaluation reports.



by UNDP and other United Nations partners.<sup>22</sup> A brief guide on 'Evaluating the gender responsiveness of Access to Justice Programmes', including reference to key documents and a checklist on specific issues to account for, was developed and applied to all country analyses.<sup>23</sup> To understand the extent to which the UNDP support to access to justice contributed to gender equality, beyond its dedicated focus on SGBV, the evaluation conducted an analysis of gender marker-related data and applied the IEO gender results effectiveness scale (GRES) to project-level analysis in selected countries.<sup>24</sup>

**FIGURE 2: IEO Gender Results Effectiveness Scale**



Source: UNDP IEO

The evaluation benefitted from the highly valuable advice of a four-member Evaluation Advisory Panel, comprised of international experts in justice sector support, who provided substantive guidance at key moments of the evaluation process and reviewed the quality of the draft report. The panel helped ensure that the evaluation was fully informed by the latest thinking and international best practices in the field of access to justice, to enhance the relevance of the evaluation recommendations.

<sup>22</sup> UN Women, UNDP, UNODC, OHCHR. (2018). Practitioner's Toolkit on Women's Access to Justice Programming.

<sup>23</sup> See Annex 5 for more details.

<sup>24</sup> In line with the United Nations Gender Equality Marker Guidance Note (2013), UNDP uses the gender marker to track resource allocations for gender equality in the organization at project output level. The IEO uses the GRES scale to capture variations in the achievement of gender-responsive results, based on five categories adapted from the Evaluation of UNDP's Contribution to Gender Equality and Women's Empowerment (2015).

## 1.5. Evaluation challenges and limitations

Evaluating the UNDP support to access to justice is a challenging endeavour, given the size and breadth of work in this area. UNDP's definition of access to justice served as a valuable anchor to define and limit the scope of the evaluation, although the boundary with broader conceptualizations of justice could not always be maintained. UNDP's sectoral approach to programming also led the evaluation to prioritize the analysis of interventions directly supporting justice institutions. While care was taken to identify UNDP's support to grievance and dispute resolution mechanisms in other areas of work to analyse existing and potential synergies, these could not be assessed with the same level of detail. UNDP's support to electoral justice remained outside the scope of this assessment.

The evaluation's primary challenge was in the paucity, quality and dispersion of monitoring and performance data available at project level. While the IEO could count on the valuable collaboration of UNDP country offices to gather information, the exercise was extremely resource-intensive, and important gaps in the availability and quality of data (particularly at outcome level) remained. To overcome this challenge, the evaluation enhanced its reliance on primary data collection through dedicated outreach efforts and open sources.

The evaluation was not significantly impacted by the COVID-19 pandemic, as most travel restrictions had been lifted by the time data collection began. The IEO took full advantage of technology and tools to limit the impact of its travel footprint. Both online surveys and interviews/focus groups were used to triangulate data from multiple sources. The use of technology was particularly valuable for Myanmar, where travel restrictions affected the ability of the IEO team to visit the country. With the support of the UNDP country office there, the evaluation was able to organize 11 focus groups with CSOs and 73 UNDP beneficiaries. In Tunisia, remote interviews were conducted with UNDP staff and non-State stakeholders because the political context did not allow for a field mission and engagement with judiciary sector actors there. The devastating floods that ravaged Pakistan in late August 2022 forced the evaluation team to revise its data collection plan, with an enhanced use of remote interviews that could only partly cover the original intended outreach to programme beneficiaries.

## 1.6. Structure of the report

The report is structured as follows: Chapter 2 explains the global context and challenges that the international community is facing in its efforts to enhance access to justice for all, including because of the COVID-19 pandemic. Chapter 3 addresses the UNDP response to those challenges through a descriptive review of the organization's access to justice portfolio over the 2014-2022 period. Chapter 4 covers the evaluation's main findings, in broad alignment with the evaluation criteria. Chapter 5 presents the report's conclusions and recommendations intended to strengthen the UNDP support to its Member States in ensuring equal access to justice for all.

## CHAPTER 2.

# GLOBAL CONTEXT

## 2.1. The Sustainable Development Goals

With agreement on the Sustainable Development Goals (SDGs) in 2015, the international community committed to promote the rule of law at the national and international levels and ensure equal access to justice for all by 2030 (SDG 16). To measure achievements against the SDG 16.3 target, three indicators were defined: (1) enhancing the use of, and reliance on, competent authorities or other officially recognized conflict resolution mechanisms to which victims of violence would report; (2) reducing the proportion of unsentenced detainees; and (3) increasing access to formal or informal dispute resolution mechanisms for people who have experienced a dispute.<sup>25</sup>

Spearheaded by civil society's advocacy efforts, and with significant support from UNDP and international partners, the inclusion of SDG 16.3.3 represents a landmark expansion from previous efforts to measure access to justice.<sup>26</sup> The indicator is a recognition that justice is in reality provided by a range of actors beyond the rule of law and formal justice sector, including government offices, third-party mediations, and community or religious leaders.<sup>27</sup> Its focus on civil justice issues also recalibrates the measurement of access to justice around people's most common justiciable needs across the world (see also section 2.2), including family disputes, land and housing issues, work-related matters and environmental damages. Data are disaggregated by sex, disability status, migration background, ethnicity and education.

Data related to SDG 16.3 indicators remain scarce and unevenly available. While most countries (79 percent) have succeeded in reporting on the share of pre-trial detainees as part of the overall prison population, information from victimization surveys (SDG 16.3.1) are only available in 14 percent of cases, and five countries have reported against SDG 16.3.3.<sup>28</sup> Together with the United Nations Office on Drugs and Crime (UNODC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), in 2021 UNDP piloted a survey to measure progress on achieving justice-related indicators, as well as perceptions of discrimination and the representation of groups most at risk of being left behind in decision-making positions in the judiciary. The survey also investigates reasons behind the limited use of justice and dispute resolution mechanisms, including reasons related to beliefs and lack of awareness around accessibility of, and trust in, institutions.<sup>29</sup>

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<sup>25</sup> <https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.3>.

<sup>26</sup> SDG 16.3.3 was approved by the 10<sup>th</sup> meeting of the Inter-agency and Expert Group on Sustainable Development Goal Indicators held in October 2019. Further information can be found in the 2019 'Rome Civil Society Declaration on SDG16+: A Renewed Call for Strengthening Commitments, Partnerships, and Accelerated Action for SDG16+', signed by more than 130 CSOs.

<sup>27</sup> Dispute resolution mechanisms also could include unions, staff committees, professional associations, employers, NGOs, community organizations, NHRIs and a country's equality bodies.

<sup>28</sup> Canada, Colombia, The Gambia, Palestine and Peru. Source: <https://unstats.un.org/sdgs/dataportal>.

<sup>29</sup> The SDG 16 survey was piloted in eight countries across regions and development contexts (Cape Verde, El Salvador, Kazakhstan, Kenya, Somalia, Tanzania, Togo, Tunisia).

The ability of people to obtain justice is not, however, dependent only on the functioning of justice institutions and dispute resolution mechanisms as measured by SDG 16.3. As reflected in the highly inter-related nature of the United Nations SDGs, numerous other objectives also affect the political economy of justice interventions, including safety conditions;<sup>30</sup> discrimination in the text and practice of both national and customary laws;<sup>31</sup> security of rights (as related to identity and birth registration, land tenure, and labour contracts);<sup>32</sup> access to public information; and inclusive, participatory, transparent and responsive decision-making, including at local level and for natural resource management.<sup>33</sup> The effective functioning of National Human Rights Institutions (NHRIs) in line with the Paris Principles also profoundly contributes to promoting accountability of all stakeholders as part of justice chain mechanisms.<sup>34</sup>

## 2.2. People-centred justice

A more evidence-based, people-centred approach to justice has been developed out of critiques of interventions too heavily focused on institutions and with limited regard paid to local contexts.<sup>35</sup> This approach, most recently championed by the Task Force on Justice and the Justice Action Coalition, emphasizes legal needs as functional, and justice as a means, based on an acknowledgement that “people do not need legal services, they need the ends which legal services can bring about”,<sup>36</sup> including a sense of fairness, the opportunity to protect their source of livelihood or register a child in school. Tailoring justice services to the specific needs of the population therefore not only matters for better access to justice, but also for achieving other policy outcomes such as better healthcare or employment, good governance and broader trust in government.<sup>37</sup>

Advocates for the operationalization of people-centred approaches to justice consider that all interventions should be based on a full understanding of how legal systems and justice processes could solve individuals’ and communities’ problems by working as part of an integrated system of services. Accounting for the different legal capabilities of those who require assistance, and the range of barriers those individuals may face, people-centred approaches to justice deliberately target and empower those most in need and at risk of being left behind. Attention paid to fair processes and outcomes would increase trust and confidence in the justice system for enhanced social cohesion, while the exploration of root causes of legal problems could prevent their further recurrence and more sustainably contribute to poverty reduction and equality.<sup>38</sup>

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<sup>30</sup> SDG 16.1.

<sup>31</sup> SDG 5.1.1., SDG 10.3.1, SDG 16.b.1.

<sup>32</sup> SDG 1.4.2, SDG 5.a.1, and SDG 16.9.

<sup>33</sup> SDG 6.b, SDG 11.3.2., SDG 16.5, SDG 16.6 and SDG. 16.7.

<sup>34</sup> SDG 16.a.1. The Paris Principles were adopted by the General Assembly (resolution 48/134). For more information, see <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris#:~:text=1.,and%20its%20sphere%20of%20competence>.

<sup>35</sup> This is reflected, for example, in the 2019 Hague Declaration on Equal Access to Justice for All, the Declaration and Joint Action Plan by the G7+ group on Access to Justice for All in Conflict-Affected Countries, and Justice 2023: Pivoting to People-Centred Justice.

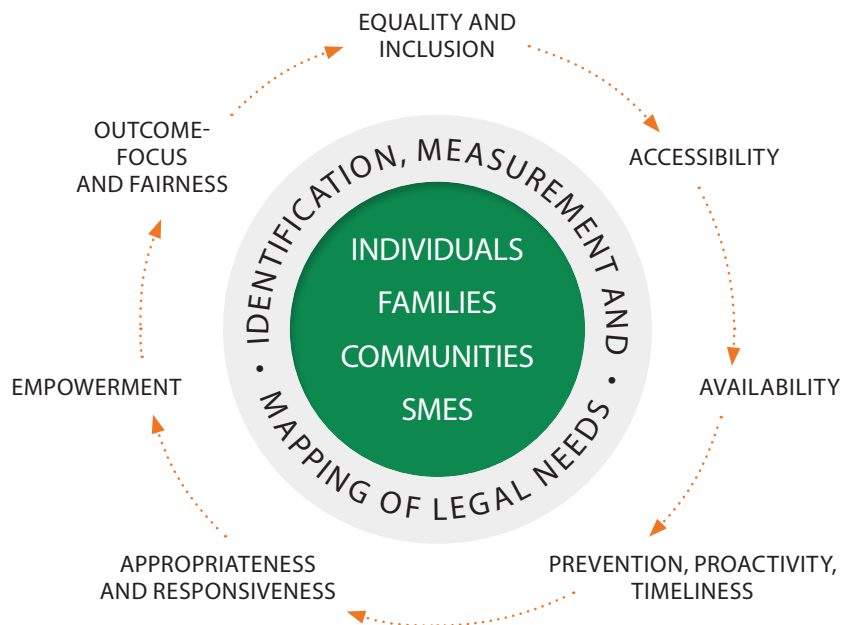
<sup>36</sup> Pleasence, P. et al. (2001), Local Legal Need, Legal Services Commission.

<sup>37</sup> De Langen, M., & Gerlach, K. (2020). Forging the International Movement for Achieving Justice for All.

<sup>38</sup> OECD. (2019). Equal Access to Justice for Inclusive Growth: Putting people at the centre.



**FIGURE 3: People-centred justice criteria**



Source: OECD (2019)

Without diminishing the value of providing technical support to State justice institutions, people-centred justice approaches recognize the valuable role that non-State, alternative and informal justice systems could play in solving disputes, advocating for the creation of partnerships among a wider range of actors and institutions. Advancements in areas such as Business and Human Rights and environmental justice also have expanded the opportunities to enlarge the justice debate to other sectoral ministries and business companies for enhanced accountability.

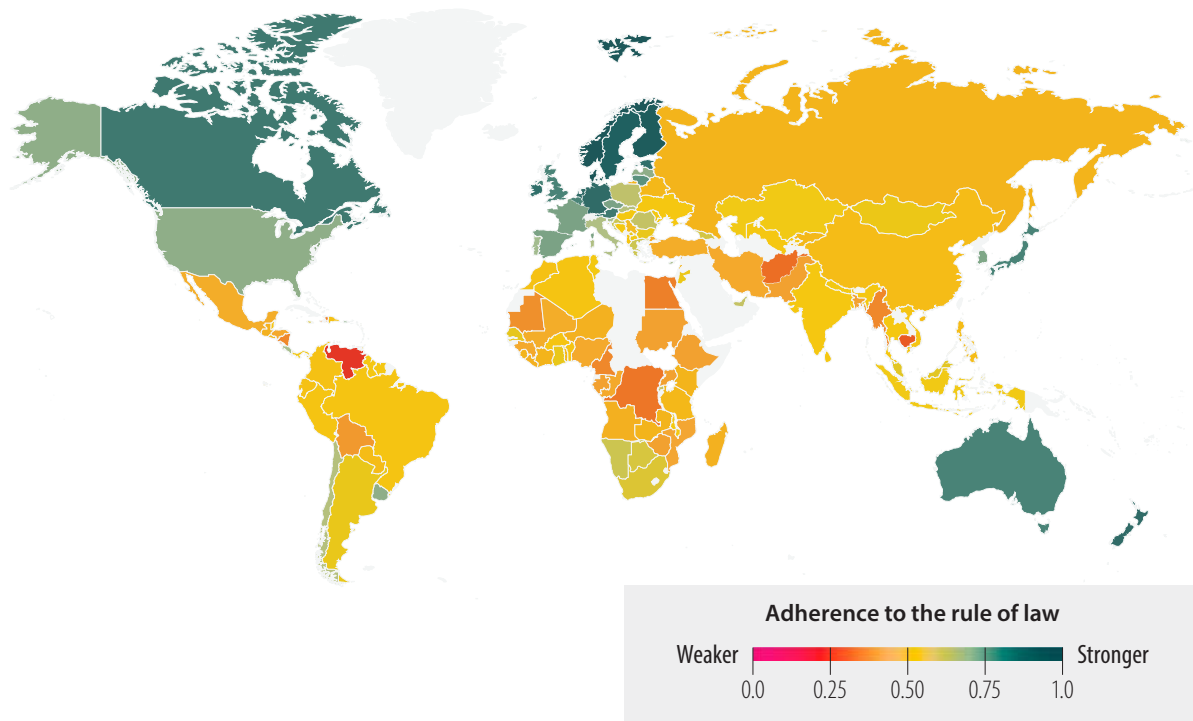
### 2.3. The global justice gap<sup>39</sup>

The most recent and authoritative estimate of the global justice gap, made available by the World Justice Project, indicates that 5.1 billion people (two thirds of the world population) live without meaningful access to justice. The majority of them (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. The report also notes that 1.5 billion cannot obtain justice because of malfunctioning institutions and/or other obstacles to resolving their issues. These include people with unmet civil or administrative needs, as well as victims of (violent and non-violent) crimes who have not reported their cases to competent authorities. Some 253 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, or in states with systems that contribute to impunity.<sup>40</sup>

<sup>39</sup> The Task Force on Justice conceptualized the global justice gap in 2019, building on estimates of exclusion from the rule of law presented by the Commission on the Legal Empowerment of the Poor.

<sup>40</sup> The World Justice Project. (2019). *Measuring the justice gap: a people-centred assessment of unmet justice needs around the world.*

**FIGURE 4: Civil Justice Score Heat Maps (2022)**



Source: The World Justice Project

Legal needs surveys acknowledge that, globally, people’s justice problems are mostly civil in nature, related to economic and social disputes, and often appear as clusters of inter-related problems in people’s lives. Beyond violence and crime, legal and justice issues arise from circumstances routinely experienced across population groups, such as money/debt and consumer issues; disputes over housing, land, or neighbouring relationships; access to public services (healthcare, education, water and sanitation, etc.); family disputes and problems at work (whether as employee or business owner).<sup>41</sup> While civil justice issues are largely experienced across development contexts and geographic regions,<sup>42</sup> at country level it is the less affluent and/or less educated individuals in society who experience more land and social welfare disputes.<sup>43</sup>

While people experience civil justice issues more often than criminal issues, the quality and effectiveness of the two systems are strongly tied to each other.<sup>44</sup> Particularly in Low-Income and highly fragile countries, criminal justice remains an important unmet need, with significant challenges reported in terms of efficiency, effectiveness and transparency of the investigation, adjudication and correction systems as well as respect of due process.

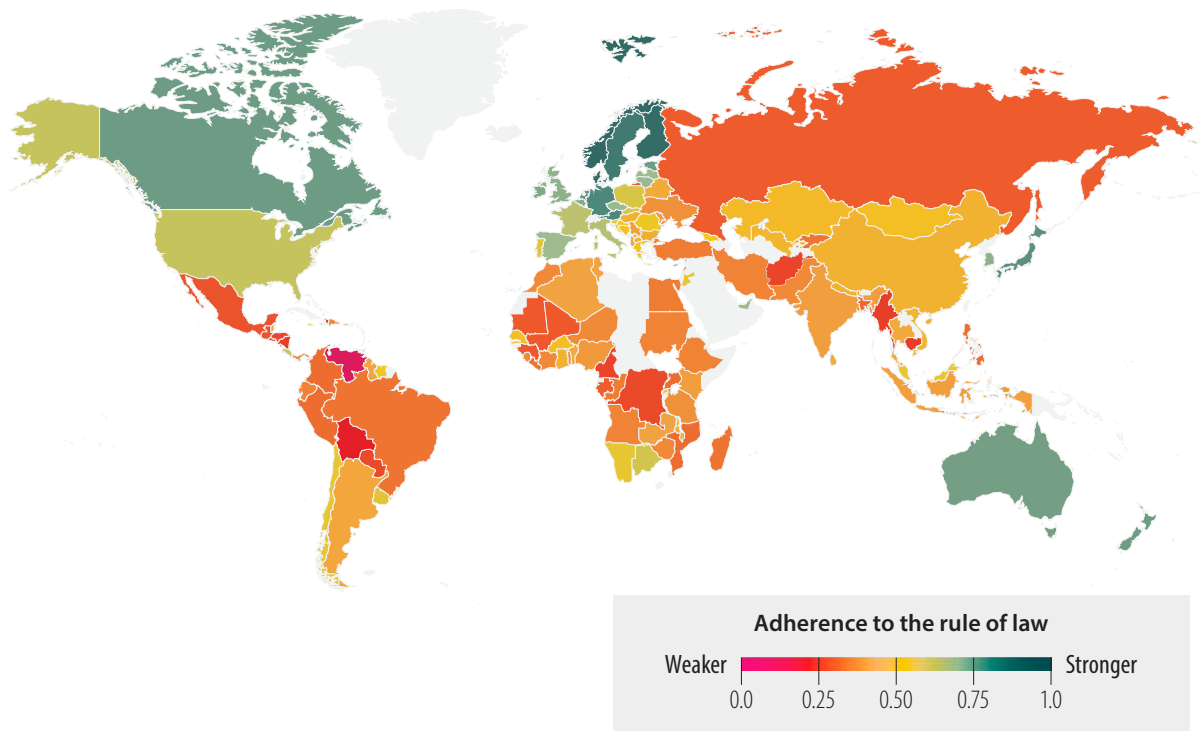
<sup>41</sup> OECD & Open Society Justice Initiative. (2018). Legal Needs Survey and Access to Justice; World Justice Project. (2019). Measuring the justice gap: a people-centred assessment of unmet justice needs around the world.

<sup>42</sup> The World Justice Project (2019). Global Insights on Access to Justice: findings from the World Justice Project general population poll in 101 countries.

<sup>43</sup> Kind, M., Gramatikov, M., Nunez, R., & Kernchen, N. (2018). Justice Needs and Satisfaction in Bangladesh 2018: Legal Problems in daily Life. The Hague Institute for Innovation of Law.

<sup>44</sup> A statistically significant correlation coefficient of 0.82 was found between the civil and criminal justice system indices using average data for 90 countries between 2015-2022.

**FIGURE 5: Criminal Justice Score Heat Maps (2022)**



Source: The World Justice Project

There is no country in the world where people enjoy equal access to justice.<sup>45</sup> Place 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. Low levels of legal capability, time scarcity, problems accessing appropriate help, and open or covert discrimination act as mediating factors.<sup>46</sup> A recent study by the Hague Institute for Innovation of Law (HiIL) and the World Bank revealed that, compared to poor, non-poor are 0.96 times less likely to experience legal problems.<sup>47</sup> Corruption among members of the police and judiciary also risks creating a two-tier system for those who have and those who have not, with payment of bribes often used to resolve disputes. The higher impact of the justice gap on people most at risk of being left behind thus becomes an accelerator of inequality and exclusion.

On average, less than four percent of problems are resolved by a decision in courts, given the cost and length of formal court proceedings.<sup>48</sup> While often not acknowledged in national Constitutions and laws, non-State and informal justice systems (including customary social structures, religious authorities, community forums, local administrations and labour unions) form an important part of individuals' experience of justice. Particularly in Low- and Middle-Income countries, vulnerable individuals limitedly resort

<sup>45</sup> This holds true also for developed and high-income countries. See, for example, the analysis by Les Jacobs, D.K., & McManus, M. (2014). Paths to Justice and the Resolution of Consumer Problems: Findings from the 2014 Everyday Legal Problems and the Costs of Civil Justice in Canada.

<sup>46</sup> OECD & Open Society Justice Initiative. (2018). Legal Needs Surveys and Access to Justice.

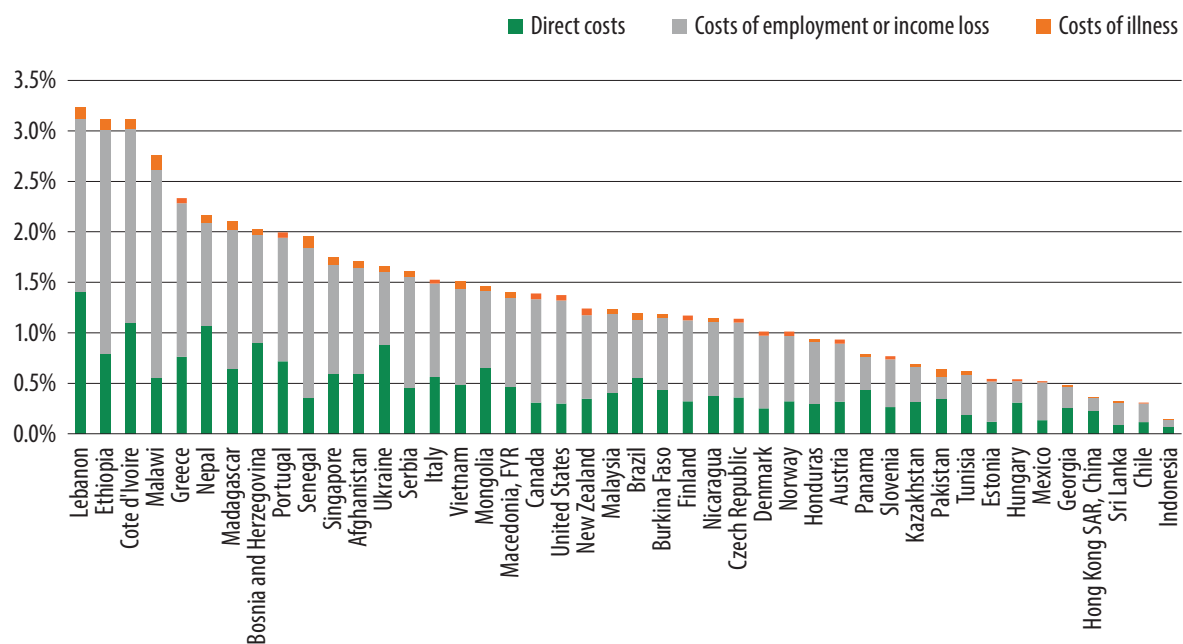
<sup>47</sup> Gramatikov, M., Kaur, R., Banks, I., & Heijstek-Ziemann, K. (2021). Poverty and Access to Justice. HiIL and the World Bank.

<sup>48</sup> HiIL (2020). Charging for justice: SDG 16.3 Trend.

to formal justice institutions when seeking advice for what may be a justiciable issue, preferring to rely on friends and family, religious or community leaders, CSOs and other organizations. While non-State and informal justice systems can present further challenges in terms of respect of human rights for all, because of unchecked power relationships and social pressure (particularly when it comes to women and minorities), they often are preferred as more accessible, legitimate, closer to local values and beliefs, and focused on settlement by mediation and compensation (vs. custodial sanctions).<sup>49</sup> Oftentimes, the formal justice system also is perceived as ‘too adversarial’, risking to escalate tensions and add to the trauma of victims.<sup>50</sup>

Gaps in justice delivery have a highly negative impact on individuals and businesses, including loss of income, deteriorating health, and increased violence, particularly against women.<sup>51</sup> Depending on the availability of public and private support schemes, part of those costs is also transferred to government agencies, legal aid services, social security organizations and insurance companies. Accounting for these reported impacts, a 2018 OECD study across 44 countries found that the annual cost of legal problems could equate to a 0.5 to 3 percent loss in the countries’ Gross Domestic Product.<sup>52</sup>

**FIGURE 6: Annual costs of legal problems as percentage of GDP**



Source: OECD and World Justice Project (2018)

<sup>49</sup> UNDP, UN Women, and UNICEF. (2013). Informal justice systems: charting a course for human rights-based engagement.

<sup>50</sup> The Taskforce on Justice (2019). Justice for All – Final Report. Center on International Cooperation.

