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TOWARDS THE MONITORING OF GOAL 16 OF THE UNITED NATIONS' SUSTAINABLE DEVELOPMENT GOALS (SDGS)

**A STUDY OF THE SELECTION, RATIONALE AND
VALIDITY OF INDICATORS WITH SUGGESTIONS FOR
FURTHER IMPROVEMENTS**

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UN Sabbatical Leave Research Report

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Executive Summary

Over the past half-decade, the United Nations has engaged in an unprecedented global, participatory and inclusive consultation process that led to the definition and adoption of a new set of Sustainable Development Goals (SDGs) as a successor to the earlier Millennium Development Goals (MDGs). After literally hundreds of global, regional and national consultation meetings and countless written submissions and online consultations with inputs from national institutions, civil society organizations, academia, regional and international organizations and the departments and agencies of the UN system debating the merits of a multitude of competing objectives, representatives from UN Member States in a series of intergovernmental negotiations agreed on a common and universal set of goals and targets for the period 2015-2030. This study looks into the process and substance of the debate, based on a review of written sources, interviews with a number of experts involved in the development of the goals, targets and indicators, and inputs from written questionnaires, with a view to learn more about the strengths and weaknesses of the process and its outcomes.

The focus of this study is on the development of the global indicator framework for SDG 16, and in particular on indicators relating to rule of law, access to justice and corruption. While there are a number of critical points to be raised about the content and formulation of SDG 16 and its targets, many of which are reviewed in this study, there is a broad consensus among many commentators, as well as the experts interviewed, that the inclusion of a goal on peace, justice and institutions, with a broad number of targets, is a historic achievement by itself and that, generally, the targets within SDG 16 are comprehensive, meaningful and well balanced.

This study also shows that both the strengths and many of the shortcomings of the selection and formulation of the targets are linked to the nature of the SDG adoption process as such. For instance, the sheer number of stakeholders involved in the process, while insuring comprehensive coverage of worthy objectives for a global agenda, also contributed to the inflation of the number of goals and targets, whereas the original intention had been to keep them fairly limited. And because the number of targets had to be limited at some point in the process, the push and shove to have additional concerns reflected in the targets that were already agreed to has led to some convoluted formulations that packed multiple objectives and different concepts into one single target. A prime example of enrolling multidimensional concepts into one single target is 16.3, which now covers a range of worthwhile objectives related to the rule of law and access to justice but was originally conceived of as a goal in itself with several associated targets.

In parallel with the negotiations on the goals and targets, there was a broad-based consultative process on the development of the indicators to monitor the targets. This is no trivial task for any of the goals and targets, but the development of an appropriate indicator framework was particularly important for SDG 16 in order to demonstrate early on in the debate on the post-2015 development agenda that issues of peace, justice and institutions are an integral part of the development agenda and that they are, in fact, measurable. A broad-based effort by UN agencies, selected

Member States, civil society organizations, academia and other stakeholders drove the point home. Similar to the development process of the SDGs themselves, a broad participatory approach with multiple stakeholders was adopted for the elaboration of the indicator framework, resulting in a process that often complicated the difficult technical task of selecting suitable indicators by confounding them with non-technical considerations of a political nature.

Once it became clearer that the SDGs will have a goal on peace, justice and security and the outlines of the related targets became visible, work on the indicators for SDG 16 intensified. A large part of this study details the proposal, discussion and selection of alternative indicators for the targets under SDG 16 and discusses the strengths and weaknesses of the resulting indicator framework that was provisionally adopted by the UN Statistical Commission in March 2016. Again, there is a broad consensus among the experts interviewed for this study that the indicators for SDG 16 generally do a reasonably good job of covering the targets they are supposed to measure. While there are good reasons to agree with this assessment, three areas of concern should be highlighted.

First, the adoption of some broad, multi-dimensional targets under SDG 16 creates a dilemma for the monitoring of the target when the number of indicators is too limited. For instance, there is no possible combination of only one or two indicators that can cover all aspects of target 16.3 on rule of law and access to justice. Second, issues of data availability and the concerns of many (often smaller or developing) countries about their capacity to measure complex indicators through large-scale and expensive population surveys have already led to the restriction of survey-based sources in favour of administrative sources. However, many issues related to peace, justice and institutions can be appropriately captured only through survey-based measurement. During implementation of the indicator framework, issues of capacity-building and data availability in developing countries should therefore be given high priority in order to avoid large data gaps. Third, in order to monitor progress towards the high aspirations of the Agenda 2030, and in particular on the central theme that "no one will be left behind", special attention should be paid to the capacity to collect data that are disaggregated by various relevant dimensions such as sex, age, income, ethnicity or other relevant disadvantages, both in survey-based data and administrative data sources.

Despite these and other concerns raised in the study, the quantitative analysis of available data on selected targets under SDG 16 provides some evidence that the chosen indicators for targets 16.3 (rule of law and access to justice) and 16.5 (corruption) do, in fact, contribute to the measurement of the underlying concepts of the targets. A further refinement of the indicators, along the lines suggested in this study, as well as an improvement of the data sources for the indicators will further enhance that ability to measure progress towards the targets at the national, regional and global levels.

In addition to providing an in-depth analysis of the long and complex process of developing an appropriate set of goals, targets and indicators for SDG 16, this study also provides two sets of proposals for the short- and medium-term future:

1. A set of proposals for the refinement of indicators on targets 16.3 and 16.5 that can be adopted already in the near future by the Inter-Agency and Expert Group on SDG indicators. These proposals include the splitting of indicator 16.3.1 into two survey-based indicators relating to criminal justice and civil justice, respectively; further disaggregation of indicator 16.3.2 by length of unsentenced detention; and refinements of the formulation of the indicators on the prevalence of bribery by the population (16.5.1) and businesses (16.5.2).
2. A set of proposals for the elaboration of additional indicators used for monitoring SDG targets at the regional level. Regional indicators are currently under discussion by various intergovernmental bodies and regional processes in Africa, the Americas and Europe. This study has compiled a list of potential indicators for regional monitoring of targets 16.3 and 16.5 and has further collected inputs and regional priorities from the research institutes of the United Nations Crime Prevention and Criminal Justice Programme Network that are reproduced here.

It is hoped that the study can be of wide use for practitioners and scholars interested in the development of appropriate metrics for the monitoring of the SDGs.

List of important abbreviations

CCSA	Committee for the Coordination of Statistical Activities
CSOs	Civil Society Organizations
DPKO	Department of Peacekeeping Operations
EGM	Expert Group Meeting
FOC	Friends of the Chair
HLP	High Level Panel of Eminent Persons
IAEG-SDGs	Inter-Agency and Expert Group on SDG Indicators
MDGs	Millennium Development Goals
NGO	Non-governmental Organization
NSO	National Statistical Office
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OWG	Open Working Group
PNI	UN Crime Prevention and Criminal Justice Programme Network
SDGs	Sustainable Development Goals
SDSN	Sustainable Development Solutions Network
UN