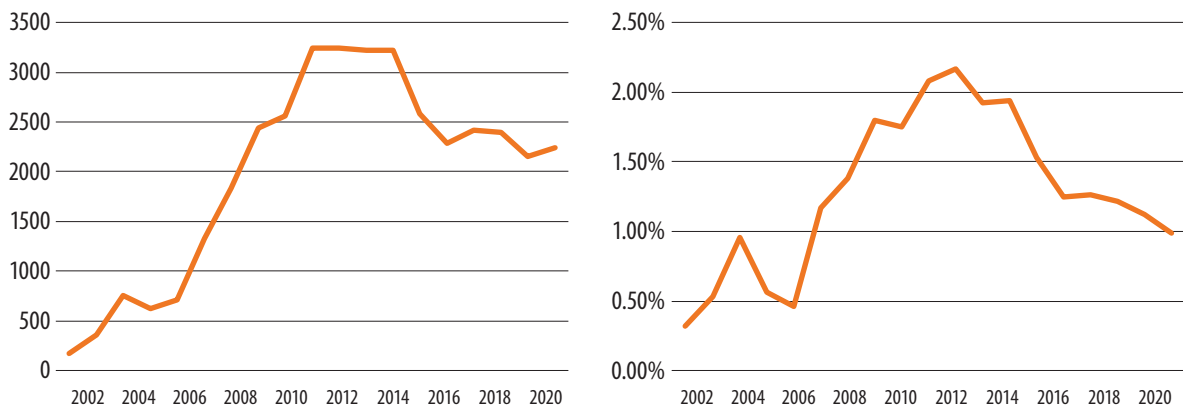
<sup>51</sup> Weston, M. (2022). The Benefits of Access to Justice for Economies, Societies, and the Social Contract. Pathfinders and Open Government Partnership.

<sup>52</sup> OECD & World Justice Project. (2018). Building a Business Case for Access to Justice.

Importantly, the inability of individuals and communities to have their grievances addressed and problems solved through the justice system also increases the risk of political instability and violent conflict, reversing social and economic development. While it remains challenging to quantify the impact of justice alone on reduced conflict, the Taskforce on Justice (2019) estimated that increasing a country's capacity to deliver core justice functions and provide increased access to justice would give a 16:1 return of financial investment in terms of reduced conflict costs.<sup>53</sup>

According to the Overseas Development Institute (2019), closing the justice gap would cost US\$20 per person per year in a Low-Income country, \$64 in a Middle-Income country, and up to \$230 in OECD countries. Although the financial costs per person in lower income countries appear affordable, available national data indicate that governments in Low- and Middle-Income countries allocate a maximum of 4 percent of their budget to cover justice needs. With the exception of a few countries that have importantly benefitted from external resources in the mid-2010s,<sup>54</sup> official development assistance to justice is just 1 percent of bilateral aid, compared to 7 percent for education and 13 percent for health services.<sup>55</sup>

**FIGURE 7: Official Development Assistance (ODA) to Legal/Judicial Development Sector (2002-20), total (US\$ million) and as percentage of bilateral aid**



Source: IEO analysis of OECD ODA data

While an increase in international and national funding of courts appears as a legitimate response to the problem, and an important form of protection against corruption and influence by powerful private interests, studies have shown that increasing budgets for courts does not necessarily translate in higher performance, as complicated adversarial procedures still constrain time and resource

<sup>53</sup> The Taskforce on Justice (2019). Justice for All – Final Report. Center on International Cooperation. The calculation was based using the approach adopted by the United Nations and World Bank in the 2018 document 'Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict'.

<sup>54</sup> IEO analysis of Official Development Assistance data, downloaded from the OECD website.

<sup>55</sup> Manuel, M., Manuel, C. & Desa, H. (2019). Universal access to basic justice: costing Sustainable Development Goal 16.3. Overseas Development Institute Working Paper 554.



efficiency.<sup>56</sup> Reliance on small and medium sized organizations to provide advice (mostly pro bono) often has proved to be unsustainable, pushing some justice theorists and practitioners for a shift in the approach to justice as part of a more integrated system that puts the solution of people's justiciable issues and local delivery at its centre.

## 2.4. Access to justice for women and girls

Gender prominently features among the factors contributing to vulnerability to exclusion in accessing justice, with a significant mismatch reported between women and girls' needs and what justice systems provide.<sup>57</sup> For many women around the world, justice remains an unfulfilled promise against the realities they face at home and in the workplace and communities. More than 3.7 billion women and girls around the world are affected by discriminatory laws, lack of legal protection, and uneven use and implementation of safeguards, particularly as pertains to SGBV issues.<sup>58</sup> With the outbreak of the COVID-19 pandemic, restrictive measures combined with negative power dynamics led to a global spike in domestic violence, at a time when avenues for seeking redress narrowed.

Changing the systems that perpetuate inequality and affect access to justice is a complex and inherently political endeavour, which not only requires changes to the normative framework, but also dedicated work to promote attitude and behavioural change at all levels. Many barriers preventing women's and girls' access to justice have deeper roots in persistently wide gaps in the availability of knowledge, time and socio-economic resources. Interventions aimed at enhancing women's capacity to seek and obtain justice need to simultaneously account for the broader and systemic roots of inequity. While gender equality within the justice and security systems has the potential for transformative change within society, globally, women still make up only 35 percent of staff in those institutions (including clerical positions) and remain severely under-represented in decision-making processes.<sup>59</sup>

Challenges related to access to justice are especially aggravated and acute in conflict and post-conflict situations, where all barriers faced by women are exacerbated, with formal justice systems no longer effectively functioning or being even more likely to violate women's rights than to protect them. In those contexts, the imperative to protect women and girls from violence and human rights violations, particularly Conflict-Related Sexual Violence (CRSV), has been long affirmed, starting with the United Nations Security Council Resolution 1325 (2000) on women, peace and security.<sup>60</sup> Despite the numerous commitments, however, sexual violence often remains employed as a tactic of war, with insufficient resources made available to seek and obtain justice.

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<sup>56</sup> Botero et al. (2003). *Judicial Reform*, The World Bank Research Observer. Palumbo et al. (2013). *The Economics of Civil Justice: New Cross-Country Data and Empirics*. OECD. Hiil. (2014). *Legal Aid in Europe: Nine Different Ways to Guarantee Access to Justice*.

<sup>57</sup> High-level Group on Justice for Women. (2020). *Justice for Women*.

<sup>58</sup> Task Force on Justice. (2019). *Justice for All – Final Report*.

<sup>59</sup> UNDP and University of Pittsburgh. (2021). *Global Report on Gender Equality in Public Administration*.

<sup>60</sup> The normative framework on Women, Peace and Security is complemented by other international and regional conventions, including, most notably, the Convention on the Elimination of Discrimination Against Women (CEDAW) and general recommendations by the CEDAW Committee, particularly numbers 19 on violence against women, 33 on women's access to justice, and 35 on gender-based violence against women.

## 2.5. Shrinking civic space and the impact of the COVID-19 pandemic

The COVID-19 pandemic has exacerbated the decline of rule of law performance that began in 2018 with the continued rise of cultural populism.<sup>61</sup> According to the 2022 World Justice Project's Rule of Law Index,<sup>62</sup> almost two thirds of countries, particularly in Africa and the Arab States, experienced a decrease in performance resulting from a more limited respect of fundamental rights (mainly, the right to life and security, equal treatment, and freedom of assembly), a decline in the quality of civil justice systems, and more constraints imposed by governments. The 2022 SDG report also acknowledged an increase in human rights violations due both to conflict and limitations to freedom of expression. In 2021, 320 fatal attacks against human rights defenders, journalists and trade unionists were recorded in 35 countries.<sup>63</sup>

Justice actors found themselves on the frontlines of the COVID-19 pandemic, enforcing rapidly changing rules in the early days of the public health emergency, and subsequently responding to the socio-economic impact of the crisis.<sup>64</sup> As the COVID-19 pandemic forced courts and other justice mechanisms to close, or severely restricted their functioning, most countries (94 percent) experienced an increase in case backlogs and delays in administrative, civil or criminal proceedings.<sup>65</sup> The cost of more limited access to justice was particularly high for individuals who lack legal identity or with uncertain migration status, those without secure land/housing/job tenure, women and children at risk of violence, and prisoners in pre-trial detention.<sup>66</sup> The onset of the COVID-19 pandemic exposed existing vulnerabilities and pushed countries to revisit their approach to the digitalization of their legal sectors, at different levels of speed across settings.

While digital tools and virtual platforms overall helped improve access to justice, the pandemic also highlighted the challenge of digital inclusion. Some 2.9 billion people worldwide remain offline,<sup>67</sup> suffering from the lack of basic infrastructure and limited digital literacy. Careful consideration needs to be given to how technological advances may hinder, rather than help, communities most at risk of being left behind, increasing the digital divide and compounding exclusion. Serious concerns related to data protection and privacy also remain, as digitized information and digitalized processes could pose heightened risks in terms of violations of rights and freedoms, perpetuating systemic biases and injustices.

## 2.6. Environmental justice

The roots of the environmental justice discourse in international development can be traced back to the 1972 Stockholm Declaration and Action Plan for the Human Environment, where an acknowledgment of the disproportionate impact of economic growth on vulnerable populations, with rising pollution and degrading ecosystem services, led to the codification of the "fundamental right (of present and future generations) to [...] adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being".<sup>68</sup> Since then, a few international and regional treaties underlined the importance of the meaningful involvement of all people in decision-making processes pertaining to

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<sup>61</sup> Kyle, J., & Meyer, B. (2020). High Tide? Populism in Power, 1990- 2020. Tony Blair Institute for Global Change.

<sup>62</sup> The World Justice Project Rule of Law Index (2022), available at <https://worldjusticeproject.org/index>.

<sup>63</sup> The United Nations (2022). The Sustainable Development Goals Report.

<sup>64</sup> Pathfinders for Peaceful, Just and Inclusive Societies (2020-21). Justice in a Pandemic Briefings, Center on International Cooperation.

<sup>65</sup> The World Justice Project Rule of Law Index (2021).

<sup>66</sup> The World Justice Project. (2020). The COVID-19 pandemic and the global justice gap.

<sup>67</sup> International Telecommunications Union (2021). <https://www.itu.int/hub/2021/11/facts-and-figures-2021-2-9-billion-people-still-offline/>.

<sup>68</sup> United Nations. (1972). Report of the United Nations Conference on the Human Environment. A/Conf.48/14/Rev.1.

environmental laws, regulations and policies, reinforcing the right of the public with regard to access to environmental information.<sup>69</sup> In a landmark decision in July 2022, the United Nations General Assembly recognized that a clean, healthy and sustainable environment is a universal human right, alongside all other fundamental social, economic, cultural, civic and political rights.

Despite the significant investment in ensuring legal protection, which led to the inclusion of the right to a safe and healthy environment in Constitutions and laws of 155 States<sup>70</sup>, implementation and enforcement of norms remains uneven, due to the absence of a culture of environmental compliance in many countries, coupled with a perception that environmental rules will slow down or impede development.<sup>71</sup> The number of specialized environmental courts has been rapidly increasing, from 350 in 2014 to 1,200 in 2018,<sup>72</sup> proving their effectiveness in enforcing environmental regulations and nudging firms to engage in less risk-taking behaviour.<sup>73</sup> But they are still only present in just more than 40 countries and often lack adequate capacities. The ability of people to appeal and use laws to ensure the protection of their rights also has been challenged by '*locus standi*' (i.e., the ability of bringing issues to the attention of the court only by those who have suffered actual harm), court fees' payment, and inadequate technical and legal knowledge required to resolve environmental disputes. In this context, advocacy work by non-governmental and civil society organizations often has been the main driver of change, with few important normative results achieved in terms of environment and land rights' protection for communities most at risk of being left behind. Resistance to the actual implementation of environmental laws and the promotion of rights has been most dramatic in the harassment, arbitrary arrests, and killing of environmental defenders, with more than 1,700 activists murdered in the period of 2012-2021.<sup>74</sup>

Rule of law is an essential framework to respond to climate-driven insecurity and conflict. The discussion about climate justice to date has mostly occurred in the context of political negotiations of parties around loss and damage. With the creation of a dedicated fund at the United Nations Climate Conference in 2022,<sup>75</sup> enhanced support to people-centred justice systems can allow those most affected by climate change to claim their rights and seek redress for grievances.<sup>76</sup> While still very limited, the number of cases filed in courts for climate-related events almost doubled in the period 2017-2019, reaching 1,550 cases, the great majority of which (78 percent) were debated in the United States.<sup>77</sup> The number of cases from the Global South also is growing, with 58 cases in 2020-2021, approximately half of which were from Latin America and the Caribbean.<sup>78</sup>

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<sup>69</sup> United Nations (1992). Report of the United Nations Conference on Environment and Development. A/Conf.151/26 (Vol. 1); United Nations. (2012). The future we want; United Nations Economic Commission for Europe (UNECE). (1998). Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention); United Nations Economic Commission for Latin America and the Caribbean. (2018). Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement).

<sup>70</sup> <https://www.iucn.org/news/world-commission-environmental-law/202110/right-a-healthy-environment>.

<sup>71</sup> UNEP. (2019). Environmental Rule of Law: First Global Report.

<sup>72</sup> UNDP (2010), Fostering Social Accountability: From Principle to Practice. And <https://theworld.org/stories/2018-04-24/around-world-environment-finally-getting-its-day-court>. For a map of the environmental courts, see <https://www.downtoearth.org.in/news/environment/from-australia-to-el-salvador-to-vietnam-the-environment-is-finally-getting-its-day-in-court-60437>.

<sup>73</sup> Zhai, H. & Kam, C. (2020). The Impact of Specialized Environmental Courts on Corporate Risk-Taking: evidence from a Natural Experiment in China.

<sup>74</sup> Global Witness. (2012). A Decade of Defiance: Ten years of reporting land and environmental activism worldwide.

<sup>75</sup> 'Loss and damage' refers to the irreversible economic and non-economic costs of both extreme weather events and slow onset climate disasters such as sea-level rise and melting glaciers.

<sup>76</sup> IDLO. (2022). Rule of Law responses to climate insecurity.

<sup>77</sup> UNEP and Columbia University (2020). Global Climate Litigation Report: 2020 status review.

<sup>78</sup> Setzer, J. & Higham, C. (2021). Global trends in climate change litigation: 2021 snapshot. The London School of Economics Grantham Research Institute on Climate Change and the Environment, Columbia Law School, and Center for Climate Change Economics and Policy.

## CHAPTER 3.

# THE UNDP ACCESS TO JUSTICE PORTFOLIO

### 3.1. Strategic direction

The UNDP definition of access to justice as “the ability of people to seek and obtain a remedy through [...] justice institutions” leads to an all-encompassing, yet sector-specific, view of support. Access to justice starts with guaranteeing protection in the law (including against discrimination) and promoting rights awareness. Its core focus remains the provision of legal aid and counsel to those most at risk of being left behind, while supporting the strengthening of legal and judicial proceedings (including criminal investigations) to ensure that due process is respected, for just and equitable outcomes. Access to justice is thus seen as requiring interventions both on the demand and supply side of justice, empowering people to seek support while promoting an enabling environment and securing more accessible, efficient and accountable justice institutions and systems. The key streams of UNDP support to access to justice are presented in Figure 8.

**FIGURE 8: UNDP access to justice components**

Legal protection	Legal awareness	Legal aid	Adjudication	Enforcement	Civil Society and Parliamentary Oversight
Promote constitutional and legal reforms that seek to bring conformity with human rights standards, strengthen judicial independence, enhance due process of law, and improve legal aid	Support government’s policies for the dissemination of legal information in a user-friendly way, involving social networks and non-lawyers in the delivery of community education programmes	Provide adequate and affordable legal counsel through supported public legal aid schemes, pro bono attorneys, paralegals, and legal clinics	Develop the institutional capacities and processes for a strong and impartial judiciary, and support State-non judicial and non-State organizations	Support the effectiveness of prosecution departments, police (criminal investigations), and prison systems	Develop watchdog and monitoring capacities among CSOs, Parliament, and the media

Source: IEO adaptation from UNDP Access to Justice Practice Note (2004)

While acknowledging judicial institutions as central actors of the justice chain, the UNDP Guidance Note recognizes that informal and traditional justice systems could provide more efficient and meaningful remedies for communities most at risk of being left behind, despite persistent challenges in terms of conformity to international human rights standards, including around social discrimination and gender equality. Other State non-judicial organizations (including Ombudspersons' offices, NHRIs, and Parliaments) as well as CSOs and the media, are all envisaged to play a role in strengthening the accountability of the justice system. According to the UNDP 2004 guidance note, other national ministries and governmental institutions also may be engaged, depending on the subject of the justice matter considered.

## UNDP Strategic Plans<sup>79</sup>

A broader definition of justice permeates the entirety of the UNDP mandate as encoded in its Strategic Plans (2014-2017, 2018-2021, and 2022-2025). The organization's core support to justice in its narrower sense is mostly framed, for reporting purposes, under the umbrella of UNDP's governance work. Across the three Strategic Plans, UNDP's support is broadly measured in terms of number (or share) of additional people who have access to justice, explicitly intended in the UNDP Strategic Plan 2014-2017 as "beneficiaries of legal aid and counsel services" and "individuals who receive a judgement in the first instance".<sup>80</sup> Over time, the requested level of data disaggregation expanded beyond sex to include other groups at risk of being left behind, such as youth, poor, people living with disabilities, displaced populations and ethnic minorities.

While UNDP's support to institutions has remained a core component of work across the three Strategic Plans, a shift is noted in the 2022-2025 document from 'functions, financing and capacities' of justice institutions towards outcome-level results around the expansion of access to justice and strengthening of rule of law, human rights and equity. The acknowledgement of non-State and informal justice systems remains broadly defined,<sup>81</sup> with an explicit reference in the Strategic Plan 2018-2021 then subdued into a more comprehensive request to work with multiple systems and stakeholders (including the private sector) to support the fulfilment of human rights obligations. Support to transitional justice processes, measured in terms of 'addressed grievance cases' and 'post-crisis victim redress mechanisms restored/adopted', is no longer explicitly mentioned in the Strategic Plan 2022-2025.

In the area of gender and justice, UNDP's Strategic Plans cover the introduction of legal reforms to fight discrimination, with an explicit reference to women's access to productive assets, tenancy and inheritance rights. The UNDP support to prevent and address gender-based violence, including through reporting mechanisms and justice responses, also is consistently mentioned and is further emphasized in the COVID-19 dedicated Results-Oriented Annual Reporting.

Environmental justice, mentioned as an emerging issue in the 2014-2017 Strategic Plan, was no longer included in subsequent documents, the focus mostly remaining on the establishment of legal frameworks for benefit sharing of natural resources in line with international conventions.

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<sup>79</sup> See Annex 4 for more details on the formulation of UNDP results and reporting.

<sup>80</sup> The Strategic Plans 2018-2021 and 2022-2025 do not specify any further what 'having access to justice' means.

<sup>81</sup> In crisis context, a distinction is rather made between national and local systems.



## The Global Programme on Rule of Law and Human Rights

The UNDP Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Settings – later expanded as the Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development to signify its coverage of other fragile contexts as well as prevention measures – captures UNDP’s strategic, long-term commitment to justice and rule of law.

The Global Programme, which has been active since 2015, has over time expanded both its focus and reach to include more than 75 countries.<sup>82</sup> Enlarging its support beyond the provision of seed funding to include policy and technical advice, the Global Programme has come to cover different areas of work, including institution building, transitional justice, gender justice,<sup>83</sup> and support to NHRIs. Since 2012, the UNDP global programmatic support to access to justice has maintained a strong focus on conflict-affected countries, through its co-lead role of the Global Focal Point for Rule of Law. This included the contribution to the joint programme of the Team of Experts on Rule of Law and CRSV, with a specific mandate to promote enhanced accountability of perpetrators through stronger legal frameworks, institutions and capacities.<sup>84</sup> Starting from 2016, UNDP has significantly expanded its work to the area of business and human rights, with a focus on Asia and the Pacific, to ensure that due diligence processes are respected, and remedies provided, in case of human rights abuses by business employers, in compliance with the 2011 United Nations Guiding Principles on Business and Human Rights (see finding 11).<sup>85</sup>

Global Programme documents have generally presented ‘access to justice for vulnerable and marginalized groups’ as a distinct area of focus, separate from institution building, accountability and oversight of justice institutions, transitional justice, and justice for women and girls around SGBV issues. While acknowledging the connections among all the areas of work, access to justice has thus been mostly interpreted as work ‘on the demand side’ of the justice equation, primarily targeting women, communities in remote areas, and displaced populations as the most marginalized groups. In line with the shift noted in the Strategic Plan 2022-2025, the Programme’s phase IV introduced new language around people-centred approaches to institution building, with a focus on accessibility and responsiveness, and strengthening the importance of focus on ‘everyday justice issues’ (such as land and family disputes, which have been the focus of previous engagement under the Commission for the Legal Empowerment of the Poor) and local approaches (including in support of gender-sensitive and transparent informal justice systems). The importance of understanding people’s experiences of justice through data also was highlighted. This vision is also reflected in the 2022 paper ‘Beyond the pandemic – the justice emergency’,<sup>86</sup> which supports a programming shift away from justice seen as remedial actions to punish those who committed wrongs towards a more systemic and broader approach that places people and their justice needs at the heart of interventions. According to the background paper, this would not only require a better reading of the political complexity of the context, but also more programmatic synergies with other development practitioners.

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<sup>82</sup> Prior to 2015, UNDP maintained three Global Programmes on rule of law for crisis settings, access to justice (supported by the then Bureau for Development Policy), and Human Rights Strengthening.

<sup>83</sup> Defined as “ending inequalities between men and women in law and practice and providing redress for those inequalities”.

<sup>84</sup> The Team of Experts 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 OHCHR.

<sup>85</sup> United Nations and OHCHR. (2011). Guiding Principles on Business and Human Rights. [www.ohchr.org/documents/publications/guidingprinciplesbusinessshr\\_en.pdf](http://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf). The programme has since expanded globally to 28 countries. Outside of the Asia and Pacific region, support has been provided to Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Türkiye, and Ukraine (Europe and Central Asia); Ghana, Kenya, and Mozambique (Africa); Mexico and Peru (Latin America and the Caribbean); Djibouti and Tunisia (Arab States).

<sup>86</sup> <https://www.undp.org/publications/beyond-pandemic-justice-emergency>.

Phase IV of the Global Programme (2022-2025) also introduced two additional directions for UNDP in the area of justice. Recognizing that inequalities linked to environmental harms and natural disasters, if left unaddressed, can also heighten grievances, destabilize societies, and contribute to conflict and violence, UNDP suggested a three-pronged approach to environmental justice around support to legal frameworks, justice and human rights institutions, and legal empowerment in environmental and climate change matters (see finding 14).<sup>87</sup> The stronger focus on e-justice and rights-based digitalization was spurred by a revamped attention to technology and virtual modalities following the outbreak of the COVID-19 pandemic, with the aim of promoting efficiency gains while reducing the risks of enlarging the existing justice gap (see findings 12-13).<sup>88</sup>

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### BOX 1: UNDP's three-pronged approach to environmental justice

- ✓ Establishing enabling legal frameworks at national and international levels
- ✓ Strengthening institutions, especially those related to justice and human rights, to ensure they are accessible to all and are equipped to monitor, enforce and implement environmental laws
- ✓ Increasing access to justice and legal empowerment in environmental and climate change matters

Source: UNDP. (2022). Environmental Justice: Securing Our Right to a Clean, Healthy and Sustainable Environment

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## Inter-agency partnerships

In its work on (access to) justice, UNDP has partnered with several United Nations Agencies, particularly in crisis and conflict-affected countries, to optimize outreach and efficiency, while promoting the sustainability of interventions. Since 2012, UNDP has co-chaired the Secretariat of the Global Focal Point for Rule of Law, working alongside several United Nations organizations, including the Executive Office of the Secretary General, the Department of Peace Operations (DPO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), OHCHR, and UNODC, to provide policy guidance and support joint programming on justice and rule of law. UNDP also has been a member of the Tripartite Partnership to Support National Human Rights Institutions, formed in 2011 (and operationalized in 2018) with OHCHR and the Global Alliance of National Human Rights Institutions (GANHRI). More recently, UNDP strengthened its collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR), including in implementation of the Partnership Framework on Local Governance and Rule of Law and the newly adopted Global Collaboration Framework for Inclusion and Solutions, to support the provision of civil documentation and justice services for displaced populations.<sup>89</sup> The Gender Justice Platform (launched in 2020) and the internal Gender and Crisis Engagement Facility (established in 2021) also have promoted further collaboration between UNDP and UN Women to increase access to justice for women and girls, address their immediate justice needs, and strengthen institutional

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<sup>87</sup> UNDP (2022). Guidance note - Promoting environmental justice through UNDP programming.

<sup>88</sup> UNDP. (2022). Beyond the pandemic – the justice emergency.

<sup>89</sup> UNDP and UNHCR. Partnership Framework on Local Governance and Rule of Law Contributions to prevent, address and solve forced displacement and statelessness situations (2020-2023). The Global Collaboration Framework for Inclusion and Solutions (2022-2025) maintains a dedicated focus on justice data. <https://erc.undp.org/evaluation/managementresponses/keyaction/documents/download/7326>.

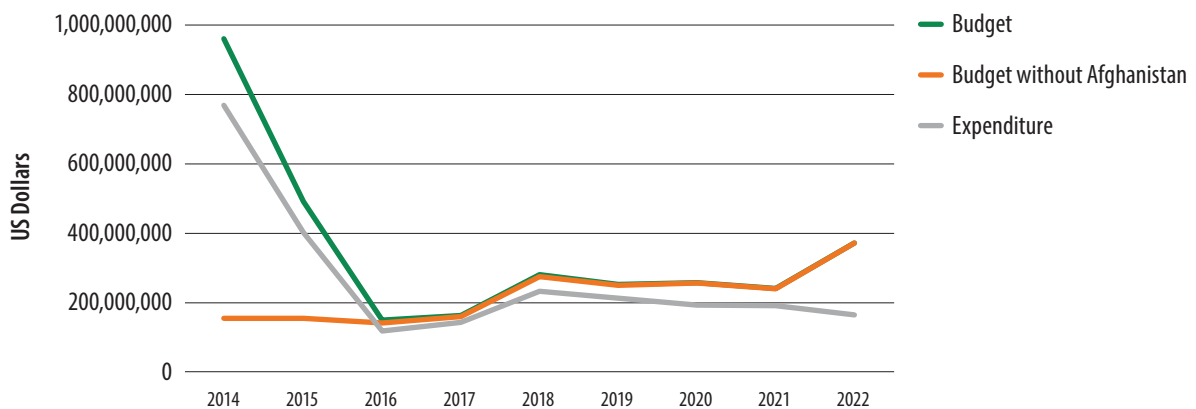
effectiveness and accountability of judicial systems and legislative frameworks. In October 2022, UNDP also signed a new framework agreement with the International Criminal Court to facilitate UNDP’s operational support at country level.

### 3.2. Programme portfolio

UNDP justice portfolio 2014-2022 comprised 423 projects, including initiatives financed through the Global Programme, for a total budget of US\$3.2 billion.<sup>90</sup>

The overall size of the UNDP justice portfolio was significantly affected by the large amount of resources allocated to rule of law in Afghanistan. That amount has diminished since 2014-2015.<sup>91</sup> For 2016-2021 the UNDP budget oscillated between US\$150 million and \$281 million per year. It reached its highest point in 2022 with a total budget of \$373 million.<sup>92</sup> Excluding Afghanistan as the main outlier, resources for the UNDP justice programming have increased from \$156 million in 2014 to \$371 million in 2021, a growth of 138 percent.

**FIGURE 9: UNDP justice portfolio, 2014-22**



Source: IEO Data Mart

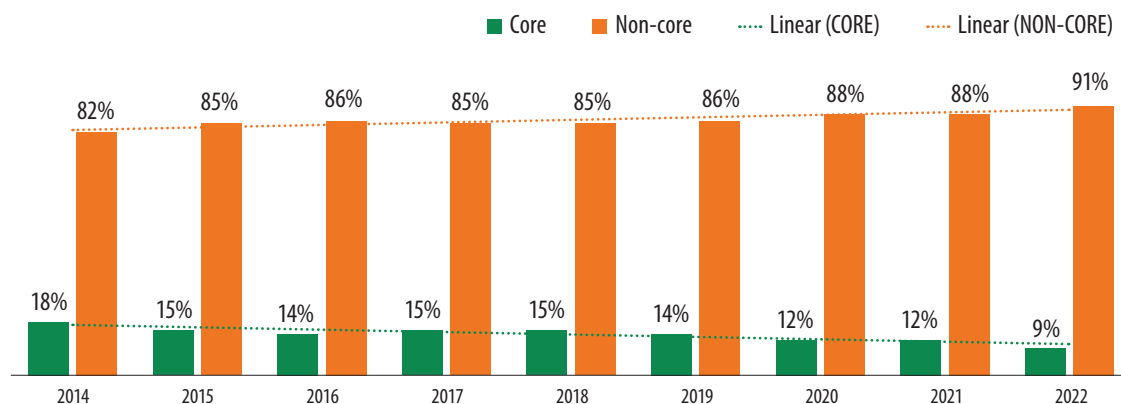
The great majority of resources to UNDP justice programming comes from externally mobilized funding, with an average of 86 percent of budgets for projects implemented in 2014-2022 coming from donors and governments. UNDP’s core resources to justice programmes remained limited and fairly stable over time (with a slight increase from \$29.7 million in 2014 to \$33.5 million in 2022) but decreased as percentage to the total. One quarter of core resources (\$66 million) was allocated to the top 10 fragile countries, with the remaining \$193 million earmarked for other settings.

<sup>90</sup> The IEO used UNDP Strategic Plan outputs and keyword search to help identify relevant projects.

<sup>91</sup> During the period 2014-2022, the budget for Afghanistan was US\$1.16 billion, which decreased on average by 30 percent per year. Approximately 98 percent of the total country’s budget for the period (US\$1.14 billion) was received in 2014-2015.

<sup>92</sup> The average expenditure rate was 81 percent (excluding 2022 data, for which information was incomplete at the time of drafting this report).

**FIGURE 10: Core and non-core resources to UNDP justice programming, 2014-22**



Source: IEO Data Mart

In line with UNDP’s programmatic focus on fragile and crisis countries,<sup>93</sup> and partly driven by resource availability, half of the UNDP budgetary resources for justice programming (approximately US\$1.6 billion) benefitted the top 10 fragile countries, with a focus on Africa and the Arab States.<sup>94</sup> Three quarters of those funds (\$1.2 billion) were earmarked to support justice and rule of law in Afghanistan, with the Law-and-Order Trust Fund (phase VI and VII) representing 60 percent of the total budget for the region. Excluding Afghanistan, the breakdown of resources appears more balanced among regions, with a relative majority of funds (32 percent) going to Africa.

**FIGURE 11: UNDP justice portfolio (2016-22), by region**

Bureaus/Units	Including Afghanistan		Excluding Afghanistan	
	\$ Budget (US\$)	Budget share	\$ Budget (US\$)	Budget share
Asia Pacific	\$ 1,546,811,035	48.8%	\$ 382,538,836	19.1%
Africa	\$ 647,541,156	20.4%	-	32.3%
Latin America and the Caribbean	\$ 391,557,007	12.3%	-	19.5%
Arab States	\$ 350,396,070	11.1%	-	17.5%
Europe and the Commonwealth of Independent States	\$ 145,217,877	4.6%	-	7.2%
<b>Subtotal Regional Bureaus</b>	<b>\$ 3,081,523,146</b>	<b>97.2%</b>	-	<b>95.6%</b>
<b>Headquarters</b>	<b>\$ 89,240,815</b>	<b>2.8%</b>	-	<b>4.4%</b>
<b>Total</b>	<b>\$ 3,170,763,961</b>	<b>100%</b>	-	<b>100%</b>

Source: IEO analysis of financial data extracted from ATLAS

<sup>93</sup> 60 percent of UNDP budget is spent in crisis countries. Source: UNDP Crisis Offer, available at <https://www.undp.org/crisis>.

<sup>94</sup> Afghanistan (Asia and the Pacific), Central African Republic, Chad, Democratic Republic of Congo, and South Sudan (Africa), Somalia, Sudan, Syrian Arab Republic, and Yemen (Arab States), Haiti (Latin America and the Caribbean).

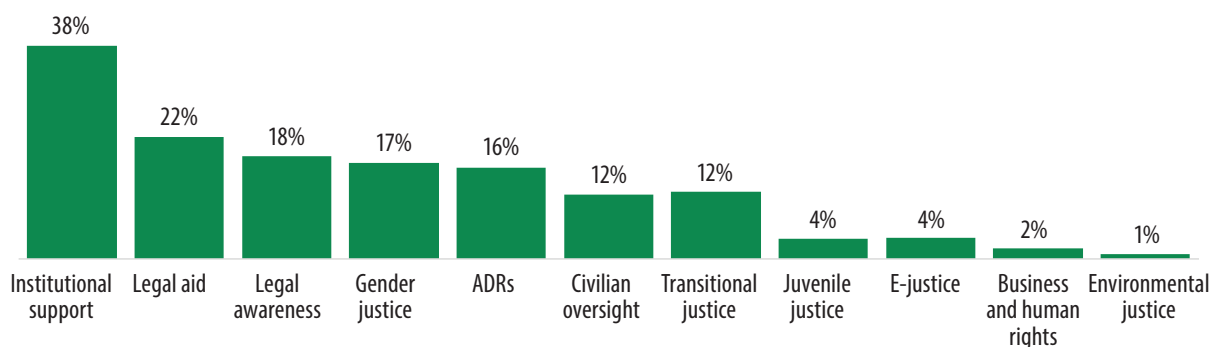
Overall, UNDP resources are concentrated in a few countries per region. In Latin America and the Caribbean, four countries accounted for 71 percent (US\$278.6 million) of the region’s budget: Paraguay, for the creation of justice centres (with funding from the Inter-American Development Bank); Colombia, with a focus on transitional justice and access to justice; Dominican Republic, to support the Constitutional tribunal and the Supreme Court; and Haiti, to improve rule of law. Similarly, in the Arab States, Iraq, Somalia and the PAPP accounted for three quarters (\$259.9 million dollars) of the regional budget. And in Asia and the Pacific, three countries (Bangladesh, Myanmar and Pakistan) accounted for almost 70 percent of the resources, when Afghanistan is excluded. Countries covered by the Bureau for Europe and the Commonwealth of Independent States (RBEC) showed a slightly more diversified spread of resources, with Kyrgyzstan, Moldova, Tajikistan and Ukraine accounting for 61 percent of the regional funding (\$88.1 million). In Africa, one third of the resources (\$209 million) benefitted programming in the Central African Republic (mostly for the establishment and functioning of the Special Criminal Court) and South Sudan, with Burkina Faso and Burundi comprising approximately 5 to 7 percent of the region’s resources each.

### Thematic focus

The UNDP justice portfolio has covered different thematic areas and entry points in the access to justice chain, with priority given to justice institutions’ strengthening (including NHRIs, 28 percent of projects) followed by legal awareness, legal aid, and gender and justice issues (12-13 percent of projects each). Approximately 7 to 8 percent of the UNDP projects targeted transitional justice, ADR mechanisms, or civilian oversight. Very few projects (up to 3 percent) covered e-justice, environmental justice, and business and human rights.<sup>95</sup> These proportions also are reflected in projects’ financial allocations, with the relative majority of funds benefitting institutional support and legal aid.<sup>96</sup>

While institutional development remained the most supported area of work across development contexts, in fragile settings UNDP intensified its support to promote legal awareness and, to a lesser extent, legal identity. More stable countries presented a wider spread of interventions, including a higher number of activities dedicated to promoting business and human rights and juvenile justice.

**FIGURE 12: UNDP justice programming by area, 2014-2022**



Source: IEO data mart, 2022

<sup>95</sup> IEO analysis of project data, elaborated through Atlas and PowerBi.

<sup>96</sup> Based on IEO classification of UNDP’s work by entry point in the access to justice chain (see figure 8) and thematic areas identified in the Global Programme project document. Coding was based on keywords analysis of project’s description as entered by UNDP colleagues in the system. Categories are not mutually exclusive.



# FINDINGS

## 4.1. Relevance and adaptation

**Finding 1.** Across development settings, UNDP remains the main international development actor operating with a long-term perspective in supporting access to justice. UNDP has maintained strong relationships of trust with national justice institutions, which has allowed the organization to continue delivering in highly challenging contexts. Insufficient consideration paid to the political nature of justice work and justice oversight challenged UNDP's contribution.

UNDP has been a long-term supporter of the justice sector in approximately 50 countries, its continuous engagement made possible by the interest of all parties and funding from donors. Interviews at both Headquarters and country levels confirmed the reliance on UNDP as the main provider of technical assistance in the area of justice, in both conflict-affected and developing countries, a position it has enjoyed for the past 15 years. When compared to other organizations, whose financial and technical support may be more time-limited, UNDP was reported to offer national partners and international stakeholders a high-level of institutional knowledge, facilitated by its long-term engagement at country level. UNDP's presence outside capital cities has been highly valued, allowing the organization to adopt a bespoke approach aligned to local priorities. In more politically stable contexts (e.g., Albania, Bangladesh, Kyrgyzstan), UNDP has been able to create significant depth and strong cooperation with the Government, creating a positive foundation for further democratization of societies and influencing a number of laws and policies in the area of justice.

Often operating in highly challenging political environments, UNDP has been able to maintain an open dialogue and demonstrate programming persistence despite the opposition of political forces and/or limited room for dialogue with national stakeholders. UNDP continues to be perceived as a neutral and trustworthy actor, often a partner of choice, who supports institutions' development and the coordination of efforts by national governments, CSOs, donors and other partners through its United Nations convening power and broad governance mandate. While UNDP's credibility remains linked to its mandate, evidence emerging from interviews showed it was the organization's continuous engagement with national authorities and responsiveness to immediate institutional needs that reinforced the stakeholders' perception of being supported in the pursuit of nationally determined priorities.

While UNDP has acknowledged the importance of the political dimension of justice support,<sup>97</sup> UNDP has not consistently addressed it in programmatic work, limiting its value and contribution compared to other providers of assistance. Numerous stakeholders identified UNDP's comparative advantage in its ability to embed technical support in a fuller understanding of the political/institutional context, but they considered that UNDP has often paid insufficient consideration to political economy analyses in its interventions, with the risk of reinforcing societal power imbalances, particularly in countries that limit individual rights and/or have high rates of corruption. Many evaluations also acknowledged the need for UNDP to adopt a more context-sensitive approach, which connects the political and technical dimensions of justice work and engages multiple actors in the definition of different paths of access to justice.<sup>98</sup>

<sup>97</sup> UNDP. (2015). Guidance Note on Assessing the Rule of Law Using Institutional and Context Analysis.

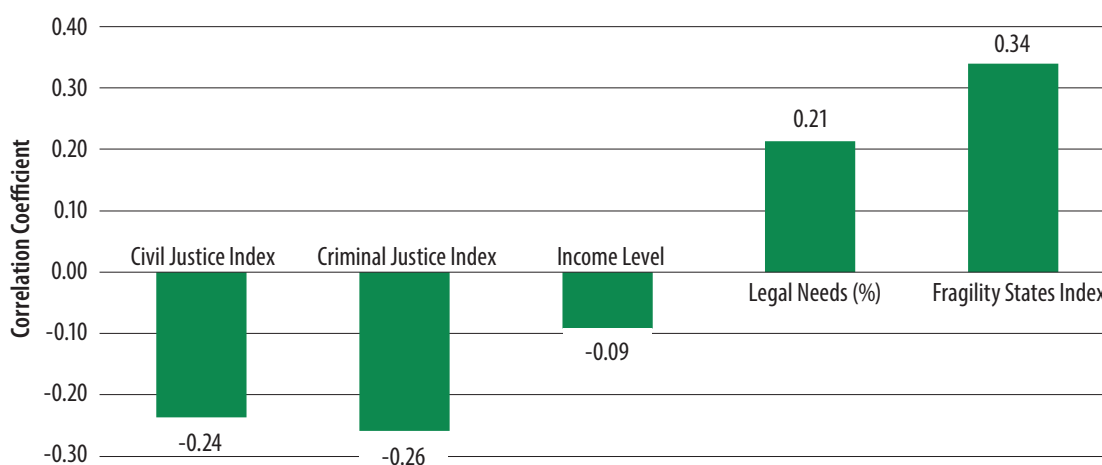
<sup>98</sup> See, for example, IEO UNDP. (2021). Independent Country Programme Evaluation Moldova and UNDP. (2021). Evaluation of Somalia Joint Justice Programme Phase I.

Across programming contexts, UNDP’s support to access to justice has almost equally covered legal protection, legal awareness and legal aid, and adjudication, with less focus on enforcement and oversight of justice institutions. The IEO survey to Chief Technical Advisors also confirmed that UNDP’s engagement with High Judicial Councils and Parliaments in promoting accountability of the justice sector has been more limited,<sup>99</sup> and that engagement with NHRIs to challenge discrimination in the formulation and implementation of the law should be stronger. Inferential analysis of UNDP’s projects in eight deep-dive countries also revealed that projects addressing oversight issues were not highly effective, pointing to the need for UNDP to enhance support to this area.

**Finding 2.** UNDP has played an important role in promoting access to justice, particularly in fragile contexts where the justice needs are higher in the absence of well-functioning State institutions. In those contexts, UNDP valuably focused on institution strengthening and the restoration of State authority. The benefits accrued to the population are yet to fully manifest, and the programmatic focus on civil justice matters remains more limited.

UNDP’s work on justice mostly has been directed towards fragile countries, where both civil and criminal justice needs are the highest. Univariate regression analyses revealed that UNDP budget allocations for justice programming in 2014-2021 were positively correlated, in a statistically significant way, with countries’ fragility situation, gaps in both civil and criminal justice capacities, and surveyed legal needs (see Figure 13).<sup>100</sup> While this finding suggests that UNDP and donors may be allocating resources efficiently based on vulnerability needs, it also brings to the surface the risks associated with working in fragile contexts, which have weaker institutional capacities to sustain results achieved in the short-term periods generally associated with UNDP programming.

**FIGURE 13: Correlation between UNDP justice budget and countries’ context**



Source: IEO analysis

<sup>99</sup> 38 percent of survey respondents reported to have supported Parliamentary oversight and 23 percent worked with High Judicial councils in their countries of operations. The two areas were consistently less used as a strategy to address barriers to access to justice.

<sup>100</sup> While the IEO analysis indicated a negative relationship between budget allocations and income levels, the correlation was not significant, pointing to UNDP support being more spread across contexts. The relationship between UNDP budget and countries’ corruption levels was not conclusive, although countries with less corrupted systems have received higher budget shares. See Annex 7 for further details.

In conflict-affected countries, people-centred approaches have not yet taken a central place in UNDP's work.<sup>101</sup> While UNDP programmes recognize the need to strengthen access to justice by focusing on the justice closest to the people, its support in crisis settings remained focused on promoting the progressive deployment of justice sector actors to establish or restore State authority and rule of law in remote areas. Limited long-term results were seen in terms of effectiveness and the impact of service given the complexity of the operating environment. Although infrastructure support and people-centred approaches are not necessarily mutually exclusive, examples of this kind (e.g., granting use of physical space to CSOs and paralegals in justice buildings, as occurred in Mali in 2014-2016) remained very limited.

In several post-conflict countries (e.g., Central African Republic, the Democratic Republic of Congo, Liberia),<sup>102</sup> the focus of UNDP work also has been predominantly on criminal issues, and notably SGBV cases, as well as transitional justice. In other settings (e.g., Somalia, South Sudan, and more recently, Mali), UNDP has broadened its support to access to justice to include alternative dispute mechanisms and consideration of civil justice issues, including around land, which several perception studies have highlighted as most pressing.<sup>103</sup> Given the significant trust deficit in formal justice mechanisms, many of these issues generally are not dealt with by courts, and as such remained outside the scope of UNDP's access to justice work in conflict-affected countries.

**Finding 3.** UNDP has demonstrated a good capacity to adapt its programming to governments' emerging priorities. UNDP promptly responded to the justice sector's needs for business continuity after the outbreak of the COVID-19 pandemic, with an important focus on gender-based violence. Less dedicated attention was paid to other emerging civil justice needs.

The ability of UNDP to respond to emerging government priorities is an important element of its trust relationship with national authorities. Across sampled countries, national stakeholders recognized UNDP's willingness and ability to flexibly adapt its programming, often navigating highly uncertain funding prospects. Across contexts, the annual redefinition of priorities in consultation with national stakeholders led to some of the most significant successes. At the same time, concerns about risks for programme coherence and efficiency, particularly of joint programmes in peacekeeping mission contexts, were raised.

While regime and government changes at times shrunk the space for engagement, and donors at times decided to limit their support, UNDP was generally able to navigate highly sensitive political situations. In most cases, 'adaptation' for UNDP meant a stronger focus on the empowerment of civil society for enhanced legal awareness and protection (e.g., in Lebanon, Myanmar, Tunisia), while continuing to engage, as circumstances permitted, with national authorities on opportunities to support. In other cases (e.g., Guatemala), interviewees reported that UNDP's ability to deliver has been severely challenged by the political context, with limited resources made available to support more people-centred approaches.

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<sup>101</sup> As already indicated by Netherlands Ministry of Foreign Affairs, New York University Center for International Cooperation, Folke Bernadotte Academy, & Norwegian Institute of International Affairs (2018). Review of the Global Focal Point for Police, Justice, and Corrections.

<sup>102</sup> Infrastructure building and deployment of judicial and security personnel was a significant component of UNDP's work in the area of access to justice in Mali and South Sudan between 2014 and 2018. Since 2019, the programmes in Mali have taken a more comprehensive approach integrating civil and criminal issues in programmatic work.

<sup>103</sup> Explored through the Atlas of Legal Needs Survey by the World Justice Project - <https://worldjusticeproject.org/our-work/research-and-data/atlas-legal-needs-surveys>.

Adjustments to the outbreak of the global COVID-19 pandemic mainly occurred through support to virtual modalities and strengthening of e-justice services, including online hearings and mobile apps, to promote business continuity and ensure uninterrupted access to institutions (see findings 12-13).<sup>104</sup> In numerous countries, UNDP also enhanced NHRIs' capacities to protect people's rights, particularly (but not only) as related to women's physical integrity. UNDP's support included the establishment of 24-hour hotlines for victims of domestic abuse (e.g., in Armenia and Kyrgyzstan), advocacy for strengthening the implementation of anti-discrimination legislation and establishment of whistle-blower systems for irregularities in the health care sector (e.g., in Kosovo and Moldova); monitoring and documentation of inhuman treatment by law enforcement agents and other service providers (e.g., in Kenya and Zimbabwe), and digitized grievance mechanisms (e.g., in Pakistan and PAPP).<sup>105</sup> In partnership with other United Nations organizations, the Inter-Parliamentary Union, and Georgetown University, in 2020 UNDP launched the COVID-19 Law Lab, with the aim to store legal documents from countries across the world around pandemic management, including state of emergency declarations, quarantine measures, and access to medication and vaccines.<sup>106</sup> The evaluation could not, however, verify the actual use of the system, which contains more than 6,000 laws from 190 countries, including some updated as recently as September 2022.

Overall, with few exceptions, the UNDP justice-related programming during the COVID-19 crisis, and up to 2022, focused less on civil justice concerns related to unemployment, labour or housing disputes, as confirmed by the IEO survey results. The few examples encountered in this area by the evaluation included the establishment of hotlines and virtual mediation services through workers' legal aid cells in Bangladesh (which reportedly contributed to easing tension), the support to stronger legal protection for employees with children and medical workers in Armenia, and the development of legal strategies to resist eviction by legal aid helpdesks in Lebanon.

## 4.2. Strengthening legal aid and institutional mechanisms

### A. LEGAL COUNSEL AND AID

*Legal counsel and aid are designed to counter barriers to access to justice linked to the affordability, availability and adequacy of lawyers' services. Legal aid schemes could be managed by the State, local governments (if they have the capacity), or non-governmental organizations. Legal aid schemes include legal clinics, public defense systems or pro-bono attorneys, and other forms of financial and psycho-social support, such as exemptions in procedural costs and social services to victims and witnesses. In 2014-2022, UNDP invested US\$839.3 million dollars on 133 projects covering legal counsel and aid (among other components) in 68 countries.*

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<sup>104</sup> The majority (52 percent) of survey respondents reported that UNDP access to justice programming most changed in terms of transitioning to digitalization, mobile apps, remote trials and online hearings to ensuring access to 'closed institutions'. 26 percent of respondents mentioned no significant change.

<sup>105</sup> OHCHR, GANHRI, & UNDP. (2021). COVID-19 and National Human Rights Institutions – A study, corroborated by further IEO analysis.

<sup>106</sup> <https://covidlawlab.org/> UNDP also is part of the UHC Legal Solutions Network launched in 2019, along with UNAIDS, the Inter-Parliamentary Union, the World Health Organization, and Georgetown University.

**Finding 4.** UNDP has importantly promoted legal counsel and aid, contributing to enhancing the ability of people to seek remedies from justice institutions. The data available, while limited, report positive perceptions around the quality of support. In most cases, however, the extent to which UNDP programming ultimately contributed to providing remedies and solving people’s justiciable issues remains uncaptured.

Support to legal counsel and aid has been a large stream of UNDP’s justice programming, with stakeholders volunteering results in this area as the most prominent contribution by UNDP to access to justice. Across countries and contexts, UNDP addressed knowledge-related and financial-related barriers to access to justice for communities most at risk of being left behind, providing legal education, legal counselling (including in prisons), and support to CSOs and community leaders. The organization of mobile clinics (e.g., in Kyrgyzstan, Lebanon, Somalia and South Sudan) were valued for delivering justice ‘at people’s doorsteps’ and introducing citizens in remote areas to the formal justice system.

In most development settings, UNDP support to legal aid covered both criminal and civil justice issues, including family law, minor civil disputes, land/property issues and government/public service provision. The lack of overlaid data (by beneficiary and issue) made it hard to understand what cases presented themselves for specific groups.

UNDP corporate reporting indicated that UNDP helped more than 30 million individuals in 40 countries accessing justice in 2014-2021, surpassing the target and reaching an almost equal share of men and women.<sup>107</sup> The IEO could not confirm how those figures are calculated at country level, and how ‘access to justice’ is interpreted. Primary legal aid (provision of information and counsel in partnership with Bar Associations, specialized CSOs, and legal aid offices) remains the main avenue through which UNDP has been able to reach out to individuals who find it hardest to access justice. Direct support to secondary legal aid and representation in court was significantly more limited (a ratio of 1:15 compared to primary legal aid, based on available data), as it was more time consuming and expensive, with some issues being resolved at primary legal aid stage.

Anecdotal evidence collected through interviews and focus groups in different countries reported valuable increases in knowledge and rights awareness as a result of UNDP’s interventions, with information sometimes passed on to family members and community networks. Some beneficiaries viewed legal aid support provided through UNDP projects as “a lifeline to navigate the arduous and expensive legal system”. Available data (including from past evaluations) report satisfaction with the quality of legal aid provided and the responsiveness of services, positive perceptions being linked to a sense of “having been treated with dignity”. This evidence remains anecdotal, with lack of clarity on how the quality control by national legal aid officers is performed, and whether it is inclusive of beneficiary feedback mechanisms.

With exceptions, there is limited evidence of outcome emerging from UNDP’s legal aid efforts, as the programme focus remained on breadth of outreach. Only 10 percent of the reviewed project evaluations also provided information as to whether cases were brought to court and/or solved. Evidence collected through interaction with select beneficiaries in the context of this evaluation (e.g., Albania, Lebanon) highlighted some positive outcomes in terms of beneficiaries’ ability to claim pensions or secure payment of alimony. Other examples of impact achieved through UNDP support include:

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<sup>107</sup> UNDP. (2017 and 2022). Integrated results and resources framework and report card. UNDP reports to have supported 12.7 million men and 12.3 million women. Identified marginalized groups include 3.8 million people. Data about remaining individuals have not been disaggregated.



the demarcation of approximately 400 square kilometres through participatory land mapping and the registration of 1,648 land pieces in Myanmar (60 percent by women), and the contribution to reducing the effects of the occupation in the Occupied Palestinian Territory (oPt) by challenging the displacement and loss of property and residency rights. When made available, national data (e.g., in Kyrgyzstan or Pakistan) presented a 60 percent rate of cases being solved. However, the IEO is not in a position to validate those figures or the perceived fairness of the process or outcome, in the absence of data collected by national stakeholders or UNDP to this effect.

**Finding 5.** At times, the enhanced demand created through UNDP support could not be met through the limited capacities of the formal justice sector. UNDP’s legal aid support was more effective when implemented in partnerships with CSOs, local leaders and municipalities with whom people regularly engage for solutions to their problems.

UNDP’s support notwithstanding, interviewed programme beneficiaries reported persistent challenges in accessing justice, including limited financial resources available (to cover travel costs), as well as lawyers’ time availability and unwillingness to work pro-bono. The IEO meta-analysis of evaluations shows additional factors negatively affecting the effectiveness of UNDP’s work in this area, including lack of trust in the legal system, length of processes contributing to case attrition, factors associated to poverty and cultural beliefs (with reduced interest in justice processes that provide punishment but no economic compensation), technological barriers (particularly for the elderly), and stigma (particularly when related to cases of SGBV).

The availability and quality of national expertise at country level (both lawyers and legal aid offices) was often mentioned among constraining factors, linked to considerations about the inadequacy of available resources employed to support legal aid. The provision of short-term support, sometimes seen as the only option possible in contexts of highly fluctuating resources, also risked stimulating a demand that institutions would then be unable to meet. In Kyrgyzstan, for example, the empowerment and momentum created by UNDP through its ‘buses of solidarity’ was not met by an increased response from administrators, who were not always well prepared to respond to those newly stoked expectations.<sup>108</sup> In this light, and based on the limited success of disparate interventions implemented in previous years, UNDP programme in Mali opted for limiting the support to legal awareness and advice on how to access the State justice system,<sup>109</sup> while working on longer-term justice reform.

While lawyers remained the best placed to provide representation, legal aid centres supported by specialized CSOs were particularly effective in enhancing awareness of municipal officers and religious authorities about their legal responsibilities in service provision and promoting a broader understanding of legal problems as part of deeper systemic issues, with social workers dedicated to answering the hotline and provide initial counselling to callers. A comparative analysis of legal aid centres’ locations revealed the opportunity to use municipal buildings as more spacious, accessible, less intimidating, and generally still very centrally located and close to courts. The use of paralegals, albeit more limited, allowed good outreach to communities most at risk of being left behind. The need to clarify roles and provide paralegals with certifications emerged as important lessons from UNDP’s experience in both Sierra Leone and Somalia.

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<sup>108</sup> UNDP. (2022). Final evaluation of the ‘Towards a sustainable access to justice for legal empowerment in the Kyrgyz Republic’ project (phase II).

<sup>109</sup> Until 2022, UNDP Mali limited its legal awareness activities to the benefit of some detainees and in relation to financial crimes. Beyond institutional support to State institutions, the Country Office focused on enhancing knowledge of land rights and promotion of Alternative Dispute Resolution Mechanisms.

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## BOX 2: Good practices in the provision of legal aid

- ✓ Actively reach out to the people in need
- ✓ Have the most-served populations (e.g., women or people living with disabilities) adequately represented among providers
- ✓ Create awareness among duty bearers of their legal responsibilities
- ✓ Use municipal buildings as locations for legal aid centres
- ✓ Establish hotlines with trained social workers
- ✓ Provide certification of paralegals

Source: IEO analysis

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UNDP continues to conceive its support to justice mostly as sectoral. Other than for SGBV matters, the evaluation came across very few examples of legal aid offices and/or helpdesks creating referral pathways for the solution of justiciable issues through other avenues outside the court system. Positive evidence of this approach comes from Lebanon, where the helpdesks liaised with Mukhtars to secure relevant certifications needed for legal residency, child support or inheritance. While at times information has been shared with the Parliament and/or roundtables have been organized, information from legal problems routinely experienced by individuals (e.g. around land matters) has very rarely been integrated into other UNDP programming.

## B. INSTITUTIONAL STRENGTHENING FOR LEGAL AID AND ACCESS TO JUSTICE

*A strong and impartial judiciary is a cornerstone of access to justice. Strategies to strengthen the judiciary include, among others, the improvement of judicial appointments, judicial management and internal administration, skills, infrastructure and equipment, and the application of professional and ethical standards. During 2014–2022, UNDP invested US\$1.1 billion dollars on 211 projects with at least one component aiming at strengthening justice institutions in 81 countries.*

**Finding 6.** Through long-term interventions, UNDP has promoted legal aid infrastructures, codifying practices in laws and institutional processes. Positive examples of enhanced ownership by national institutions are noted in Middle Income Countries, with increased funding to legal aid successfully advocated for by UNDP, while sustainability issues persist.

Operating with a long-term development perspective, the UNDP support to legal aid has in most contexts promoted an ecosystem of laws and policies, with dedicated national institutions established within the government apparatus for enhanced sustainability. Beyond the provision of technical expertise, UNDP’s interventions focused on successfully creating platforms of dialogue and cooperation among the main stakeholders and ensuring the full integration of gender equality and social inclusion considerations in regulated pro-bono services (to comprise, for example, victims of domestic violence and persons living with disabilities). While not systematically performed, cost estimation models also allowed national stakeholders to build their decisions on data. In some countries (e.g., Bhutan, Haiti, Nepal), it has been acknowledged that the full implementation of legal aid guidelines supported by UNDP would require significant resources and capacity strengthening.

Support to the institutionalization of legal aid was most effective in middle-income countries, particularly in Europe and Central Asia, where national governments' budgetary support to legal aid centres has increased over time. Challenges persist in terms of financial sustainability, likelihood of further expansion, as well as the systems' ability to provide quality legal aid given the level of salaries and benefits accorded to the centres' staff. In Tajikistan, for example, where UNDP support allowed the legal aid system to grow to serve more than 30,000 people in six years (with 34 legal aid offices covering 60 percent of the country), the planned expansion of clinics to the whole country was described as not only contingent on the full operationalization of the delayed approval decree but also the ability to find available and qualified lawyers, with most centres functioning at basic levels in terms of infrastructure and capacity.<sup>110</sup> In Kyrgyzstan, the number of pro-bono lawyers increased from 228 to 450 in 2019-2022 but then stagnated, while the actual demand for services continued to increase, not least due to the success of UNDP-supported awareness and outreach efforts.

Support to legal aid centres and/or public defenders' schemes in conflict-affected contexts (e.g. Haiti and Somalia) following the passing of national laws and policies reported significantly higher challenges in terms of capacity and national ownership of the programme. In Liberia, while the number of cases disposed by the Public Defenders' Office increased threefold (from 607 cases to 2,001 per year) in the period 2016-2021,<sup>111</sup> the sustainability of the scheme is at risk, with more than 70 percent of resources still not raised, and 83 percent of the national justice budget used to pay salaries.

**Finding 7.** Beyond the provision of legal aid, UNDP has importantly supported the development of justice sector capacity. Its impact has been constrained by structural issues and the limited ability of the formal system to provide timely and fair responses. While some UNDP-supported interventions have contributed to enhancing efficiency, important institutional barriers to access to justice remain. Focus on quality, fairness and oversight of judgements has been limited.

Through sustained interventions, UNDP has valuably supported the justice sector's institutional and organizational development (through the provision of legal and policy support, guidance and other capacity building activities), including for the restoration/extension of State authority in conflict-affected countries. Support to infrastructure development, which was justified as the most urgent priority of the justice sector and a pre-requisite for building more responsive justice institutions, did result in limitedly used buildings, because of insecurity, lack of resources and reluctance of justice personnel to transfer in remote and unsafe areas. Some stakeholders engaged in this evaluation advocated for a stronger application of benchmarks when delivering institutional support, with more attentive monitoring of outcomes. More clarity on what 'people-centred approaches to institutions' development' imply also was demanded.<sup>112</sup>

Some UNDP measures have proved effective in enhancing the efficiency of case resolution, while only partly addressing the complexity of justice processes that recurrently lead to backlogs. Specialized courts for the resolution of minor offenses or crimes affecting marginalized populations (implemented, for example, in Democratic Republic of Congo, Pakistan and Zambia) facilitated case management, while promoting justice approaches away from retribution when opportune (as was the case with children's courts in the oPt). In Somaliland, mobile courts, which UNDP had supported since 2009, reported thousands of cases solved, with some questions raised on the model's scalability and fitness for purpose

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<sup>110</sup> UNDP. (2022). Strengthening rule of law and human rights to empower people in Tajikistan – phase II project evaluation.

<sup>111</sup> UNDP. (2020). Strengthening the Rule of Law in Liberia: Justice and Security for the Liberian People.

<sup>112</sup> UNDP committed to formulate in 2023 a definition of 'people-centred justice' with SMART indicators, and to update its guidance on programming for Access to people-centred Justice.

across contexts, especially given costs and varied levels of success.<sup>113</sup> In Liberia, the Magistrate Sitting Programme, through which judicial magistrates would visit prisons to identify detainees who should be released, resulted in an initial decrease in the number of detainees. That decrease could not be sustained in the absence of broader policy reforms on criteria determining pre-trial detention for relatively minor offenses. A series of UNDP-supported criminal procedure reforms signed into law by the President of Liberia in 2022 may work to this end, although aspects relating to plea bargaining represent a high risk in terms of abuse and corruption in the absence of adequate systems of control, as also identified by a 2019 evaluation.<sup>114</sup>

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### BOX 3: Good practices and gaps in support to institution building for access to justice

- ✓ Establishment of fast-track or specialized courts
- ✓ Mobile clinics
- ✓ Magistrates' visits to prisons to reduce pre-trial detention
- ✓ Electronic case management systems
- Monitoring of fairness and quality of decision-making
- Independence of the judiciary
- Oversight mechanisms

Source: IEO analysis

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UNDP's support to justice institutions was limitedly focused on improving fairness and quality of decision-making. Although capacity development efforts may have contributed to that goal, there is limited evidence to this end. Observation and monitoring of trials following the introduction of standards occurred in a few countries (e.g., Kyrgyzstan and Myanmar) and for a limited time. Examples of more sustained support come from UNDP's work in Asia and the Pacific, where an internal review conducted in 2016 led to a stronger engagement on judicial oversight and support to judicial integrity standards.<sup>115</sup> UNDP has since supported a regional network of judicial integrity champions and piloted in five countries a self-assessment methodology for courts (the Judicial Integrity Checklist),<sup>116</sup> including questions on affordability and accessibility of justice. While no measure of effectiveness is yet available, the high participation of the judges and the observed changes in attitude were considered positive indicators of effectiveness.

UNDP's efforts to strengthen judicial independence and improve accountability of the judiciary have faced significant challenges, with few tangible results achieved. Meaningful progress has been made in improving selection processes for judges and establishing performance monitoring procedures (e.g. in Armenia, the Democratic Republic of Congo and Kazakhstan). In Indonesia, technical assistance to the Supreme Court to enhance oversight mechanisms of the judiciary was met with concerns on the lack

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<sup>113</sup> UNDP. (2017). Joint Rule of Law Programme Evaluation; UNDP (2022). Mid-term Evaluation of the United Nations Joint Rule of Law Programme Somaliland.

<sup>114</sup> UNDP and UN Women. (2019). Joint evaluation of the project 'Strengthening the Rule of Law in Liberia: Addressing Pre-trial detention and rolling out community policing'.

<sup>115</sup> UNDP. (2016). A Transparent and Accountable Judiciary to Deliver Justice for All. <https://www.undp.org/asia-pacific/publications/transparent-and-accountable-judiciary-deliver-justice-all>.

<sup>116</sup> <https://www.courtexcellence.com/resources/self-assessment>.

of proper feedback to whistleblowers, which UNDP is addressing through a regional project. UNDP's support to the functioning of the International Commission against Impunity in Guatemala was highly valued, until the Commission's forced closure in 2019, which challenged the sustainability of results. Beyond the elaboration of proposals for legal reforms,<sup>117</sup> the Commission established new procedures for the election of high-level judges and the general prosecutor, contributing to the independence of the justice system, and reportedly giving citizens a renewed sense of empowerment and trust. Data collected for this evaluation show that during the period 2008-2019, more than 1,500 people were investigated through 100 high-stake cases affecting 70 complex criminal organizations, with 43 percent of accusations confirmed.

## C. TRANSITIONAL JUSTICE

*Transitional justice refers to processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past violations and abuses to ensure accountability, serve justice and contribute to reconciliation.*<sup>118</sup> While transitional justice mechanisms assume a pivotal role in reconciliation and other peace-building endeavours, such commissions are costly and lengthy commitments. During 2014-2022, UNDP provided technical assistance to mandated transitional justice processes in 22 countries, for a total budget of US\$353.7 million.

**Finding 8.** UNDP has played an important role in enabling the operationalization of mandated transitional justice mechanisms, facilitating the participation of civil society and representation of victims. While UNDP has shown adaptability in adjusting to the evolving and complex context of transitional justice processes, its ability to effectively support the fight against impunity was highly contingent on sustained national political will and interest by donors, which appear to be diminishing.

Working in countries whose fragility puts them at high-risk of relapse into conflict and instability, UNDP and partners (notably OHCHR) supported the operationalization of diverse transitional mechanisms (Truth/Reconciliation Commissions, Hybrid courts, Military Courts). UNDP's impartiality and its convening and operational capacities were important aspects of its value proposition.<sup>119</sup>

UNDP's support has enabled the initiation of lengthy, complex and costly normative and consultation processes, whose duration is often under-estimated in the peace agreements and laws for transitional justice. In different contexts (e.g., Burkina Faso, Colombia, Gambia, Tunisia), the UNDP support was instrumental in promoting participative dialogue at national level to both sensitize populations and ensure that civil society concerns were considered in the mandate of the commissions. Given the time-bound mandates of transitional mechanisms, UNDP's flexibility and operational capacity have been critical to kickstart the work, given the often severely inadequate provisions in the national budgets to finance basic elements. Even in cases where the establishment of Truth Commissions was delayed (e.g., Central African Republic and South Sudan), UNDP-supported consultations proved important to inform the drafting of the decree law framing the mandates of the commissions and to advocate for

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<sup>117</sup> The Commission elaborated 31 proposals for legal reforms, five during the period covered by this evaluation. Fifteen proposals were adopted by the Parliament, including the law on arms and ammunitions, modification of the procedural criminal law, law against corruption, and the creation of high-risk tribunals.

<sup>118</sup> United Nations. (2004). Report of the Secretary General 'The rule of Law and transitional justice in conflict and post conflict societies'. (S/2004/616).

<sup>119</sup> These included work in the Western Balkans, Nepal, and Tunisia, Burkina Faso, Central African Republic, Democratic Republic of Congo, and Gambia, and Colombia and Guatemala. Forty-nine percent of projects with at least one component on transitional justice have been implemented in countries whose fragility level is classified as 'alert'. The remaining projects have been implemented in countries with 'warning' levels of fragility (as defined by the Fragility States Index).

their operationalization. More recently, in Democratic Republic of Congo, local level dialogue and awareness raising supported by UNDP has culminated in the vote on the creation of the Provincial Truth and Reconciliation Commission at the Provincial Assembly of Central Kasai, leveraging the communities' strong commitment to consolidate peace.<sup>120</sup>

As part of its developmental approach to transitional justice, UNDP has played an important role in enabling the participation of CSOs in truth seeking processes. Multidisciplinary capacity building was delivered to a large range of civil society stakeholders, enabling them to actively participate in the transitional justice processes. In Colombia, the full participation of victims' associations in the work of the Integral System for Peace, the integration of indigenous perspectives in victim representation,<sup>121</sup> and the development of protection measures for victims reportedly contributed to enhanced trust in the transitional justice system, although the implementation of protective measures in remote areas was only periodic, depending on police presence and ability to travel.

The support provided by UNDP to the promulgation of laws and participation of civil society contributed to enhancing confidence in the ongoing and upcoming processes. Perception studies (e.g., Central African Republic, Colombia and Guatemala) provided positive feedback on the quality of support received, which contributed to a better understanding of the process and more positive perceptions of justice, with higher trust in transitional than ordinary mechanisms. While in most cases victims have not (yet) received compensation or restorative sanctions, the transitional justice processes supported by UNDP provided an important opportunity for the victims and their families to feel recognized and empowered. Inclusive processes gave victims the opportunity to grieve and heal. While the positive results cannot fully be attributed to UNDP's work, they highlight a positive contribution by UNDP and partners in terms of people-centred approaches to transitional justice.

Despite their recognized importance for reconciliation and peacebuilding, transitional justice processes take a lot of time to advance, and require large and sustained efforts to manage important reputational risks.<sup>122</sup> In Central African Republic, for example, support from UNDP and the United Nations Multidimensional Integrated Stabilization Mission resulted in the operationalization of the Special Criminal Court in 2018, more than three years after the adoption of the law, creating frustration and decreasing people's confidence.<sup>123</sup> The Special Criminal Court in Central African Republic delivered its first conviction in October 2022, providing a glimpse of hope for victims. Similarly, in Colombia, while violence against former combatants continues (with 303 people killed in 2021), the Truth Commission is yet to issue any convictions six years after the signing of the peace agreement.<sup>124</sup>

While outside of UNDP's direct influence, commitment of national authorities to pursue a comprehensive transitional justice process (truth seeking, justice, reparations, guarantee of non-repetition) has varied, and it has not always resulted in criminal accountability. Success in adjudication of cases by the military courts in the Democratic Republic of Congo and the High-Risk Court in Guatemala led to some

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<sup>120</sup> UNDP. (2021). Final evaluation of the project '*Paix, Justice, Réconciliation et Reconstruction au Kasai-Centra*'.

<sup>121</sup> Consensus was reached on hearings' methods, with participation of indigenous authorities and analysis of indigenous rights. Indigenous territory has been accredited by the Court as a victim with territorial rights. To prepare victims for hearings, advance hearings are arranged so that victims understand the 'dialogic justice' method applied in court.

<sup>122</sup> ICTJ. (2018). Committing to Justice for Serious Human Rights Violations- Lessons from Hybrid Tribunals. While open to interpretation, a review of the experiences of Hybrid courts has shown that it has taken three to four years on average from conception to reality for a fully operational court.

<sup>123</sup> The law was revised in 2018 to extend the mandate of the court until 2023.

<sup>124</sup> In Colombia, the Commission reached its first conclusion regarding the truthfulness of declarations of accused before the Special Peace Court in October 2022.



historical judgements (e.g., Sepur Zarco in 2018, the first condemnation of army members in the country for sexual slavery) and the persecution of long, outdated cases, enhancing trust in justice and creating important ripple effects in terms of social cohesion.<sup>125</sup> In Colombia, more than 13,000 perpetrators of human rights or humanitarian violations have signed voluntary agreements to be prosecuted in the transitional system. In other cases, however, (e.g., Nepal and Tunisia), processes were stalled by lack of political consensus, with few cases investigated and no criminal conviction reached.<sup>126</sup> In several cases, seeking justice was at odds with a country's other immediate objectives, such as reconciliation or the wish to settle political tensions, but also suffered from weak independence of the judiciary.

The vast scope of the UNDP engagement in transitional justice has diminished over time, reflecting (according to interviews and reports) both a reluctance of national governments to receive this type of support and a decreasing interest by donors in funding it. The latest Integrated Results and Resources Framework of the UNDP Strategic Plan (2022-2025) no longer explicitly mentions transitional justice processes. While support to transitional justice continues in countries such as Central African Republic and Colombia, in Guatemala the focus on transitional justice in the new Country Programme Document (2022-2025) remains sensitive, with less extensive engagement more broadly by the United Nations System noted beginning in 2017. Support for transitional justice also has faded out of priorities in Tunisia, due to lack of political will and increasing difficulties in resource mobilization.

## D. ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

*ADR mechanisms comprise both State non-justiciable institutions (e.g., mediation services) and non-State mechanisms, which can be regulated by national or other normative systems (be they customary or religious). These systems often are preferred due to their less formalized procedures and outcomes (mutual consent/reconciliation), a focus on economic compensation, stronger accordance to local cultures, and higher legitimacy of community justice providers. UNDP intends to support non-State justice systems only when they are consistent with the rule of law and respect for the human rights of all groups in society. During 2014-2022, UNDP invested US\$483.9 million on 59 projects in 36 countries with at least one ADR component.*

**Finding 9.** In a few countries, UNDP effectively supported Government-recognized ADR mechanisms, which provided faster solutions to individuals' justiciable problems, while remaining affected by power dynamics and sustainability issues. To a limited extent, justice programmes explored the use of traditional and community mechanisms, mostly because of higher perceived risks of human rights violations for women.

In light of its mandate and comparative advantage, the approach of UNDP justice programmes to ADR mechanisms has mostly focused on supporting formal, hybrid mechanisms whose functioning is regulated by national or local laws, and which are linked to rule of law institutions (both police and justice) through defined referral pathways and regulated jurisdictions. In most cases, ADR mechanisms comprised local or religious authorities, and regulated minor crimes through arbitration and mediation practices. UNDP's support to ADRs also included State mediation services, particularly in Europe and Central Asia, with some untapped potential for further integration in the legal aid process.

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<sup>125</sup> Data collected by the Harvard Humanitarian Initiative between 2015 and 2019 showed a 21 percent increase in the population's confidence in military courts in the intervention zones.

<sup>126</sup> In Nepal, only 7 percent of cases filed by victims ended up being investigated before the process was interrupted. In Tunisia however, the specialized criminal chambers to which the Truth and Dignity Commission transferred 200 cases are yet to issue a criminal conviction since 2018. As of 2022, only 43 cases (21 percent) had three audiences, and 83 (40%) had one audience.

While interviews acknowledged the role of UNDP as provider of technical assistance in supporting ADR mechanisms, its propensity to advocate for more expansive partnerships and follow-up on initial declarations of intent (as in the Democratic Republic of Congo and Liberia) with scaled programming was questioned. Despite ADR mechanisms often being the only accessible instrument for large segments of populations, UNDP staff reported divergent views on where resources should be allocated among competing demands of the justice sector, with ADRs often being perceived as a lower priority because of the perceived risk of reducing the strength of relationships with national Ministries of Justice and courts, which often depend on international aid for their functioning. Some interviewees, however, emphasized the need to move beyond dichotomous views of justice and invest in a plurality of justice processes to ease access to justice.

In contexts where UNDP supported State-recognized ADRs, its long-term engagement and sustained resources were key drivers in increasing the use and legitimacy of the supported institutions, contributing to promoting faster resolution of cases and an overall increased trust in the justice system. Village courts in Bangladesh are possibly the most cited example of effective support.<sup>127</sup> Their success has been measured in terms of higher resolution of minor disputes, better institutionalized practices, reduced time and psychological stress for the beneficiaries, and higher overall satisfaction.<sup>128</sup> Similar mechanisms have been adopted in Nepal (judicial committees at municipal level) and Pakistan (Dispute Resolution Centres in the Khyber Pakhtunkhwa province), with accounts of enhanced accessibility based on perceptions of ‘feeling respected and cared for’. In Somalia, ADR Centres and Community Dispute Resolution Houses have provided essential delivery of justice and dispute resolution, allowing more than 3,000 cases per year to be addressed (40 percent of which engaged women), with high levels of satisfaction reported.<sup>129</sup>

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#### BOX 4: Advantages and challenges of State-supported ADRs

- ✓ Faster resolution of cases
- ✓ Reduced psychological stress
- ✓ Familiarity with decision-makers
- ✓ Integration of local norms
- ✓ Use of local languages
  
- Lack of clarity in definition of roles
- Lengthy referral processes
- Lack of resources for sustainability
- Persistent power dynamics and unequal norms affecting judgments

Source: IEO analysis

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<sup>127</sup> UNDP’s support for the village courts started in 2009, and from 2016 entered into its second (\$36 million) phase, with financing from the European Union, DANIDA and the Bangladesh Government.

<sup>128</sup> Shanawez, H., & Zaman, N. (2016). Benefits and Costs of Operationalizing Village Courts in Bangladesh, Copenhagen Consensus Centre; IEO. (2019). ICPE Bangladesh; UNDP. (2021). Activating Village Courts in Bangladesh: final evaluation report. (2021).

<sup>129</sup> UNDP. (2021). Evaluation of Somalia Joint Justice Programme Phase I.

Recognition in the law notwithstanding, the effective functioning of State-supported ADR mechanisms has at times been challenged by the lack of clarity in the definition of their role vis-à-vis other justice mechanisms (including traditional mechanisms, such as Council of Elders), and their degree of autonomy and reach due to limitations in their mandate. These issues have been long acknowledged, but not yet overcome. Despite the institutionalization of these structures, sustainability challenges remain in terms of human and financial capacity to maintain and increase outreach.

While UNDP peacebuilding programmes largely supported dispute resolution mechanisms and committees in conflict-affected countries (see finding 10), the overall engagement of community-based mediation mechanisms for dispute resolutions in justice programmes appears more limited. The main reasons reported were political resistance, reluctance to engage, and the ability of those institutions to uphold basic human rights while dealing with social norms that discriminate against women. Positive examples of support to community-based ADR and alternative justice systems (e.g., Bangladesh, Kenya, Malawi, Samoa, Timor Leste) point to close ties within communities, inclusivity, and trust in the mediatory practices as key drivers of success of those institutions. This led to a high number of cases processed in a timely manner and better clarity among the population on the mandate of different institutions. The importance of training community mediators and paralegals and the establishment of good referral mechanisms from/to the formal justice mechanisms were key facilitating factors. UNDP's comparative advantage was its capacity to integrate existing and effective structures into national justice systems. This was, however, not often leveraged. For example, in Malawi, the cooperation agreements with judiciary institutions were not explored and the resistance by legal aid lawyers not successfully addressed, challenging donors' perspectives on future funding.

Across countries, UNDP has promoted more inclusive decision-making by engaging women leaders, with encouraging results seen in Pakistan and Somalia. Trainings on gender equality and human rights resulted in awareness raised and reported behavioural change, but they have been limited in scale to produce the desired outcomes due to entrenched social norms. Interviews with experts, staff and justice service users point to the need for sustained investment in capacity development and monitoring of the quality of proceedings and consistency of outcomes, to ensure undue inference of gender bias and power dynamics.

**Finding 10.** UNDP's support to access to justice was not limited to justice programming. It also occurred through other interventions. There remains room for further synergies across UNDP interventions to ensure that community-level dispute resolution and grievance mechanisms supported through UNDP peacebuilding, social cohesion and local governance programmes fully integrate rights-based approaches to promote justice pathways.

UNDP's contribution to access to justice was not limited to justice programming, but also occurred through other interventions, particularly in the area of social cohesion and peacebuilding (e.g., in Kenya, Liberia, and South Sudan). UNDP engaged with local mechanisms to address grievances, promoting the capacities of communities to resolve disputes and reducing the number of cases that would have otherwise been left unresolved and/or dealt with by courts and formal justice institutions. In Liberia, for example, despite the significant logistics challenges and resource constraints, UNDP-supported peace huts were reportedly more effective in solving disputes and promoting a sense of justice than formal justice mechanisms, through the use of conflict resolution approaches. Similarly, in Somalia, community

conversations empowered individuals to explore their shared concerns (including land and domestic disputes) with members, highlighting how discrimination and lack of resources had limited alternative justice options.<sup>130</sup>

UNDP local governance projects have maintained a limited focus on dispute resolution. While in numerous instances UNDP supported the creation of mechanisms and spaces to hear and directly address grievances mostly around public service delivery (e.g., through citizens' charters, public hearings, one-stop-shops, phone and online systems), evidence of use, quality of decisions, and/or referral to State and non-State justiciable mechanisms for the resolution of disputes remains scant. Examples of support to local governments, local action councils, and land commissions for the resolution of civil disputes were found in Colombia and Mali, with some preliminary success in terms of number of disputes settled and access to land for women reported.

A review of available evaluations and interviews with UNDP staff point to untapped potential for UNDP to promote more synergies between areas of work and adopt a more rights-based approach to the resolution of disputes, through different mechanisms and with the engagement of paralegals. Room also remains to use the participatory governance mechanisms supported by UNDP to collect data on legal needs and justiciable issues affecting the population.

## E. BUSINESS AND HUMAN RIGHTS

**Finding 11.** Through its global programme on Business and Human Rights, UNDP has engaged in the advancement of global standards for responsible practices in business operations, supporting NHRIs in promoting accountability. The focus, however, has remained on awareness and prevention, with very limited efforts on dispute resolutions. This is an important area of work that should be further supported to promote access to justice for fair and sustainable development.

UNDP's work on Business and Human Rights (B&HR) has rapidly expanded in recent years in Asia and the Pacific, while it is nascent in Africa and other regions. The programme has been highly praised for its capacity to cultivate a broad partnership architecture, enabling linkages between the B&HR agenda with other areas of work, including environment and climate change, labour and migration, children's and women's rights, and international trade. Interviews confirmed that the programme also has provided a safe space for all, including CSOs and human rights defenders, to discuss sensitive matters, with important results in terms of awareness raising and media coverage.

While the B&HR programme intended to promote access to justice both through legal protection and access to remedies, efforts in those areas have not progressed as expected, mostly due to the political environment not being conducive and conflicting interests in this area. Significant power imbalances among communities, governments, and companies also affected progress. UNDP has strategically remained focused on preventative actions, with a few binding laws and corporate reporting requirements approved as a result of the pressure exercised by international companies. Beyond grants to CSOs to conduct research on and advocacy against human rights violations, which have been effective but small in nature,<sup>131</sup> UNDP's support to NHRIs in this area has yet to show results, with acknowledged

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<sup>130</sup> UNDP. (2021). Community Conversations: Harnessing the power of communities to solve security, justice and land issues.

<sup>131</sup> In 2022, UNDP launched the Routes to Remedy Toolkit/Portal for Defenders Facing Business-Related Human Rights Abuses. The guidance provides information on access to remedy in relation to intimidation, illegal arrest, torture and violence, including opportunities for strategic lawsuits, forming organizations or trade unions.

challenges in terms of NHRIs' insufficient mandates, lack of resources, and inability to enforce decisions.<sup>132</sup> Engagement with justice sector's actors has been very limited, with strategic litigation not supported by donors. In the absence of clear recognition in domestic laws, few decisions by judicial and quasi-judicial bodies included direct or indirect references to the Guiding Principles.<sup>133</sup> Work on access to remedies will require further investment in future iterations of the programme to achieve its stated objectives.

## F. E-JUSTICE

*As an umbrella term, 'e-justice' captures any effort to administer, deliver, strengthen or monitor justice services using digital technologies.*<sup>134</sup> UNDP support included initiatives around digitization (converting content from analogue format), case management, the establishment of virtual courts, and machine learning. During 2014-2022, UNDP invested US\$114.2 million on 19 projects in 16 countries with at least one e-justice component.

**Finding 12.** UNDP has enlarged its support on e-justice in response to the COVID-19 pandemic, demonstrating an ambition to solidify its strategic position in this field. While the relevance and value of UNDP's engagement to integrate a human rights perspective to technological development are clearly acknowledged, more resources and better internal synergies are needed to effectively enable e-justice mechanisms and processes.

While previous UNDP guidance on access to justice had already highlighted the application of technology in the legal sector as an enabler, UNDP recently accelerated its support to e-justice, following the outbreak of the COVID-19 pandemic and building on the corporate prioritization of technology and digital mechanisms as key enablers of development outcomes.<sup>135</sup> Triggered by a growing demand from country offices for digital support, in June 2022, UNDP outlined its approach to digitalization in the justice sector through the policy paper 'e-justice: digital transformation to close the justice gap', which analyzes both the risk and opportunities offered by the application of emerging technologies in the legal and justice sector, laying a series of actions for UNDP leadership to drive the e-justice transformation change.

UNDP has an important role to play in transforming the delivery of justice services through e-justice measures. UNDP's country presence and its ongoing support to the modernization of the justice sector provide the opportunity to advance technology as a tool for accelerating promotion of human rights and the rule of law. During interviews, UNDP's neutrality, its broad mandate on development embedded in human rights and the SDGs, and its long-term relationship with government and justice sector institutions were often mentioned as its comparative advantages. Considerations of future positioning should be based on attentive consideration of UNDP's value added and comparative advantages, considering the significant investments already made by other stakeholders (the European Union and the United States Agency for International Development) to this end.

Despite UNDP's comparative advantages in the sector and the growing demand for e-justice support, UNDP is not yet equipped to establish and sustain a strong positioning in this area, partly due to a lack of internal technical capacity. At Headquarters, only one staff member is dedicated to work on e-justice (with two others partially involved). At regional and country levels, with few exceptions (Bangladesh,

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<sup>132</sup> UNDP. (2021). Stocktaking report.

<sup>133</sup> Debevoise & Plimpton (2021). UN Guiding Principles on Business and Human Rights at 10: The Impact of the UNGPs on Courts and Judicial Mechanisms.

<sup>134</sup> Source: UNDP. (2022). E-justice: digital transformation to close the justice gap.

<sup>135</sup> UNDP Strategic Plan 2022-25.

Brazil, PAPP), the capacity to respond to Governments' requests and advocate for the integration of digitalization also has been limited. As a result, in most cases, the UNDP support to e-justice lacked the necessary depth and often reacted to countries' request for the acquisition of hardware. Support to country offices (through the creation of a searchable map of e-justice projects, the development of a toolkit and the rollout of training) is evolving, but a gap remains between capacities to support and the demand at country level.

UNDP digital efforts (including on e-justice) appear disjointed, and concerns were raised that, without a proper understanding of needs, country offices might be tempted to adopt a technological solution rather than a problem-driven approach. Collaboration between key offices working on digitalization of justice services, including the Chief Digital office (CDO) and the Accelerator Labs (A-Labs), has been generally insufficient, and the Digital Advocates Network has not yet built the necessary culture of digital innovation on e-justice at the regional and country levels.<sup>136</sup> While promising, recent efforts by the CDO on the incipient digital guidelines for each signature solution, the joint mission to visit the flagship e-justice intervention in oPt, and the work on digital X are yet to be translated into a tangible programme offer for country offices.

**Finding 13.** UNDP's support to e-justice allowed for business continuity during the COVID-19 pandemic. Proposed solutions have the potential to promote efficiency and transparency, improving overall access to justice, the overall assessment being hampered by the novelty of some interventions and absence of monitoring data. The adoption of a Leave No One Behind approach has been insufficient to overcome digital gap-related challenges. More attention also needs to be paid to data protection issues.

UNDP's support to the digitization of public records, laws, and key legal documents via digital platforms, social media and mobile apps contributed to enhancing awareness about legislation, increasing the potential of informed use for those seeking judicial services. Examples of support are numerous and include, among others, a platform on Housing, Land, and Property documentation in Syria, a chatbot to obtain legal assistance through the Ombudsman in Kyrgyzstan, and community awareness campaigns on issues of SGBV (e.g., in Albania and Lebanon), whose available figures point to good outreach.

Through the digitization of judicial files and training of judicial members, UNDP made a crucial contribution to efficiency of justice processes, with important implications on the quality and reliability of institutions. UNDP supported accelerated case management in Burkina Faso, Pakistan and Paraguay, among other countries. In Guatemala, the digitization of files for the Public Prosecutor Informatic Integrated Case Management System and the Police National Historical Archives contributed to the search for missing persons after the conflict and strengthened the basis of evidence for families seeking justice and reparations. UNDP's support to the National Centre on Historical Memory in Colombia allowed more than 5,000 judicial decisions to be recorded in the context of the transitional justice process, promoting inter-institutional connectivity and significantly improving transparency and access.

The UNDP contribution to the digitalization of judicial processes, mostly through e-management that lessens the reliance on analogue systems, improved (or has the potential to improve) the quality of record-keeping, the efficiency of judicial process, and the reduction of backlogs. Digitalized case management systems, sometimes made available through an app, also allowed citizens to directly

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<sup>136</sup> The advocates are part-time champions for the digital transformation of UNDP. The Digital Advocates Network is a community that promotes digital and builds capacity through training and exchange of knowledge to further the digital maturity of UNDP country offices. A total of 120 people have been nominated and onboarded as of November 2021. See UNDP digital strategy 2022-2025.



track progress of cases and minimize interferences by magistrates (Bangladesh), and to facilitate information-sharing, and fast-track court cases (Sierra Leone). UNDP's flagship intervention Sawasya's Mizan II by the UNDP PAPP represents the most emblematic, and digital transformative<sup>137</sup> example in this area. It improved efficiency, transparency and accountability of the judicial process and enhanced public access to information on court cases across eight ministries. The system is continuously evolving, adding new services, and it already has generated the interest of other UNDP offices in the region, thus promoting triangular cooperation.

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### **BOX 5: Sawasya's Mizan II digital case management system in PAPP**

Mizan II is an integrated court management system that supports all courts of oPt (including family courts, traffic courts, municipal courts, and military courts). Started to provide support to electronic case management, Mizan II was expanded to include court staff access and eventually online filing. It also includes e-services that allow lawyers to file their court documents and communicate with the parties.

Mizan II decreased courts' backlog by 14 percent (2019 data), its analytical function allowing for automatic comparison of similar cases and thus identifying insights on justice needs. Given its success, Mizan II has been identified by Digital X among the digital solutions to be scaled up.

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Digital technologies fostered the transparency and accountability of the justice sector by providing data and statistics on courts' time, case resolution, justice needs and users. In Indonesia and Uzbekistan, the collection and analysis of data through a dedicated algorithm allowed the Ministry of Justice to detect shortcomings and improve justice services delivery. The use of templates to expedite case processing through the E-SUD tool in Uzbekistan led to a reduction of both the number of visits to courts by parties and workload for judges. In Kyrgyzstan, the launch of the Unified Register of Crimes and Misdemeanours process in 2019 allowed national stakeholders to better analyse and compile data on SGBV across the criminal justice chain and provide gender-disaggregated statistics on individuals served with restraining orders for domestic violence. A similar digitalized online system for registration of cases of domestic violence was developed in Albania, tracking all cases reported to any government sources, leading to an increase in cases recorded despite persistent challenges linked to reporting. The positive deviation here is represented by the UNDP Country Office in Brazil, which beginning in 2018 implemented a machine learning programme that analysed the backlog of 78 million cases to identify trends and formulate operational solutions, with reported effectiveness in reducing the backlog. The machine learning algorithm also has been used to identify trends and patterns to flag cases of femicides and processes that may disproportionately affect women.

Despite all the positive gains evidenced in terms of quality of processes and services, it is difficult to ascertain the extent to which UNDP e-justice interventions contributed to access to justice for individuals most at risk of being left behind, due to serious limitations in the availability of disaggregated justice sector data.

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<sup>137</sup> Definition of digital transformation: "Cultural change in systems and institutions using digital technology. Digital transformation includes user-centred design and technologies that allow people to work differently." Source: UNDP. (2022). E-justice: digital transformation to close the justice gap.

UNDP interventions have been primarily aimed at promoting efficiency and business continuity, without applying best practices (recently embodied in the UNDP digital standards)<sup>138</sup> to address the digital divide at the design stage. Several interviewees expressed their concern that, by continuing on this trajectory, e-justice interventions might be pushing certain populations further behind, including people without access to the internet, people living with disabilities, linguistic minorities and the elderly. In some countries, this situation has been exacerbated by structural challenges such as the overall effectiveness and transparency of the justice system, the lack of reliable electricity, reduced digital literacy and the affordability of technology. Positive exceptions were represented by initiatives that adapted their strategies based on risks of exclusion (e.g., by preparing online materials in different languages, organizing interpretation services, providing digital literacy training, and making local facilities available as connection points). UNDP also showed sensitivity to prisoners by improving the interface between the judiciary and the prison, which allowed national stakeholders to detect inmates eligible for release (Brazil), provided alerts on legal deadlines (Mali), and offered opportunities for e-bail applications (Sri Lanka).

Legal technology also raises concerns related to data protection, data control and security and privacy. These must be addressed because they can inadvertently exacerbate injustices, violate rights and freedoms, fuel violence and enable criminality, particularly for people historically discriminated or belonging to minorities and/or political opposition. While the robustness of the approach to risk analysis and mitigation taken by e-justice interventions in politically challenging contexts (such as Colombia and oPt) is evident, data security also depends on the robustness of the existing infrastructure. A majority of respondents to the IEO survey indicated they had not assessed risks or established mitigation measures.<sup>139</sup> Particularly during the pandemic, the rush to deliver led UNDP to fast-track many decisions about digitalization without adequate scrutiny or controls, particularly around virtual courts support (e.g. security, privacy and safety of litigants), as reported by interviewees. Given the urgency, UNDP was rarely in a position to promote reforms in national regulatory frameworks and develop the adequate governance and accountability measures to safeguard the security and privacy of data. UNDP appears to be well aware of the risks and in 2022 developed a dedicated manual to address digital security gaps.

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### BOX 6: Gains and risks of e-justice

- ✓ Efficiency gains
- ✓ Quality of services
- ✓ Resilience to disruption
- ✓ Accountability and transparency
- Exclusion and digital divide
- Data protection and privacy
- Resources for sustainability
- Infrastructure/connectivity requirements

Source: IEO analysis

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<sup>138</sup> The UNDP Digital Standards provide guidance for UNDP teams on best practices when creating digital solutions for development. They invite UNDP staff to start with a detailed assessment of needs and digital divide, testing solutions early and often. Considerations of 'doing no harm', data protection, and possibility of use of existing platforms are central to the Standards. See <https://www.undp.org/digital/standards>.

<sup>139</sup> 23 percent of the respondents indicated they have not assessed risks. An additional 34 percent indicated they were aware of risks, but have not put in place mitigation measures. An additional 15 percent of respondents indicated that it was too early to talk about risks.

## G. PROMOTING ENVIRONMENTAL JUSTICE

UNDP conceptualizes environmental justice as “promoting justice and accountability in environmental matters, focusing on the respect, protection and fulfilment of environmental rights (chiefly the right to a safe and healthy environment) and the promotion of the environmental rule of law”. Its three-pronged approach includes: a) establishing enabling legal frameworks at national and international levels; b) strengthening institutions, especially those related to justice and human rights, to ensure they are accessible to all and are equipped to monitor, enforce and implement environmental laws; and c) increasing access to justice and legal empowerment in environmental and climate change matters.<sup>140</sup>

**Finding 14.** UNDP has promoted environmental justice mostly from a good governance perspective, through legal protection and awareness-raising, while national capacity issues and limited oversight mechanisms affected the implementation of norms. Support to courts and justice institutions on environmental matters has been modest, and limited evidence exists on how the more extended use of ADRs and community mechanisms led to the protection of rights of affected communities. When resources allowed, UNDP valuably used Social and Environmental Standards to reinforce national grievance mechanisms for further accountability.

While defined as an emerging issue in the UNDP Strategic Plan 2014-2017, spurred by the attention to the topic raised by the Rio+20 Conference and the subsequent approval of the SDGs, UNDP has not integrated environmental justice in its narrow sense in its programming. The 2014 guidance note ‘Environmental Justice Comparative Experiences in Legal Empowerment’ was not followed through. It was not until 2021/2022, with the publication of the guidance note by the Global Programme, that the term ‘environmental justice’ importantly resurfaced. In parallel to global developments, at regional level, in particular in Latin America and the Caribbean, UNDP intensified the dialogue on access to information and public participation, following the enforcement of the Escazu Agreement in 2021.

While the direction of UNDP’s future efforts in this area was not yet clear to most programme partners and staff interviewed for this evaluation,<sup>141</sup> there was consensus on the value of a deeper engagement by UNDP on environmental justice issues, moving beyond procedural matters into substantive protection of the human right to a safe and healthy environment, and fair distribution of resources. Interviews pointed to a real opportunity for the organization to use its integrator role at country level to combine its justice, governance and extensive environment support to provide holistic solutions, reinforcing partnership with other United Nations organizations (the United Nations Environmental Programme and OHCHR, in particular) and NGOs. The extent to which vertical funds, bilateral channels, or trust funds will be leveraged is crucial for UNDP’s potential role.<sup>142</sup>

Most of UNDP’s past efforts around environmental justice, while not necessarily labelled as such, would retrospectively fit into the first (*enabling legal frameworks*), and to a less extent the third (*access to justice and legal empowerment*) pillar of UNDP’s more recent conceptualization of the issue.<sup>143</sup> The strengthening of justice and human rights institutions on environmental issues has not been a significant area of focus, as the provision of legal aid and counsel was not. This was confirmed by IEO analysis at country level

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<sup>140</sup> UNDP. (2022). Promoting environmental justice: Securing our right to a clean, healthy and sustainable environment through UNDP programming.

<sup>141</sup> The UNDP strategy for environmental justice was launched in mid-2022, just few months before most of the interviews for this evaluation occurred.

<sup>142</sup> e.g., the Human Rights Mainstreaming Multi-Donor Trust Fund.

<sup>143</sup> UNDP (2022). Guidance note - Promoting environmental justice through UNDP programming.

and the meta-analysis of evaluations of UNDP projects contributing to environment-focused SDGs,<sup>144</sup> pointing to a prevalence of interventions aimed at preventing the occurrence of environmental wrongs rather than providing remedies or compensations for existing grievances.

UNDP has been extensively involved in the development of environmental laws, and the integration of environmental considerations in Constitutional efforts at country level (e.g., Chile, the Gambia, and Vanuatu). UNDP's support to formulation of legislation spanned the entire preparation process and, in most cases, was reported as a participatory process, inclusive of key relevant stakeholders. UNDP promoted the respect of free, prior and informed consent when engaging with indigenous communities.<sup>145</sup> Evaluations reviewed, however, frequently mentioned the low level or lack of enforcement of environmental laws, hampering the effectiveness of support. In the case of environmental crimes, the prosecution for non-compliance was very often not documented, with lack of human and technical capacities and willpower cited as the main factors negatively affecting results. In several countries, evaluations identified limited capacity of the forestry authorities/commissions to enforce laws on deforestation and forest degradation and elite encroachment of forest lands. The effects of training on environmental compliance delivered to national counterparts (including the police and military) were in most cases not monitored, and/or did not produce the intended effect.

UNDP's efforts to promote oversight and accountability regarding environmental laws through Parliaments and CSOs have been more limited. While instances of support to the creation of environmental information management systems were numerous (particularly in Europe and Central Asia), partly to inform international reporting mechanisms, only a few examples were found of analysis fed into local governance and decision-making mechanisms (e.g., Costa Rica, Cuba and Indonesia), mostly as an advocacy tool to inform political discussions. Through the Small Grants Programme by the Global Environment Facility, UNDP supported the establishment of an environmental NGO network in Benin which, even after the project ended, is still actively involved in the implementation of international agreements and conventions ratified by the country.

UNDP's support to justice and human rights institutions on environmental issues has been limited, with more advocacy and capacity development efforts in support of NHRIs undertaken since 2019, in partnerships with UNEP, OHCHR, and GANHRI). UNEP was most engaged in the support to regional networks of judges.<sup>146</sup> UNDP's involvement was limited to a few countries (Eritrea, Indonesia, Lebanon) where training of environmental inspectors, community court magistrates and judges specializing in environmental law and natural resource management was organized. In the Philippines, previous programmes focused on environmental justice from a service delivery perspective, through the establishment of complaint mechanisms for under-delivery of solid waste disposal by local governments, linked to the Ombudsperson.<sup>147</sup> Beyond the contribution to the development of guidance,<sup>148</sup> UNDP has been limitedly

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<sup>144</sup> SDG 13: Climate Action; SDG 14: Life Below Water; SDG 15: Life on Land.

<sup>145</sup> As a matter of principle no project supported by UNDP will result in the forcible removal of indigenous peoples from their lands and territories and no relocation of indigenous peoples will take place without the free, prior and informed consent of the indigenous peoples.

<sup>146</sup> UNEP has been working with judges and courts on environmental justice issues since 1996 through global forums. Recent guidance includes the Judicial Handbook on Environmental Constitutionalism, the Environmental Courts (2019) and Tribunal's guide for policy makers (2022) as well as the development of the Judicial Portal, in collaboration with the World Commission on Environmental Law and the Global Judicial Institute on the Environment.

<sup>147</sup> IEO (2017). Assessment of Development Results Philippines.

<sup>148</sup> Through the Environmental Management Group, UNDP contributed to guidance on supporting Human Rights Defenders and Reprisals of Indigenous People's Human Rights Defenders.

engaged in supporting environmental human rights defenders, with recent growing emphasis on the issue in Latin America and the Caribbean (following the enforcement of the Escazu Agreement) as well as Asia and the Pacific (through the B&HR initiative).<sup>149</sup>

UNDP's support to dispute resolutions around environment and natural resource management issues, particularly in indigenous communities, has mostly occurred through ADR mechanisms and consultations, which have proved helpful in promoting mediation while not necessarily being framed as 'justice and protection of human rights'. Projects most commonly focused on issues of land/water use, land ownership, illegal activities in protected areas, contamination of water resources because of mining, as well as health problems due to chemicals. The joint Environmental Governance Programme provides an important example of valuable engagement, through which UNDP promoted the recognition of environmental rights, supported accountability mechanisms, and created institutional structures for community participation and negotiation over grievances in line with principle 10 of the Rio Declaration. In Mongolia, training of inspectors led to an increased number of solved cases in select provinces, and health issues related to coal transportation were addressed by the Parliament monitoring committees.<sup>150</sup>

While the value of engaging both local authorities and communities in the resolution of disputes is acknowledged, UNDP-supported initiatives had limitations in addressing more systemic or higher-stake issues (often related to land reforms). This was due to the short time frame of the programmes, as well as capacity issues affecting the functioning of established arbitration and grievance redress committees. Furthermore, as projects strengthened transparency and access to information, a tension between protecting the rights to a safe and healthy environment for the most vulnerable and the much stronger economic interests of States and the private sector remained. There was limited information available on how this was solved. Direct restoration and market-based payments by private companies for use and damage to land resources were provided in a few cases. The example of the Formosa environmental disaster caused by the discharge of untreated wastewater in Vietnam (2016-2017), whose impact on livelihoods UNDP contributed to assessing, showed the challenges of work on access to remedies in this area, with the compensation proposed by the company considered insufficient and cases filed with the courts rejected (despite the advocacy efforts of the United Nations Human Rights Council).

UNDP also has promoted the prevention and resolution of project-related disputes through the application of the Social and Environmental Standards.<sup>151</sup> While lack of resources in projects not resourced by vertical funds has hampered the monitoring of standards' enforcement, the process reportedly has been helpful in ensuring compliance and addressing grievances early on. As of 2022, the global public case registry managed by the UNDP Compliance Unit includes 20 cases reported since 2015, 9 of which remain open.<sup>152</sup> Facilitated by high donor interest, long-term resources and time for project design and readiness, the application of standards in the forest sector for REDD+ projects led to valuable analysis

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<sup>149</sup> In December 2022, UNDP and partners developed the 'Environmental Human Rights Defenders Toolkit', which aims to provide a set of resources to protect, promote and realize the right to a healthy environment and support the role of Environmental Human Rights Defenders in addressing the triple planetary crisis and achieve the 2030 Agenda.

<sup>150</sup> Following the training, and with the support of new technologies, Mongolian environmental authorities assessed that illegal mining was responsible for 65 percent of the degradation of land (83,365 hectares).

<sup>151</sup> The updated UNDP Social and Environmental Standards came into effect in 2021, requiring all UNDP programmes to ensure full and effective stakeholder engagement, including through a mechanism that responds to and redresses complaints from people negatively affected by the project. These mechanisms do not impede access to judicial or administrative remedies as relevant or applicable.

<sup>152</sup> Based on SECU's official categorization, 15 cases included complaints about stakeholder engagement, 13 involved land and resource rights, 12 involved access to information and environmental sustainability, and 11 involved displacement, social and environmental screening procedure and human rights. Categories are not mutually exclusive.

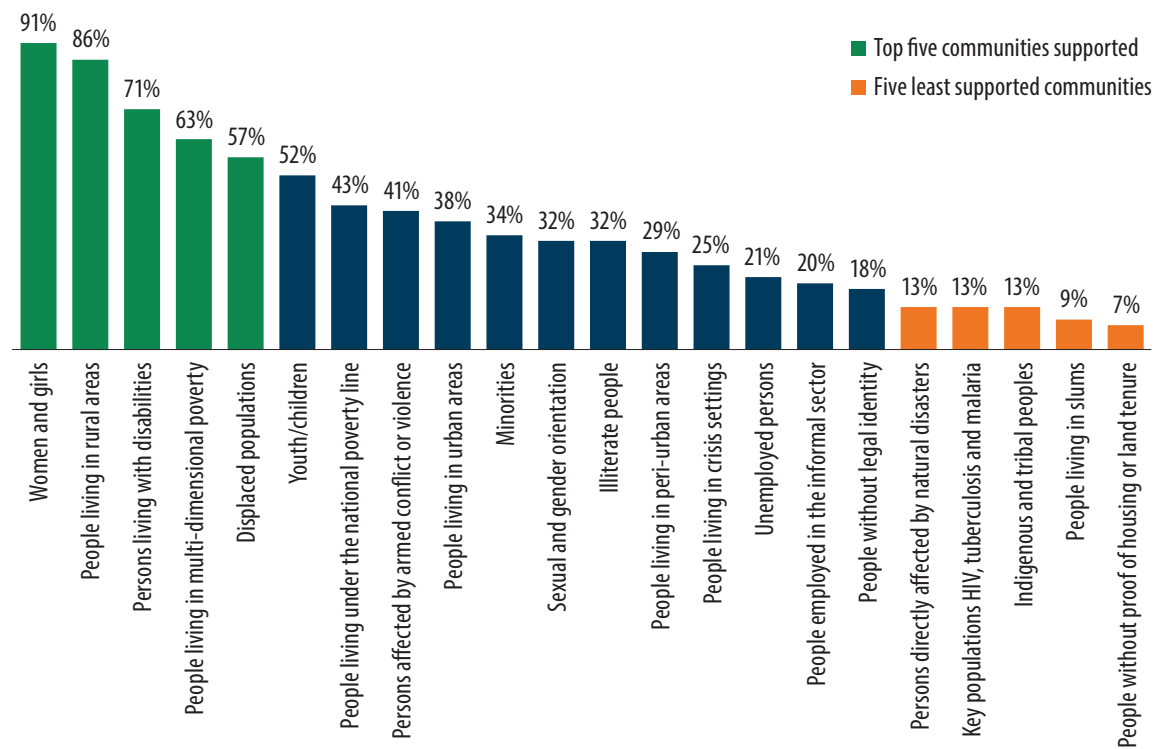
and strengthening of national and local grievance mechanisms (e.g., in Cambodia, Costa Rica, Honduras and Suriname). Stakeholders indicated such progress could not be applied to other contexts unless similar enabling conditions were replicated.<sup>153</sup>

### 4.3. Gender and Inclusive Justice

**Finding 15.** UNDP has put communities most at risk of being left behind at the forefront of its support to access to justice, particularly women, indigenous people and individuals living in rural areas. The UNDP justice portfolio paid more limited attention to people excluded from the opportunities that law provides because of their lack of legal tools.

In its support to access to justice, UNDP maintained a deliberate and important focus on groups that find it hardest to access justice. Different sources of evidence in this evaluation point to the prioritization of women and people living in rural areas being the most represented categories who received UNDP’s support. Respondents to the IEO survey confirmed that UNDP projects’ support to ‘women and girls’ and ‘people living in rural areas’ was almost universal, receiving 91 and 86 percent of the responses, respectively.

**FIGURE 14: UNDP access to justice support to communities at risk of being left behind – survey data**



Source: IEO survey

<sup>153</sup> Forest Carbon Partnership Framework and United Nations Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD). (2015). Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms.



Stemming from enhanced protection in the law guaranteed through the ratification of the International Convention on the Rights of People with Disabilities<sup>154</sup> and the passage of by-laws, UNDP extended its legal awareness and counsel services to people living with disabilities in several countries (e.g., Cambodia, Kenya, Kyrgyzstan and Lebanon). Such assistance was most effective when working with CSOs in establishing referral pathways and promoting redressal actions in the provision of social services. In Paraguay, accessibility considerations were integrated into construction of justice centres, through application of the Brasilia Rules on Access to Justice for Vulnerable People.<sup>155</sup>

Support to displaced populations (including migrants, refugees and Internally Displaced People) has been an area of increased focus for UNDP, in partnership with UNHCR. Engaging with both national governments and host communities, UNDP supported the provision of legal aid in affected locations, focusing on the lack of identity documents, rights awareness, stigma and fear, and language barriers as recurring challenges. As part of support to the decentralization of administrative services in Burundi, UNDP also has targeted returnees by promoting free access to civil/administrative services and access to justice.

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### **BOX 7: Good practices in promoting access to justice for displaced populations**

In Lebanon, UNDP partnered with UNCHR to promote a humanitarian-development-peace nexus approach. Syrian communities constituted approximately half of legal aid beneficiaries. The Baalbeck helpdesk showed the greatest expertise in assisting refugees, including the unregistered. Having lawyers accompany clients to official service delivery locations, or going on their behalf, helped overcome hesitation and fear of reprisals.

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Support to indigenous people has been an important focus of UNDP programming in Latin America and the Caribbean, given the impact of conflict on them, particularly in rural areas. In both Colombia and Guatemala, UNDP adapted its services to ensure inclusivity (e.g., through the creation and strengthening of a team of judicial translators in indigenous languages) and promote participation in transitional justice. Indigenous practices and governance processes were integrated in the hearings of the Special Peace Court in Colombia and the resolution of land disputes.

UNDP justice programmes had a more limited engagement with other groups at risk of being left behind, as also acknowledged in interviews at country level. The very limited availability of disaggregated data to this end signals a lack of focus and hampers further analysis to inform more targeted programming. With few exceptions (e.g., Myanmar), people without proof of housing or land tenure and people employed in the informal sector have not represented a significant share of justice projects' beneficiaries (maximum of 20 percent, according to survey respondents). According to data from the World Justice Project, they represent the majority of those affected by the justice gap.

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<sup>154</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>155</sup> This also led to the construction of childcare centres, breastfeeding rooms and separate entrances and holding areas for accused persons. For more information, visit <https://www.icj.org/wp-content/uploads/2018/11/Brasilia-rules-vulnerable-groups.pdf>.

**Finding 16.** UNDP used multiple entry points to support access to justice for women and girls, with more attention paid to gender issues in fragile contexts. The focus mostly remained on the highly important issue of SGBV, with less focus on civil justice matters.

UNDP's support to justice for women and girls has spanned the spectrum of interventions, from legal protection and alignment with international frameworks to legal awareness and counsel.<sup>156</sup> While UNDP has to some extent been engaged in enhancing the capacities of justice personnel on gender issues (including through the creation of special courts and promoting women's participation in the justice sector),<sup>157</sup> support to strengthening traditional mechanisms on gender-related issues varied across contexts. In countries where ADRs were supported (e.g., in Malawi, Pakistan and Somalia), UNDP empowered ADR members to enhance compliance of rulings to human rights and promoting synergies between State- and non-State justice mechanisms, by clarifying the respective jurisdictions and establishing referral mechanisms. As noted in relation to justice programming in general, focus on oversight elements of the access to justice chain has been more limited, with some examples of work carried out through the Parliament and NHRIs (e.g., in Kyrgyzstan and the Solomon Islands).

The operationalization of justice programming targeting women and girls has mostly focused on criminalization of SGBV cases, resulting in a more confined programmatic space for civil justice matters, including women's rights to land, access to natural resources, or inheritance. This was confirmed by both the IEO survey results and interviews. Programmatic emphasis on litigation capacities remained limited, further constrained by persistent inequality in the law. In this context, the UNDP Regional Bureau for the Arab States, in partnership with UN Women, the United Nations Social and Economic Commission for West Asia, and the United Nations Population Fund (UNFPA), completed a comprehensive regional report on gender discriminatory laws, based on a compilation of 20 country reports, to be used for advocacy and programming by the agencies.<sup>158</sup> Several interlocutors highlighted this as a good practice for creating awareness, momentum and healthy competition between states. UNDP reports progress following the publication of the reports, with efforts at times hampered by lack of political will to progress with reform.<sup>159</sup>

The analysis of access to justice projects by gender marker indicates that approximately half of projects' outputs (48 percent) have aimed to significantly promote gender (GEN2), with another 40 percent having limited or no contribution to gender equality.<sup>160</sup> Twelve percent of projects' outputs had gender as a significant objective (GEN3). Overall, the level of attention paid to gender increased by level of fragility of the country in which the project was implemented, with proportionately more projects classified as GEN2 and GEN3 in alert countries vis-à-vis stable countries.

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<sup>156</sup> This is also reflected in the new UNDP Gender Equality Strategy (2022-2025).

<sup>157</sup> Diversity and representation in the justice sector are important as judgments are strongly influenced by life experiences as shaped by gender, race, sexual orientation or other characteristics. Examples of UNDP work in this area include gender mapping, training opportunities for female grantees, and partnership with Bar Associations and CSOs.

<sup>158</sup> UNDP. (2019). Gender justice and equality before the law.

<sup>159</sup> Jordan approved an amendment to the Constitution that explicitly refers to gender equality. Eight countries have prohibited sexual harassment in labour laws, and five granted the right of equal pay to women for work of equal value. Two countries extended rights to women as guardians of children, and two granted more protection against female genital mutilation. The IEO is not in a position to assess the contribution of UNDP reports to these changes.

<sup>160</sup> Guidance by the Global Programme indicates that initiatives funded in Phase IV will have to promote gender equality in a significant way (Gender Marker 2 or 3), and assign a minimum of 15 percent of funding to activities related to gender equality and women's empowerment.

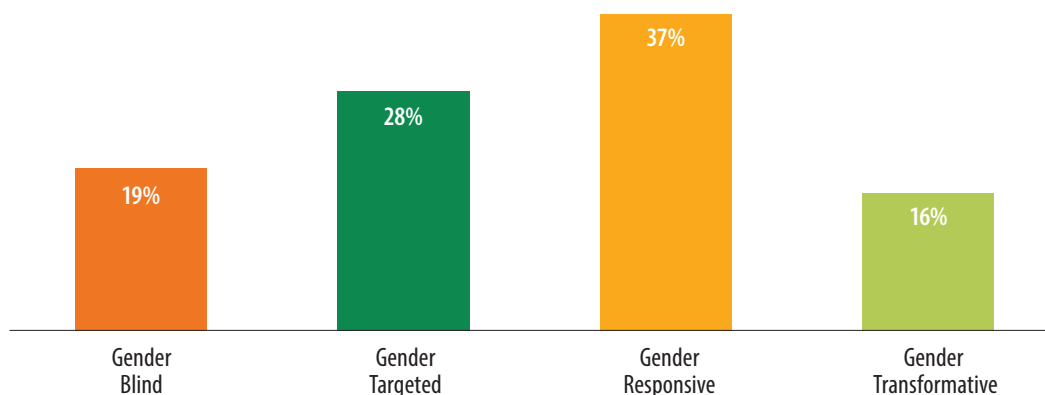
**FIGURE 15: Gender marker and access to justice, 2014-21**

	GEN0	GEN1	GEN2	GEN3
RBA	4%	38%	46%	12%
RBAP	4%	37%	50%	9%
RBAS	7%	29%	48%	16%
RBEC	1%	25%	61%	13%
RBLAC	20%	38%	36%	7%
<b>Average</b>	<b>7%</b>	<b>33%</b>	<b>48%</b>	<b>12%</b>

Source: IEO Data Mart

The IEO GRES analysis applied to projects in selected countries confirmed the results of the gender marker analysis, with approximately half of projects (53 percent) classified as having been at least gender responsive. IEO's analysis demonstrated that the level of gender-responsiveness of projects was positively correlated with better overall performance. On the contrary, projects rated as having limited effectiveness presented a significantly lower gender index.<sup>161</sup>

**FIGURE 16: IEO GRES analysis on selected projects**



Source: IEO analysis

<sup>161</sup> Going from 0 to 1, the index measures the degree to which gender considerations were included in project design and implementation. Most successful projects (rated as 4-5 out of 5) presented highest levels of gender responsiveness (0.41), while least successful projects (rate 1 out of 5) had the lowest gender index (0.09).

**Finding 17.** UNDP’s support to access to justice for gender-based violence has valuably enhanced women’s rights awareness and empowerment. Resolution of cases has been limited, with more encouraging results achieved by fast-track and mobile courts. Attrition rates remain high due to entrenched social norms and insufficient attention paid to women’s economic empowerment as a driver of choices. One-stop-shops valuably promoted integrated approaches and helped overcome some barriers to access to justice, but questions remain on their effectiveness and sustainability.

The reduction of gender-based-violence has consistently been a key strategic goal and programmatic reference for UNDP, including in conflict-affected countries. With the outbreak of the COVID-19 pandemic, SGBV and domestic violence were further prioritized, through police and justice responses as well as the establishment of safe mechanisms through which women would report abuse and seek help without alerting the perpetrators. Ensuring women’s access to justice and security and stopping the pervasiveness of CRSV and GBV in crisis remain two priorities in UNDP’s latest agenda for advancing equality in crisis settings.<sup>162</sup>

UNDP has made significant contributions to enactment of laws and policies to help improve access to justice for women on SGBV matters, including by leveraging recommendations developed through the Universal Periodic Review processes.<sup>163</sup> Some examples of effective support could be found across regions (e.g., Albania, Ecuador, Indonesia, Nigeria), where UNDP successfully advocated for legislative amendments for protection of women and girls from violence. In many instances however (e.g., Mali, Somalia, Uganda), UNDP’s and partners’ efforts to support law reforms and the approval of sexual offenses bills have stalled due to political opposition, threatening progress in legislative protection.

Results of UNDP’s support to rule of law actors for responsive justice services to women and survivors of SGBV are difficult to establish. Despite the valuable investments in capacity development, there is limited available evidence of effectiveness in terms of enhanced knowledge, attitude and behavioural change. Nor is information available from judicial monitoring and/or outcomes from court cases. Information collected through field visits, however, evidenced some positive results in Albania (where the engagement of police in Coordinated Referral Mechanisms increased reporting of family violence in the last three years) and Lebanon (where the renovation of a police station including a dedicated room for medical examination and separate interviews purportedly enhanced the number of cases for assistance, including from other regions). In other contexts, the application of standards advocated by UNDP was challenged by national stakeholders’ limited capacities, with limited protection by police and availability of shelters particularly in rural areas, as illustrated by the IEO deep-dive analysis in Colombia.

UNDP programming on gender-based violence, which was mostly channelled through the Spotlight initiative in recent years, has strongly promoted legal aid as part of coordinated service responses through one-stop-shops, with good practices highlighted but persistent challenges in terms of sustainability. Positive features of the model include its ability to reduce the stigma of reporting violence by meeting women in less intimidating environments (such as village halls or hospitals), and the provision of 24-hour hotlines when resources allowed. The provision of mental health and psychosocial support for survivors of violence also was deemed highly beneficial. Spotlight documents provide some data of contribution to effectiveness, with a 35 percent increase in cases reported to the police

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<sup>162</sup> UNDP. (2022). The ten-point action agenda for advancing gender equality in crisis settings: new practical and positive outcomes to enhance crisis prevention, recovery, and resilience.

<sup>163</sup> Human Rights Mainstreaming Fund. (2022). How the Universal Periodic Review process supports sustainable development – UN good practices.

across countries, and higher convictions of perpetrators in a few cases (e.g. El Salvador or Uganda).<sup>164</sup> In most cases, however, the notable lack of data and analysis regarding the impact of legal aid activities within the centres made it difficult to understand the degree to which these centres helped survivors gain access to justice. Important challenges were also reported in terms of inter-institutional cooperation and sustainability of these mechanisms beyond a project's duration.

Legal aid assistance has valuably enhanced rights awareness and empowered women who felt respected and able to secure better legal outcomes for family disputes. The support provided, however, did not translate into court decisions, as the number of cases proceeding to courts remains very low. Interviews and documents trace the high attrition rates back to the stigma associated with both reporting and legal processes; persistent lack of responsiveness and sensitivity to the issue by rule of law actors; length of judicial processes; and lack of economic support. In countries such as Afghanistan and Somalia, many SGBV cases continued to be reportedly resolved through local and traditional mediations, often perpetuating harm to the victims. When resources allowed, the continued support of lawyers and legal aid providers was reportedly effective in pressuring police and other duty bearers to act and execute arrest warrants.

While meeting political resistance in some settings, the establishment of specialized SGBV Courts effectively fast-tracked cases. In Liberia, the support provided to regional specialized courts helped reduce the burden on survivors to navigate different services, as well as the tangible costs of transport. The average time to trial (one to two years) was faster, but the caseload and case disposition remained low (with approximately 30 cases disposed by each regional court per year), possibly because of limitation of the legal protection (that does not cover domestic violence), stigma, and the need for further capacity investments in other parts of the justice chain. In Zambia, in 2019 the processing of SGBV cases declined from an average of two to three years to three to six months, with no data available on the quality of the adjudication outcomes. Sustainability plans for fast-track courts also are needed, particularly with regard to the maintenance of installed equipment and the revision of laws to authorize their use. Mobile hearings, conducted for example in the Eastern Democratic Republic of Congo and Somalia, were praised as efficient mechanisms to provide justice in cases where previously there had been none, but often were deemed not sustainable.

In conflict settings, UNDP's support to the prosecution of CRSV, in partnership with the Team of Experts and peacekeeping operations, has been praised for its consistency and inclusivity of the process, but has delivered limited results in terms of convictions. With a focus on Africa and the Arab States, UNDP's capacity development initiatives supported the rollout of investigations and the promotion of legal assistance to women, including as part of transitional justice processes (e.g., in Central African Republic, Colombia, Guinea). While available reporting listed numerous achievements at output levels, the overall impact was hampered by the lack of follow-up on judicial files, court delays and length of criminal procedures, which negatively impacted accountability for sexual violence crimes. The overall number of cases adjudicated remains low (e.g., 22 in the Central African Republic in 2019-2020 and 120 in the Democratic Republic of Congo in 2005-2021, 29 of which involved mass episodes and with 45 perpetrators sentenced), partly due to the high complexity of the issue.<sup>165</sup> The technical legitimacy of the Team of Experts and their capacity to work in partnership with national authorities has been praised as a driver

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<sup>164</sup> European Union and United Nation (2021). Spotlight Initiative: Global Annual Narrative Progress Report.

<sup>165</sup> UNDP. Rule of Law Annual Reports, Team of Experts Annual Reports, and Mid-term analysis of impact of the UNDP and Team of Experts' projects in the Democratic Republic of Congo.

of success. Available data indicate that victim and witness protection measures have been systematically implemented, particularly in the data collection process for victims, although participation of victims in processes needs reinforcement, as indicated in some interviews. Resources for reparations, prioritization of cases, investments in quality legal aid for fair trials, and potential engagement with alternative types of courts (e.g. military and mobile courts) all emerged as areas for improvement.

Given the importance of the issue and the limited effectiveness of current interventions, several stakeholders advocated for a reconsideration of UNDP's approach to SGBV, working with partners in engaging men and boys (including through rehabilitation programmes for perpetrators) and furthering investments in communities' monitoring and referral mechanisms, including through community policing systems that have proved effective (e.g. in Malawi or Samoa), but whose support by UNDP has reportedly diminished over time. Interviewees also argued for stronger emphasis to be placed on survivors' reintegration in communities and women's economic empowerment as both a prevention and response to GBV, given that current services are insufficient for meeting survivors' needs. Planned support in this area has not been adequately resourced.

**Finding 18.** UNDP's efforts to promote the legal protection of often-discriminated groups, including people living with HIV/AIDS and members of the LGBTI community, delivered some important results over time, although it was often met with resistance. UNDP played an important role as soft advocate for change, supporting capacity development of national institutions and CSOs. Strengthening the link between justice and anti-discrimination institutions is yet to be prioritised.

Most of UNDP's support to anti-discrimination in the law occurred in relation to people living with HIV/AIDS and the LGBTI community, with some important results achieved at the intersection of the two.

Through the Global Commission on HIV and the Law, the development of guidance,<sup>166</sup> the support to regional networks of judges and lawyers and the provision of grants to CSOs all contributed to the decriminalization of HIV and sex between men in the laws of half a dozen countries since 2017.<sup>167</sup> In Nigeria, trained lawyers contributed to the awarding of compensation for sex workers unduly arrested and to a ruling by the National Industrial Court of Nigeria following the illegal dismissal of HIV-positive workers. Despite progress, punitive and discriminatory laws and policies remain major barriers to the HIV response in 92 countries.<sup>168</sup>

UNDP's engagement has demonstrated the importance of providing safer space for dialogue and promoting a whole-of-society approach (including justice personnel as well as Parliamentarians) as the most effective path to change.<sup>169</sup> UNDP also worked with CSOs, often in restrictive environments, in promoting legal empowerment and access to services, to overcome the stigma often associated with requests for help.<sup>170</sup> UNDP engaged local leaders to some extent, although consideration of the influence of plural legal systems on social norms has been reported as insufficient.

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<sup>166</sup> Most recent guidance includes: UNDP. (2021). Guidance for prosecutors on HIV-related crimes; UNDP (2022). A training resource for judicial officers: HIV, TB, Key and Vulnerable Populations and the Law in Africa. At the behest of the forum, UNDP developed an online searchable database of HIV and law-related judgements, which judges reportedly find to be a useful reference tool.

<sup>167</sup> India, Botswana, Zimbabwe, Antigua and Barbuda, and Saint Kitts and Nevis.

<sup>168</sup> UNDP (2021). HIV and Health Annual Report 2020-21: Driving Equity, Resilience, and Sustainability.

<sup>169</sup> UNDP. (2019). Evaluation of the Global Commission on HIV and the Law.

<sup>170</sup> A survey of people in 18 countries showed that less than 50 percent of people living with HIV whose rights were abused sought legal redress. [https://www.unaids.org/sites/default/files/media\\_asset/2022-global-aids-update\\_en.pdf#page=73](https://www.unaids.org/sites/default/files/media_asset/2022-global-aids-update_en.pdf#page=73).



UNDP support to anti-discrimination in the law for members of the LGBTI community mostly occurred through regional initiatives. Amid significant challenges and resistance, the UNDP support to laws and policies (24 in Asia and the Pacific) led to the approval of two anti-discrimination bills, including the landmark Transgender Persons (Protection of Rights) Act in Pakistan, which allows transgender individuals to obtain identification documents and register complaints with police officials as needed. Despite being critically acclaimed as an achievement,<sup>171</sup> the Transgender Act is currently under intense scrutiny by the media and Federal Shariat Court. Globally, examples of awareness-raising in the justice sector and dedicated legal aid support to members of the LGBTI community remain limited (e.g., in China, Colombia, El Salvador and Lebanon). In many other contexts, the issue of protection of LGBTI rights was not included in justice programming, due to lack of political will at national level and resistance among UNDP staff who showed different levels of comfort in addressing issues often deemed ‘too sensitive’.

While support to legal oversight remains a more limited component of the UNDP justice portfolio, in a few countries UNDP was able to create important synergies between its work on access to justice and the mandates of anti-discrimination institutions. This should be further explored. In Albania, UNDP’s support to two studies on discrimination in accessing social protection schemes and enforcing equality principles in court ruling (both conducted in 2021/2022) are expected to inform awareness and capacity building of the justice personnel, contributing to reduction of unequal treatment and the promotion of human rights for all.

## 4.4. Design, management and partnerships

### H. UNDP APPROACH TO ACCESS TO JUSTICE

**Finding 19.** UNDP’s approach to access to justice has been, to a good extent, people-centred, given the importance attached to inclusion and outreach to communities most at risk of being left behind. Limited attention has been paid to consultation with communities at the design stage, fairness of processes and outcomes, and people’s overall experiences of justice.

UNDP has long recognized the importance of people-centred approaches in supporting access to justice. A close alignment between UNDP’s strategic focus and later definitions of people-centred approaches was found in the 2004 guidance note, particularly as regards the value of inclusion and the focus on empowering communities most at risk of being left behind, the importance of fairness of processes and outcomes, and the multiplicity of stakeholders and justice providers (including land and labour courts or community mechanisms) therein mentioned. Acknowledging the time, financial and human resource requirements of data-informed programming, the guidance also stressed the value of evidence-based approaches that include needs assessments based on an analysis of countries’ political economies.

UNDP has not, however, fully made the pivot to putting people at the centre of all its interventions in the justice sector. Efforts to enhance government’s ownership often led to projects that were not necessarily people-centred and responded to main issues of concern for people who find it hardest to access justice, with heightened risk of institutional capture. Interviewed stakeholders noted that the improved, yet still limited, use of legal needs surveys and community-level focus groups to inform programmes

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<sup>171</sup> OHCHR [blog](#), 2021.

resulted in a reliance on governments' understanding and interpretation of justice needs.<sup>172</sup> Stakeholders also noted insufficient consideration paid by UNDP's programming to corruption in the justice sector, even when acknowledged as a key challenge to its effective functioning.

While UNDP programmes maintained a strong focus on enabling people's empowerment through legal awareness and legal aid, with interventions tailored to respond to the specific needs of certain communities (e.g., women, rural communities, people living with HIV/AIDS, LGBTI, displaced populations), this remained to some extent disconnected from its large support to justice institutions. A reflection on how resources allocated to institutional development would ultimately benefit service provision to the benefit of those most at risk of being left behind has been in most cases missing. This has been compounded by short-term project dynamics and the absence of comprehensive theories of change that would link the different axes of interventions (the PROSMED programme in Mali being a partial exception).<sup>173</sup> UNDP importantly supported the development of policies and strategies, yet there is little evidence available that its interventions resulted in fairer processes and outcomes. With very few exceptions (e.g., Kyrgyzstan and Myanmar), where UNDP supported the monitoring of judicial proceedings following the introduction of fairness standards, information on the extent to which interventions led to better processes and outcomes, leading to increased trust and confidence in the justice system, is not available.

Overall, measures of effectiveness and impact of UNDP's work – in terms of enhanced capacity, time-efficiency of judicial processes, disputes solved, level of satisfaction with services rendered, and sense of empowerment of the populations – are not regularly available, despite numerous recommendations included in project evaluations to this end.<sup>174</sup> While leaving space for UNDP country offices to define their own indicators of success based on context, in 2022 the Global Programme incentivized country offices to measure achievements, including incremental change at impact level, through a dedicated section of the pipeline funding request form. Interviewed stakeholders claimed three main obstacles to more robust measurement: lack of financial resources; lack of access to institutional data (because of security and confidentiality reasons); and insecurity reducing the opportunity for field visits. The rigidity of the current results framework also disincentivizes the collection of information, as qualitative data included in narrative reports appeared often more complete (yet not rigorously or systematically collected).

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<sup>172</sup> One third of respondents to the IEO survey indicated they used legal needs surveys and community-level focus groups to inform programming. More commonly, 65 percent of respondents said UNDP justice programmes were informed by multi-stakeholder consultations, 63 percent indicated rule of law assessments conducted by UNDP were used to inform programming, and 61 percent said expert opinions were used. The response categories were not mutually exclusive.

<sup>173</sup> To improve the internal and external coherence of projects in the area of justice, in 2020 UNDP Mali created a portfolio encompassing all projects, labelled as PROSMED. PROSMED has a global annual work plan that includes all the projects already planned, those under negotiation, and activities that are yet to be financed in 2022-25.

<sup>174</sup> Project evaluations and few independent studies (e.g., the Peacebuilding and Reconstruction Polls by the Harvard Humanitarian Initiative in Eastern Congo or perception surveys conducted, for example, in Colombia and Tunisia) provide the most satisfactory evidence of results achieved at outcome and impact level.

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## BOX 8: Integration of people-centred approaches in UNDP justice programmes

### Effectively integrated

- ✓ Inclusive and targeting those who find it hardest to access justice
- ✓ Empowering people and communities
- ✓ Accessible and designed to actively overcome barriers to justice
- ✓ Available across the justice chain and provided in a range of formats

### Areas for improvement

- Based on an empirical understanding of legal needs
- Continually improved through evaluation and regular feedback from users
- Proactive and contributing to prevention of justice problems and timely resolution
- Part of a coherent system that provides seamless referrals and integrated services

### Lack of evidence

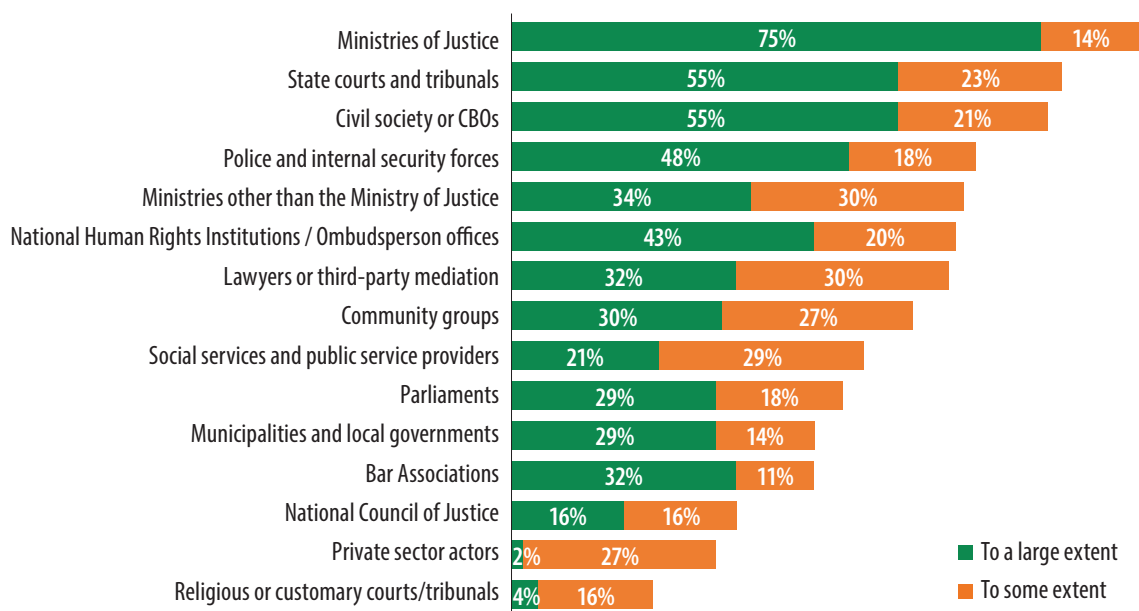
- » Appropriate, tailored and responsive to people's needs
  - » Contributing to fair process and fair outcomes
- 

**Finding 20.** UNDP's vision remains very sector-centric, access to justice still conceived mostly as remedial rather than preventive. While UNDP's support aided Ministries of Justice and formal justice systems, political sensitivities and operational constraints challenged the broader engagement of other institutions and stakeholders in supporting dispute resolution.

UNDP's support to access to justice has been naturally framed around the expansion of opportunities for people to seek and obtain remedies from States, and to a lesser extent, non-State dispute resolution mechanisms. This resulted in Ministries of Justice, along with courts and tribunals, being the main interlocutors of UNDP programming (as illustrated in figure 17), starting from the conceptualization of interventions. UNDP also has partnered extensively with CSOs and Community-Based Organizations in the delivery of its access to justice programmes and, to a lesser extent, worked directly with community groups.

UNDP justice programmes have engaged less with national institutional actors (other than Ministries of Justice and State courts/tribunals) in any systematic way. Cooperation with other Ministries emerged as significant, but for the most part only because of interaction with the national gender machinery on SGBV issues. While other rule of law actors and NHRIs/Ombudsperson offices have been largely involved in UNDP's justice programming, Parliaments and National Council of Justices have been significantly less engaged, as have local governments, religious or customary courts/tribunals and social services/public services providers. Beyond political sensitivities around the engagement with informal and customary justice systems, internal procedures and regulations also reportedly impacted the ability of UNDP to directly support ADRs, which do not have benefit of legal recognition as formal organizations.

**FIGURE 17: Primary stakeholders of UNDP work on access to justice**



Source: IEO survey

Interviews indicated that broadening the spectrum of interventions to engage with non-State justiciable institutions as well as non-justiciable institutions (including line Ministries and CSOs for referrals) would be important, particularly when it comes to civil justice matters. Interviews and country analyses indicated that the limited exploration of different practices away from ‘traditional’ capacity development support of formal justice institutions already has caused a few donors to divert funds elsewhere. This issue needs to be addressed.

**Finding 21.** The implementation of short-term, unlinked projects challenged the coherence of UNDP’s efforts. Synergy between justice and other rule of law and governance projects has been inconsistent, with recent umbrella initiatives trying to secure more coordination in implementation of activities and coverage of needs. The quest for more integration of justice elements in other areas of UNDP’s work, recently included in UNDP global programming, has not yet translated in more cross-thematic projects at country level.

The ‘projectization’ of activities around relatively short time frames, linked to UNDP’s reliance on external resources, has challenged the internal coherence and effectiveness of UNDP’s efforts on access to justice. This occurred both in highly volatile contexts, where priorities often had to be rediscussed, as well as in more stable and/or developed countries, where donors’ appetite to support access to justice interventions was more limited, requiring intense resource mobilization efforts and frequent adjustments to plans.

Overall, the evaluation analysis at country level found good coordination between justice initiatives, unless overseen by different managers operating in multiple UNDP ‘pillars’. Evidence of synergies with other rule of law, governance, and peacebuilding projects has been less consistently available, except for Spotlight initiatives, where cooperation was generally established, and for projects occurring in the same geographic area. Coordination between, and among, justice and governance projects has recently improved, in most instances through the adoption of umbrella initiatives (e.g., in Colombia,

Democratic Republic of Congo, Mali and Tunisia). The recent implementation of these efforts hampers full evaluation of their effectiveness at this time. Preliminary reviews indicated that they have not yet been allowed to fully overcome the challenges posed by internal power dynamics and transaction costs linked to the production of individual project documents requested by donors.<sup>175</sup> In Mali, UNDP's portfolio initiative PROSMED, praised for its internal coherence, was made possible by a close dialogue with national and local partners, strong coordination with other justice sector actors (including United Nations agencies), and the decision to allocate time to carry out perception and feasibility studies to adjust the programming in a year-long inception phase.

Driven by strong leadership, the UNDP Global Programme has expanded in its recent evolution to cover new areas of work. UNDP's ability to work across sectors (including local governance and sustainable livelihood) was identified as the organization's comparative advantage.<sup>176</sup> This resulted in a significant strengthening of UNDP's offer, as confirmed in interviews and the most recent evaluation of the Global Programme.<sup>177</sup> While it is too early to assess the effectiveness of these efforts, the expansion responds to an important need for collaboration between justice and other thematic areas (e.g., local governance, informal economy, environment), which to date has been limited. There are a few previous examples of positive synergies. These included UNDP's programme in Burundi, where UNDP assisted municipalities in delivering land certificates while it established mobile courts to mitigate land-related conflicts and address court congestion. In Colombia, socio-economic and environmental considerations have been integrated into transitional justice projects, with recognition of responsibilities for environmental harm caused by the conflict turned into dedicated reparations made to the community by former combatants.

**Finding 22.** Through knowledge products and seed-funding, the Global Programme has valuably supported the development and expansion of country-level initiatives. Limited capacity challenges the ability of the Global Programme to provide in-depth and sustained support, creating a gap between its aspirations and results on the ground.

Since its establishment, the Global Programme has continuously evolved. Its continuity and capacity to adapt based on lessons learned was reported as a success factor. With the support of few engaged donors and some core funding, the Global Programme's budget has oscillated between US\$24 million (2016) and \$39 million (2021). In this six-year period, resources amounting to slightly more than what UNDP had received in the previous eight years (2008-2015) were mobilized, while remaining strongly dependent on donors' fluctuating interests.<sup>178</sup> As of 2022, the Global Programme had 30 staff, 6 of whom were fully dedicated to justice in Headquarters and 8 covering justice (among other matters) at the regional level.<sup>179</sup> While the expansion of Global Programme staff has been praised for its support of the definition of regional priorities, interviewees and evaluations questioned the ability of the current regional structure to effectively provide support at country level and influence decision-making, because of limited staff capacity and lower seniority level of the dedicated staff.

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<sup>175</sup> UNDP. (2022) UNDP's mid-term review of the SDG16+ portfolio in Tunisia; UNDP. (2022). Evaluation of the Transitional Justice Portfolio. (2022).

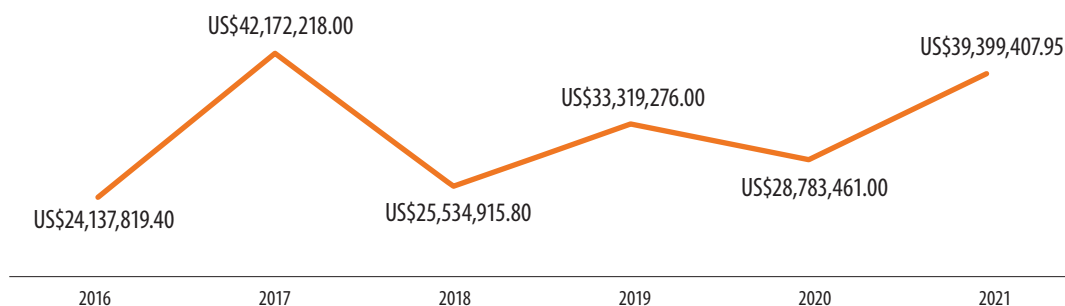
<sup>176</sup> UNDP Global Programme, phase III project document. The latest call for proposals to support country-level initiatives through seed funding also promoted integrated initiatives that harness the skills and knowledge available across UNDP.

<sup>177</sup> UNDP. (2022). UNDP Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development (Phase III).

<sup>178</sup> 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 approximately US\$1-2 million core funds yearly. The planned budget for phase IV of the Global Programme (2022-25) amounts to \$125.7 million.

<sup>179</sup> Excluding vacant/frozen posts and including temporary contracts, secondments, Junior Professional Officers and UNVs, based on the April 2022 organigram.

**FIGURE 18: UNDP Global Programme for Rule of Law and Human Rights, budgets (2016-2021)**



Source: IED calculations based on the Global Programme Annual Reports

The Global Programme played a valuable role in mobilizing a high number of inter-agency partnerships (see finding 23) and providing technical assistance and advice to country offices. The distribution of seed funding, albeit limited in quantity, is the most valued support by the Global Programme at country level. The resources allowed country offices to support programme development and review (e.g., in Bangladesh, Myanmar and Somalia), leverage additional resources by other donors (e.g., in Pakistan), and expand nascent or existing initiatives (e.g., in Colombia, Lebanon and Tunisia). Importantly, Global Programme funds also were used to support the recruitment of a senior rule of law expert in Mali, whose role has been key in reshaping the programme towards a more coordinated portfolio approach and ensuring strategic dialogue with the national Government and partners.

In partnership with other United Nations agencies, the Global Programme contributed to the publication of several guidance documents to inform UNDP’s work, including on informal justice, legal aid, and access to justice for women and people living with disabilities.<sup>180</sup> Following the outbreak of the COVID-19 pandemic, UNDP and partners also developed dedicated guidance on how to ensure access to justice, with specific guidelines on protection of women’s rights and lessons learned from supporting NHRIs.<sup>181</sup> The influence of this guidance on programming remains unclear, with several requests from country offices for more frequent exchange of experiences and access to a repository of good practices and innovative solutions. The Justice Futures CoLab, recently launched by the UNDP Global Programme and conceived as a space for reflection and exploration, offers an important opportunity for such an exchange, but would require a prioritization of focus to ensure that limited existing resources are not too thinly spread.

<sup>180</sup> UNDP, UNICEF, and UN Women. (2013). *Informal Justice Systems: charting a course for human rights-based engagement*; UNODC & UNDP. (2018). *Global Study on Legal Aid – Global report*; United Nations, UN Women, UNDP & OHCHR (2018). *A practitioner’s Toolkit on Women’s Access to Justice Programming*; International Disability Alliance, International Commission of Jurists, UNDP & OHCHR (2020). *International Principles and Guidelines on Access to Justice for Persons with Disabilities*.

<sup>181</sup> UNODC and UNDP. (2020). *Ensuring Access to Justice in the Context of COVID-19 – Guidance note*; UN Women, International Development Law Organization (IDLO), UNDP, UNODC, the World Bank, and the Pathfinders. (2020). *Justice for Women Amidst COVID-19*; OHCHR, GANHRI, and UNDP. (2021). *COVID-19 and National Human Rights Institutions – A study*.



## I. PROGRAMME PARTNERSHIPS

**Finding 23.** Partnerships with United Nations agencies proved valuable in promoting more coordinated approaches, particularly on issues of access to justice for women and displaced populations. Cooperation with peacekeeping operations remains challenging, while improved in more recently established missions. The dialogue with United Nations Special Political Missions could be further leveraged for enhanced access to justice.

Recurrent challenges over competition for limited resources and misalignment of practices notwithstanding, the UNDP justice portfolio encompassed numerous interventions jointly implemented with other United Nations agencies. Beyond joint programmes, which occurred mostly in conflict contexts and around gender and human rights issues, the intent of UNDP to partner with other technical agencies as multiplier of effectiveness was evident in the numerous agreements and coordinated efforts launched at Headquarters.

In conflict-affected countries, UNDP's collaboration with peacekeeping operations through joint and/or coordinated efforts was reportedly better in missions established more recently (Central African Republic and Mali), facilitated by the joint frameworks agreed by the Global Focal Point for Rule of Law network established in 2012. At the country level there was a fair degree of cooperation, with recent improvements in dialogue and adjustment to cooperation modalities resulting from intense efforts as well as leadership's support. In Central African Republic, collaboration with the peacekeeping operation was seen as an enabler of geographic outreach in remote areas, notwithstanding the challenges of unclear role distribution and inefficient communication hampering this partnership.<sup>182</sup> In the Democratic Republic of Congo, beyond the support to the prosecution of CRSV cases and despite the establishment of coordination mechanisms, the level of synergies in projects' implementation has been limited, with each partner mostly operating on its own despite the joint nature of the projects. In Liberia, as acknowledged by the 2018 review of the Global Focal Point network,<sup>183</sup> the significant gap in capacity between UNDP and the transitioning peacekeeping operation created false expectations on the part of the Government that support would continue at similar level, with progress of many past efforts lost and/or made unsustainable.

Coordination with United Nations Special Political Missions in the countries more directly covered by this evaluation has been relatively modest. While UNDP participated in regular information sharing and joint needs assessment, there is room to further leverage the partnership for integrated solutions to justice matters. In Somalia, where the Global Focal Point arrangement has historically played an important role and where UNDP participated in a high number of joint programmes, evaluations and reviews still show limited evidence of coordination between programmes and some parallel work by agencies, with insufficient political support leveraged for the resolution of blockages in implementation.<sup>184</sup> Contacts between UNDP justice experts and United Nations Peace and Development Advisors has been reported as limited, mostly occurring through colleagues working on peacebuilding and conflict prevention, reflecting untapped internal synergies. Interviewees acknowledged some tension

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<sup>182</sup> UNDP IEO. (2021). ICPE Central African Republic.

<sup>183</sup> Netherlands Ministry of Foreign Affairs, New York University Center for International Cooperation, Folke Bernadotte Academy, and Norwegian Institute of International Affairs (2018). Review of the Global Focal Point for Police, Justice, and Corrections.

<sup>184</sup> UNDP. (2021). Evaluation of Somalia Joint Justice Programme Phase I; UNDP. (2022). Evaluation of the Somaliland Joint Rule of Law Programme; UNDP. (2022). Somalia portfolio review by the Global Focal Point.

derived from the delinking of the Resident Coordinator, and the recognition of the need to better define UNDP's value proposition and strengthen the partnership for justice work to be anchored to stronger contextual analysis and management of political relationships.

Access to justice for displaced populations has been a key area of collaboration between UNDP and UNHCR since 2017. While some challenges linked to resource competition were reported globally, at country level the two organizations have promoted joint initiatives in more than 25 countries (e.g., Democratic Republic of Congo, Ethiopia and Lebanon) in support of legal awareness and legal aid for refugees and host communities, as well as running of mobile courts in refugee camps. The few examples of collaboration analysed in the context of this evaluation evidenced good partnership and important lessons learned on respective areas of responsibilities, based on the organization's comparative advantages, while still noting some tension in the different approaches adopted and persistent challenges in securing services to displaced populations.<sup>185</sup> Efforts to reinforce the partnership at strategic (global and regional) level increased in 2022, with renewed engagement for joint advocacy, programmes, and learning based on data for people-centred justice.<sup>186</sup>

UNDP partnership with OHCHR and the GANHRI contributed important results in terms of capacitation of NHRIs, support to grievance mechanisms and advocacy efforts for reduction of discrimination and promotion of human rights in the law. The partnership also allowed for enhanced coordination with transitional justice mechanisms (e.g., in the Gambia and Tunisia) to implement credible processes that promote reconciliation. Strengthening and institutionalizing the partnership for the protection of human rights defenders and further promotion of the Leave No One Behind principle were seen as critical.

Cooperation with other United Nations agencies at country level varied. More consistent opportunities for joint programming with UN Women (including through Spotlight), and, to a lesser extent, UNFPA and the United Nations Children's Fund (UNICEF), were explored, often with good results (e.g., in Albania and by PAPP). While the partnership with UN Women at global level is supporting better coordination and greater consistency of work, at country level there is still a need for continued articulation of the two agencies' value added in joint programming, with potential for stronger partnerships around access to justice for SGBV issues. The partnership with UNODC mostly occurred at global level, while engagement with the International Labour Organization has been mostly explored in Asia and the Pacific in the context of the B&HR initiative.

**Finding 24.** Coordination with other international partners, including bilateral agencies, was planned to avoid overlapping, but did not result in a harmonization of approaches. CSOs have been largely engaged in programming, yet often only as implementing partners and over short time horizons. Collaboration with research and data partners has been limited.

While UNDP remains the most long-standing partner of governments in promoting access to justice, its interventions have often occurred in parallel with (at times large) initiatives funded and directly implemented by bilateral partners (mostly the United States Agency for International Development and the European Union). While national governments expressed appreciation for UNDP's support and recognized a value in its neutrality, the preference for bilateral partners to continue the direct implementation

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<sup>185</sup> These included limited funding available for mobile courts, work overload and poor quality of justice services rendered, as well as preference by the population for compensation measures as offered by traditional courts. Source: UNHCR and UNDP. (2021). Joint Collaborations in Rule of Law and Governance Overview and lessons learnt: a review of joint collaborations 2018-2021.

<sup>186</sup> UNDP-UNHCR Workshop. (2022). Advancing access to justice and legal aid in situation of forced displacement.

of projects, particularly in e-justice and case management, is to be acknowledged. The evaluation noted that despite consultations, some overlap in capacity development efforts existed and with different models of legal aid presented to national governments, the potential for enhanced effectiveness of combined efforts was diminished. Divergent, and at times uncoordinated, approaches characterized the relationship between UNDP and the International Development Law Organization in Liberia, Myanmar and Somalia.

CSOs have been key partners of UNDP in programme implementation, playing an important role in promoting legal awareness and legal aid across contexts. While UNDP has engaged with international NGOs and local CSOs, the evaluation noted that the cooperation was not always strategic and aimed at reinforcing the role of CSOs as key actors in the national discussions around access to justice. In some contexts (e.g., Colombia, Lebanon, Myanmar, oPt, Tajikistan), UNDP enabled CSOs to voice their concerns through the established rule of law and justice platforms and/or significantly engaged with them in support of their capacity development. In others (e.g., Democratic Republic of Congo, Liberia, Pakistan, Tunisia), the collaboration was perceived as more limited and transactional. The provision of grants of too-short nature (dependent on UNDP funding cycles) heightened the risks of 'doing harm', since local community organizations may not have the resources to continue supporting the clients upon completion of the project, given the traditional length of the judicial proceedings. The depth of engagement was often dependent both on local capacity and the permissiveness of the political enabling environment, with less democratic contexts not favouring strong cooperation with local CSOs.

Collaboration with academia and research institutes has been very limited. Beyond the citation of available studies in programme documents, the evaluation could not find evidence of engagement with data partners in support of projects' ideation and implementation, at either international or country level. Data collection efforts, which have been overall highly insufficient to understand the programmes' results and impact, have been managed internally, with untapped potential for collaboration with monitoring and research partners.

## Chapter 5.

# CONCLUSIONS, RECOMMENDATIONS AND MANAGEMENT RESPONSE

This evaluation of UNDP's support to access to justice covered the period 2014-2021. Building on the evaluation findings presented in the previous chapters, the conclusions and recommendations focus on strategic issues of UNDP's support at the global, regional, and country levels. The recommendations take into consideration corporate Access to Justice strategies and priorities of the new Strategic Plan 2022-2025, and other policy change processes now underway.

## 5.1. CONCLUSIONS

**Conclusion 1.** UNDP is widely recognised as a key provider of international development assistance in the justice sector, particularly in fragile and post-conflict countries. Its support strengthened national institutions, while empowering communities most at risk of being left behind in seeking justice through knowledge and free legal advice.

Across development settings, UNDP has played a key role in meeting the needs of often frail justice sectors, enhancing the technical and financial capacity of Ministries of Justice and courts. Its responsiveness and flexibility, combined with the neutrality derived from its mandate, have deepened the relationship of trust with national institutions. Particularly in fragile and conflict-affected countries, UNDP's support has allowed the continued functioning and capacitation of justice structures, including through transitional justice processes that valuably promoted reconciliation and allowed communities to reconcile the pain of the past with hope for brighter futures.

UNDP's legal aid support has contributed to enhancing awareness and promoting empowerment, having individuals at risk of being left behind feeling heard and respected, and allowing them to overcome some of the knowledge and financial constraints to justice. While persistent normative and institutional barriers to access to justice continue affecting the ability of individuals to seek and obtain remedies, UNDP's support for the promotion and institutionalization of legal aid infrastructures remains of high relevance and value, contributing to reinforcement of social ties. The development of behaviourally informed strategies for key target groups, including, but not limited to, women, is an area for improvement.

**Conclusion 2.** The overall impact of the UNDP contribution to access to justice remains unclear, in the absence of strong monitoring and evaluation systems. While UNDP enhanced the capacity of people to seek remedies and promoted institutional efficiency, the ability of individuals to obtain justice often remains uncertain, given the level of challenges faced by the justice sector and the complexity of the operating environment.

Understanding the extent to which UNDP's support contributed to enhanced access to justice is challenged by the length and type of support provided by the organization, whose projects rarely follow individual cases through the length of judicial proceedings and/or the resolution of problems (with the exception of those adjudicated through mobile courts). Limited availability of reliable national data hampers the understanding of the extent to which UNDP-supported initiatives led to a decision by the court and delivery of justice. UNDP has insufficiently invested in the collection of data on the quality and fairness of processes, hampering the possibility to implement corrective and targeted measures. The investments made by a few UNDP Country Offices to this end showed the value of stronger M&E for programme management and positive stakeholder engagement.

Support to the presence and capacitation of the State justice sector remains at the core of the UNDP mandate on access to justice. It is clear that more needs to be done to make those institutions more people-centred, accessible, and better able to provide faster solutions to the most common judicable needs of individuals, which pertain to both the criminal and civil justice domains.

While UNDP promoted efficiency through fast-track courts and digitalization, which has proved valuable and should continue, persistent backlogs and lengthy resolution of cases by courts call for enhanced support for modernization of services and review of processes, while questioning the opportunity of expanded justice models. Some of the causes for the lack of trust in the formal justice system, including corruption, lack of effective mechanisms for judicial monitoring and power balance, and low levels of enforcement of judicial decision, remain insufficiently addressed by UNDP programming.

**Conclusion 3.** Despite its continued support, the limited scale of UNDP programmes and the fragmentation of interventions reduced the contribution to sustainable, people-centred justice outcomes. UNDP has yet to leverage its comparative advantage for enhanced access to justice by creating stronger partnerships with other actors in support of nationally-led visions for enhanced access to justice.

Widespread acknowledgements of the importance of justice for stability and development notwithstanding, international and national public financing for access to justice has been stagnating in the past 10 years. Shorter-term and limited size programmes challenged the effectiveness of cooperation efforts, particularly outside of fragile contexts. UNDP has been able to continue mobilizing resources to strengthen justice institutions and promote access to justice, but regular (core) resources did not increase, and available financial means have remained insufficient overall.

Although access to justice remains the ultimate goal of all UNDP justice programmes, the UNDP responses to different country-level objectives and priorities has seldom been reconciled in a more comprehensive strategy to promote access to justice in the long-run. Hampered by the fragmentation of support through projects, UNDP has insufficiently leveraged the comparative advantage derived from its long-standing trust relationship with national justice institutions to promote a more integrated vision of justice support aligned to the Sustainable Development Goals (SDGs). Developing shared goals and targets for what the justice sector should deliver can provide a framework to which different United Nations entities can contribute, which helps to create synergies, leverage respective strengths and networks and avoid competition.

While UNDP has systematically engaged in dialogue with other partners, at country level the potential for stronger coordination and enhanced synergies with other international actors, particularly United Nations political offices, bilateral agencies and CSOs currently engaged in the direct execution of justice projects, remains unfulfilled.

**Conclusion 4.** UNDP has focused its assistance on formal/State justice sector institutions. Opportunities to support more effective models of justice delivery, including hybrid structures and alternative dispute resolution mechanisms, remain underutilized. The space for further synergies with other areas of UNDP work, particularly around civil justice issues, including environmental matters, building on one of the organization's key comparative advantages, has yet to be leveraged.

Across settings, the UNDP model of institutional support to access to justice has revolved around State courts to ensure due and equal application of national laws for all. Interventions in support of ADRs, which delivered promising results in terms of faster responses, following at times less adversarial methods closer to community cultures, have been carried out, but have been limited to a few countries. The often-insufficient resources allocated to alternative mechanisms were seen as subtracted from support to the formal State system, in a false dichotomy of support given the shared goal of promoting access to justice for the efficient and fair resolution of individuals' justiciable issues. Unexplored potential to work with State-recognized ADRs remains, particularly in Africa, where consensus on the value of these mechanisms has been growing.

The current political landscape, with increasing demand for justice, unmet needs and fluctuating resources, requires a shift in the way UNDP conceives access to justice interventions. With very few exceptions, the engagement with other areas of UNDP work, particularly on civil justice matters other than those related to gender, has been relatively limited. Opportunities to carry out in-depth work on thematic areas for the prevention of justiciable issues have been missed. Given the breadth of its mandate, UNDP is very well positioned to support the integration of legal and justice services in other areas of work, but opportunities are yet to be explored for more sustainable solutions to common justice issues.

The impact of the environmental and climate crisis on the economy and society, with higher prices paid by marginalized communities, requires a more effortful engagement for the protection of individual and collective rights, through justice mechanisms and stronger accountability vis-à-vis international agreements.

**Conclusion 5.** UNDP has consistently tried to put communities most at risk of being left behind at the centre of its access to justice support, mostly through its legal aid and protection work. Despite the sustained efforts, barriers to access justice for many groups remain high, with persistent discrimination in the law, complex and lengthy processes discouraging individuals to seek help, and power dynamics influencing fair decision-making. A better understanding of the justice needs for communities at risk of being left behind is required to increase effectiveness.

Attention to communities most at risk of being left behind has been a key principle of UNDP's justice programming, permeating the organization's approach and delivering important results in terms of legal awareness and empowerment. Valuable outcomes also have been achieved through the institutionalization of inclusive legal aid practices and legal protection, the relevance of the latter increased by the significant obstacles overcome by UNDP in highly challenging political contexts.



Numerous barriers to access to justice remain, with many unmet demands and lagging civil justiciable issues affecting the enjoyment of rights and pace of development, while heightening the risk of tension when collective rights are not respected. Formal justice systems still are a solution for too few, with some persistent discrimination in the law and high barriers to individuals' access calling for further simplification of procedures, more attention to be paid to fairness and inclusion, and expansion of justice services beyond courts and lawyers.

Particularly in the case of support to women survivors of violence, attrition rates remain very high, driven by entrenched social norms, family and societal pressures, and lack of economic empowerment, inviting UNDP to reconsider and broaden its support to access to justice around SGBV matters.

**Conclusion 6.** E-justice represents an important opportunity for UNDP to transform the sector, promoting efficiency while accounting for data protection issues and access by those most at risk of being left behind. UNDP has yet to consolidate its offer in this area or to build internal synergies for enhanced and sustained support.

When the COVID-19 pandemic erupted and justice services were disrupted, UNDP proved responsive in adapting its programmes to the emerging needs and in ensuring business continuity. The pandemic gave further impetus to the importance attached by UNDP to digital solutions for development, but the organization has yet to translate its vision for e-justice into a package of solutions and define resources to support its offer.

Current e-justice initiatives have demonstrated their potential to improve the quality and transparency of information recorded, enhancing efficiency and accountability when monitoring and oversight mechanisms are properly established. However, given the cost of e-justice interventions and the resources already committed for digital infrastructure development by other bilateral and regional organizations, UNDP needs to consider where the value-added of its offer lies in the different country contexts. Lessons learned from current projects point to the need for the organization to strengthen its focus on the protection of those most at risk of being left behind, both in terms of data privacy and outreach of services that are not reliant on intermittent or limitedly available electricity sources.

## 5.2. RECOMMENDATIONS

**Recommendation 1.** UNDP should enhance its investment and strengthen its value proposition in the area of access to justice at country level, based on comprehensive analyses of both institutional and people's justice needs. UNDP should partner more closely with other actors to strengthen political engagement for equal access to justice for all at the highest levels, including in the area of transitional justice.

To ensure the full relevance and effectiveness of its development support to the justice sector, UNDP should consistently base its offer at country level on an in-depth context and institutional analysis that is grounded in people-centred justice data and that reflects the complex interplay of stakeholders, incentives and vested interests. UNDP should identify national institutions across all sectors that are demonstrably effective in increasing justice and engage them in dialogue with national stakeholders. This would include significantly extending engagement with CSOs and communities in the programme planning phase and making full use of access to justice and legal needs assessments, to have a thorough understanding of the reasons why the existing legal framework and structures may not be serving the needs of those most at risk of being left behind, at times perpetuating inequalities.

While the formulation of justice strategies remains fully in the purview of national actors and institutions, UNDP, as the most long-standing provider of technical assistance to the justice sector, should strengthen its support to national coordination mechanisms and foster a network of alliances with multilateral, bilateral and national partners for a more harmonized approach to access to justice. UNDP should support data-driven and evidence-based strategy development and promote a clear focus on creating fair outcomes for all.

UNDP should reinforce its dialogue with United Nations peace operations and political offices, with regular coordination meetings and joint engagement at highest levels, to strengthen the linkages between the political and technical aspects of justice support.

UNDP should continue its dialogue with national governments and donors to better define its positioning in the area of transitional justice, and its continued support to ongoing processes, to maintain transparency and accountability towards all stakeholders and affected communities.

**Recommendation 2.** UNDP programmes should make the pivot to people-centred justice, particularly with reference to institutional development. Beyond continued support to the institutionalization of legal aid, UNDP should enhance its programmatic focus on fairness, quality oversight of justice processes, and the core of access to justice: people’s ability to resolve and prevent justice problems.

As the United Nations Agency with SDG16 at the core of its mandate and a member of the Justice Action Coalition, UNDP has a unique opportunity to lead the way in making the pivot to people-centred justice in all its programmes, as called for in the 2023 Justice Appeal. UNDP should ensure that all its justice programmes, including projects that support institutional development, are designed with a clear intent of enhancing not only the availability but also the accessibility and quality of justice provision, as measured by the ability of people to resolve and prevent their justice problems.

UNDP should strengthen its programmatic efforts to enhance the fairness, quality and oversight of justice. UNDP projects should introduce and institutionalize measures to systematically monitor justice processes, including through the wider adaptation of tools such as the Judicial Integrity Checklist adopted in Asia and the Pacific. UNDP also should enhance its engagement with national institutions, including Parliaments, National Human Rights Institutions, Ombudsperson offices and CSOs, to strengthen the establishment of adequate mechanisms that reduce discrimination and promote transparency, accountability and oversight of the justice sector.

UNDP should invest in creating an expanded cadre of highly qualified rule of law and access to justice practitioners in Headquarters, regional and country offices who are able to support countries to make the pivot to people-centred justice. Through existing communities of practice and mechanisms (including the nascent Justice Futures Colab), UNDP should build a culture of learning from data and evidence, and systematically develop the justice sector’s understanding of what works to increase access to justice for all.

**Recommendation 3.** UNDP should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.

Once national and local justice mechanisms, including customary, informal and community institutions, have proven to be effective in meeting people’s needs and providing fair outcomes, UNDP should actively support the integration of such mechanisms into laws and policies, ensuring clarity in the mandates and referral mechanisms to/from different justice mechanisms. Alternative mechanisms should offer faster, yet equitable, solutions to most common judiciable issues, particularly as pertaining to civil rights matters.

The UNDP support offer should be based on an assessment of the extent to which existing systems and norms comply with internationally recognized human rights standards, as well as a consideration of how power dynamics and intra-societal divides risk enhancing discrimination and marginalization.

Adequate consideration should be given to the reinforcement of State non-judicial mechanisms (arbitration, mediation and conciliation) as well as to the role that para-legal mechanisms could play, if properly sustained and institutionalized.

**Recommendation 4.** UNDP should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection and livelihoods, health, environment and climate change. In all areas of UNDP work, programme design can be improved and access to justice increased by including effective recourse options for affected people. UNDP also should increase its support to legal protection of individuals without identity documents, tenure certificates or job security.

In line with the value attached to portfolio approaches as part of the Strategic Plan 2022-2025, UNDP should enhance the promotion of justice as part of integrated systems that allow individuals to access all the services they need to solve their problems holistically, regardless of the entry point for assistance. Grievance resolution mechanisms, and links to established legal aid and mediation services, should be offered across programmes to promote the resolution of disputes and enable people to stand up for their rights. Effective recourse options, including individual complaint mechanisms, not only increase justice for people directly, but also provide an invaluable feedback loop about the programmes' intended and unintended effects on the people concerned, generating information to increase effectiveness.

Access to justice/legal needs assessments, SDG 16.3.3. national surveys, and other ongoing engagement by UNDP at community level (including participatory local governance mechanisms and community surveys) should be used to gather data and inform more thematic and inter-sectoral work on civil justice issues, contributing to the prevention of recurring legal problems, building on lessons learned from one-stop-shop services.

UNDP should strengthen its programming in environmental justice, promoting holistic solutions that build on the comparative advantage of its integrator role. Through dedicated country-level initiatives jointly supported by UNDP Rule of Law and Nature Climate and Energy programme officers, UNDP should enhance its support to environmental courts and the capacitation of justice institutions. The ongoing partnership with OHCHR and UNEP in this area should be formalized and continuously nurtured. UNDP also should reinforce its engagement with CSOs and environmental human rights defenders through support and joint advocacy efforts.

UNDP should expand its support to the reduction of the largest justice gap, which results from people's limited access to the opportunities that law provides because of lack of legal tools. UNDP's engagement on legal identity, land reform, informal economy and business and human rights needs to be strengthened.

**Recommendation 5.** UNDP should invest in more and better people-centred justice data, and significantly strengthen the monitoring and evaluation of its justice programmes to understand the extent to which current models of support work for enhanced access to justice for those who find it hardest to access justice, and better adapt courses of action.

In its work on access to justice, UNDP should expand its monitoring practices beyond due diligence for activities and completion of outputs, to include outcome measurement that reflects quality of justice delivery. UNDP should regularly conduct perception surveys of programme beneficiaries that mirror

the level of satisfaction of justice clients regarding processes and outcomes. These assessments should occur during project implementation and not be left to terminal evaluations, so as to inform discussion with decision-makers on progress against benchmarks, learning and adaptation. This will require investments by UNDP for dedicated M&E resources within programmes.

UNDP should further promote the use of people-centred justice data and evidence by national justice institutions and support the institutionalization of data collection and analytical tools to this end. UNDP should support the creation of feedback mechanisms that are based on people's needs and experiences with justice actors to assess whether fair outcomes are achieved and trust is built.

In partnership with UNDP Accelerator Labs, the Justice Futures CoLab should champion and test the effectiveness of innovative approaches for justice transformation, while supporting knowledge management through a repository of studies and exchange of practices across UNDP regional and country offices in key areas of intervention. These efforts should be undertaken in consultation with other actors with similar initiatives, such as Hiil's Justice Innovation Labs and the learning labs for rule of law programmes by the United States Agency for International Development.

**Recommendation 6.** UNDP should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice.

Building on the lessons learned from its work on access to justice for women and girls and other marginalized communities, UNDP should ensure that its access to justice interventions are based on targeted strategies that effectively empower those who find it hardest to access justice, by removing the specific barriers that challenge them differently and prevent their full participation in society.

Beyond legal protection and aid, dedicated attention should be paid to whether justiciable issues are derived from discrimination in the law and/or its implementation. Issues of social norms and stigma, as well as unbalanced power structures and economic dependence when it comes to violence against women and girls, should be more carefully considered. The justice that survivors of SGBV want and need and their experiences on their justice journey should be central to the design of any programme meant to benefit them.

UNDP should enhance its efforts to promote diversity in service provision and continuously advocate for a more representative justice workforce that includes women, members of the LGBTI community, ethnic/religious minorities, or displaced populations, to enhance the trust of the target population and users. UNDP should then monitor the effectiveness of change in terms of usage, perceptions of the quality of service provision and the outcomes of decision-making.

**Recommendation 7.** UNDP should deepen its support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.

Working in close collaboration with the Office of the Chief Digital Officer and building on lessons learned from its previous support to e-governance processes, UNDP should spearhead initiatives aimed at promoting digitalization and the use of technology in the justice sector, from the standpoint of Human-Rights-Based approaches and full integration of considerations for Leaving No One Behind.

In line with the recommendations of the 2022 paper '*e-justice: Digital transformation to close the justice gap*', UNDP should promote the development of in-house expertise in this area and enhance the adoption of the Chief Digital Office's digital standards in UNDP country offices.

Given the high risks to the individuals and communities that UNDP is trying to protect, UNDP should ensure that data protection is an integral part of its e-justice support. Tailored mitigation strategies should be conceived to avoid data leakage harming the individuals and communities that UNDP is trying to protect.

### 5.3. KEY RECOMMENDATIONS AND THE UNDP MANAGEMENT RESPONSE

#### RECOMMENDATION 1.



**UNDP should enhance its investment and strengthen its value proposition in access to justice at country level, based on comprehensive analyses of both institutional and people's justice needs. UNDP should partner more closely with other actors to strengthen political engagement for equal access to justice for all at the highest levels, including in transitional justice.**

#### Management response: **Accepted**



**UNDP accepts recommendation 1 that it should enhance its investment and strengthen its value proposition in access to justice at country level, based on comprehensive analyses of both institutional and people's justice needs. UNDP should partner more closely with other actors to strengthen political engagement for equal access to justice for all at the highest levels, including in transitional justice.**

Recognizing the complexity and limitations of the global and national resource requirements for support to access to justice as well as complex political contexts. UNDP will endeavour to expand the guidance for shaping the value proposition and the resource base for access to justice in partner countries. Through the development of an updated guidance note on access to justice programming UNDP aims to enhance the scope and number of projects on access to justice as well as invest in monitoring, evaluation and learning to accompany and support improved impact at country office level.

UNDP agrees that it should deepen its dialogue with United Nations peace operations and special political missions as well as DCO. Taking stock of the achievements of the global focal points for rule of law arrangement over the last ten years, UNDP will increase its capacity and resources allocated for promoting United Nations coherence in rule of law assistance with the United Nations Secretariat (e.g., with UNODC, OHCHR, UN-WOMEN, UNHCR) to promote joint engagement and strengthen linkages between the political, technical and development aspects of its support in the justice area in the future.

◀ Recommendation 1. (cont'd)

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
1.1 Develop programme guidance for people-centred approach to access to justice (updating the UNDP practice note on access to justice from 2004), with specific attention paid to issues such as gender justice and internally displaced people (IDPs).	Q4 2023 (guidance) 2024 (gender justice and IDPs)	Rule of law, security and human rights team (ROLSHR), UNDP Crisis Bureau		
1.2 Identify or allocate resources for coordination capacity of the global focal point for rule of law arrangement at UNDP headquarters in order to reinforce dialogue and improve coordination in the access to justice area.	Q4 2023	UNDP Crisis Bureau		

RECOMMENDATION 2.



UNDP programmes should make the pivot to people-centred justice, particularly with reference to institutional development. Beyond continued support to the institutionalization of legal aid, UNDP should enhance its programmatic focus on fairness, quality, and oversight of justice processes, and the core of access to justice, which is people’s ability to resolve and prevent justice problems.

Management response: **Accepted**



UNDP accepts the recommendation and acknowledges the need to articulate people-centred justice approaches, especially when it comes to institutional development. Through a dedicated policy note on “people centred approaches”, the work of the Knowledge Hub and Justice CoLab in promoting portfolio and systems-approach to the justice sector, and strategic use of e-justice and digital technologies for meaningful justice transformation to respond to the justice needs of all. The Global Programme for Rule of Law will establish a strengthened Monitoring, Evaluation and Learning system for improved tracking of people centred approaches in UNDP programming. (Note: recommendations 2 and 5 have overlapping points regarding introducing/institutionalizing monitoring/data tools for national justice institutions).



◀ Recommendation 2. (cont'd)

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
2.1 Establish a Monitoring, Evaluation and Learning Unit and Strategy to promote learning and knowledge collaboration on justice topics, as part of the monitoring, evaluation and learning strategy of rule of law, security and human rights networks including monitoring, evaluation and learning capacity.	Q4 2023	ROLSHR		
2.2 Through the Justice CoLab and UNDP Knowledge Hub promote learning for systems approaches and portfolio management in access to justice (see 5.3 below on articulating an offer to support national justice institutions for justice process monitoring and data analytics).	Q4 2023-2024	ROLSHR UNDP Knowledge Hub		
2.3 Develop a dedicated policy paper articulating UNDP approach and core principles of a people-centred approach to justice and security.	Q4 2023	ROLSHR UNDP Crisis Bureau		
2.4 Utilize the Justice Futures CoLab role to promote and enable an organizational shift towards people-centred approaches to justice, including more data and evidence-informed programming. The CoLab supports and enables integrated and interdisciplinary ways of thinking and working, facilitates exchange of learning, knowledge and expertise, and the testing and scaling of justice innovations.	Continuous 2023-2026	ROLSHR UNDP Governance Community of Practice (Knowledge Hub)		

### RECOMMENDATION 3.



UNDP should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.

### Management response: **Accepted**



UNDP accepts recommendation 3 stating it should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.

UNDP has since long recognized the importance of customary and informal justice systems, including alternative dispute resolution mechanisms such as mediation and restorative justice, and their potential to advance access to justice for all, especially the most disadvantaged groups. Highlighting that sometimes, there are reasons for not engaging with CIJ, guided by human rights principles, the political landscape and the need to adopt a do-no-harm approach. UNDP agrees, however, with the conclusion that the focus of its justice work remains in support to state justice institutions. This focus will be embedded within the access to justice guidance note at recommendation 1.

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
3.1 Include a dedicated volume in the access to justice guidance note focusing on CIJ and embed learning within the Justice CoLab and Governance Community of Practice. Engage with relevant units on facilitating UNDP operational engagement with and support to informal and customary justice actors, to highlight in the guidance note.	Q2 2024	ROLSHR		
3.2 Lead a side event at the SDG Summit in partnership with Working Group on Customary and Informal Justice and Justice Action Coalition to present research efforts, gather political support and encourage policy developments.	Q3	ROLSHR		

#### RECOMMENDATION 4.



UNDP should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection, as well as environment and climate change. In all areas of UNDP work, programme design can be improved and access to justice can be increased by including effective recourse options for people affected. UNDP should also increase its support to legal protection of individuals without identity documents, tenure certificates, or job security.

#### Management response: **Accepted**



UNDP accepts recommendation 4 that it should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection, as well as environment and climate change.

In all areas of UNDP work, program design can be improved and access to justice can be increased by including effective recourse options for people affected. UNDP will also increase its support to legal protection of individuals without identity documents, tenure certificates, or job security. UNDP will dedicate resources to promoting environmental justice and human rights and ensure capacities to support mainstreaming of justice and human rights across portfolio areas. The new portfolio and systems-approach UNDP is designing and developing at global, regional and country levels will promote and facilitate integrated approaches across justice, security, peacebuilding, public service delivery, social protection, environment and climate change projects and programmes.

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
4.1 Strengthen efforts to raise awareness within UNDP and its partners and identify entry points to support people without legal identity, by collecting good practices from UNDP country offices and conducting webinars targeting country offices to share lessons learned.	Q4 2024	Governance		
4.2 Identify staff capacities and funds to promote and implement the right to healthy environment and access to environmental justice through the environmental justice strategy.	Q4 2023	ROLSHR Nature Climate Energy and Governance team Crisis Bureau		

◀ Recommendation 4. (cont'd)

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
4.3 ROLSHR will contribute to the knowledge hub/governance focus on portfolio approaches to ROLSHR programming and support the Crisis Bureau and Bureau of Policy and Programme Support workstream on “thinking and working politically” coordinated by the Conflict Prevention, Oslo Governance Centre and Knowledge Hub.	2023	ROLSHR Knowledge Hub Conflict Prevention Oslo Governance Centre		
4.4 ROLSHR support the Crisis Bureau and the Bureau for Policy and Programme Support (BPPS) management to identify human rights and justice capacities needed for relevant teams within context of human rights strategy (inclusive growth, finance, etc.).	2023	ROLSHR with the Crisis Bureau and BPPS		

**RECOMMENDATION 5.**



**UNDP should invest in more and better people-centred justice data, and significantly strengthen the monitoring and evaluation of its justice programmes to understand the extent to which current models of support work for enhanced access to justice for those who find it hardest to access justice, and better adapt courses of action.**

**Management response: Accepted**



**UNDP accepts of recommendation 5 and should invest in more and better justice data and strengthen monitoring and evaluation systems for its justice programmes. UNDP is in the process of establishing a monitoring, evaluation and learning unit, hosted in the rule of law, security and human rights team. The new unit will support country offices, regional hubs and partners to develop and apply monitoring, evaluation and learning methods and tools to strengthen knowledge sharing and results-based management of justice programmes. Good practices and lessons learned from justice programmes will be captured and shared with UNDP staff, partners and practitioners, including through collaboration with UNDP global knowledge hub, communities of practice and innovation teams.**

◀ Recommendation 5. (cont'd)

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
5.1 Establish a monitoring, evaluation and learning unit within the UNDP rule of law, security and human rights team (see recommendation 1).	Q4 2023	ROLSHR		
5.2 Develop monitoring, evaluation and learning capacity-building and training strategy for the rule of law, security and human rights team.	Q4 2023	ROLSHR		
5.3 Strengthen the partnership between the Justice Futures CoLab and UNDP accelerator labs to advance learning and innovation for people-centred justice, including methods and tools for data collection to inform project design, learning and adaptation, and to identify, test and scale innovative approaches to access to justice activities.	Q4 2024	ROLSHR and UNDP accelerator labs		
5.4 Strengthen data collection and reporting on 16.3.3. with co-custodians OECD and UNODC, including through the implementation of the SDG 16 survey.	Q4 2024	Governance and Oslo Governance Centre		

**RECOMMENDATION 6.**

**UNDP should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice.**

**Management response: Accepted**

**UNDP accepts recommendation 6 that it should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice).**

ROLSHR will take active steps to raise awareness on the new human rights project marker and the systematic implementation of leave no one behind approaches (see UNDP evaluation on leave no one behind) within its policy and programme support. A specific focus on access to justice for women for internally displaced persons will be added to the reinvigorated guidance and this will be disseminated across the learning networks and through active strategic partnerships. UNDP will also take active steps to embed a focus on anti-racism and anti-discrimination within its programming and will take steps to action the recommendation of the Senior Adviser on Anti-Racism.

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
6.1 Resource mobilization for the UNDP and UN-Women Gender Justice Platform to expand strategic and integrated support to country offices complemented by a guidance note on women’s access to justice as an annex to the guidance (see recommendation 1).	Q4 2024	ROLSHR/Gender Unit/ Crisis Bureau/Bureau of External Relations and Advocacy		
6.2 Completion of a dedicated guidance note on programming as an annex to the guidance (see recommendation 1).	Q2 2024	ROLSHR		
6.3 Finalize Action plan for implementation of the findings and recommendations of the Senior Anti Racism Advisor programme review.	Q4 2023	UNDP Crisis Bureau and BPPS management		
6.4 Ensure sustainable dedicated capacity at P4 level to support gender justice programming within the UNDP Global Policy Network.	Q4 2024	UNDP Crisis Bureau and BPPS		



## RECOMMENDATION 7.



UNDP should deepen support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.

Management response: **Accepted**



UNDP accepts recommendation 7, identifying that it should deepen its support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.

As indicated above, UNDP has developed a series of e-justice knowledge products and a training module, to leverage UNDP expertise and support its country offices in further developments. UNDP will align specific capacities to provide strategic and technical support to country offices engaging in the development of e-justice projects. UNDP will finalize a Lessons Learned on case management.

The rule of law team and the Chief Digital Office (CDO) have started working on inclusive, people-centred access to justice, building on UNDP values, results achieved in this space, and significant demand among countries. We are building in-house capacity not only enhance the adoption of the UNDP digital standards, but also to actively support the planning and design, to ensure countries have access to the technologies, technical support, evidence, and capacities including in governance of technologies to build inclusive, secure, and inter-operable digital public infrastructure to enable access to justice.

We are consolidating lessons learned in the Chief Digital Office to identifying reusable technology building blocks to streamline and scale a product-based approach, offering countries with tested and scalable options for inclusive and rights-based digital transformation. We are also strengthening the roster of consultants in the intersection between justice and digital to develop an ecosystem of experts to support implementation and monitoring in countries.

Key action(s)	Completion date	Responsible unit(s)	Tracking*	
			Status	Comments
7.1 Identify sustainable P4 level capacity to strengthen and systematize the country support to e-justice and digitalization in partnership with CDO.	Q4 2023	UNDP Crisis Bureau ROLSHR, CDO		
7.2 Development of specific guidance on programming to support digital court/ case management initiatives to support country offices and mitigate the risks.	Q4 2023	ROLSHR		

\* Implementation status is tracked in the Evaluation Resource Centre.

# ANNEXES

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Annexes to the report (listed below) are available on the website of the IEO at:  
<https://erc.undp.org/evaluation/evaluations/detail/15585?tab=documents>

- Annex 1.** Terms of reference
- Annex 2.** The Evaluation Design Matrix
- Annex 3.** Justice indicators for deep-dive countries
- Annex 4.** Access to justice results in UNDP Strategic Plans and related reporting
- Annex 5.** Evaluating the Gender Responsiveness of Access to Justice Programmes
- Annex 6.** Qualitative Comparative Analysis
- Annex 7.** Correlation analysis UNDP resources and needs
- Annex 8.** List of key documents and sources consulted
- Annex 9.** The effect of the COVID-19 pandemic on the forecast of GDP, 2019–2026
- Annex 10.** Country case study evaluation matrix

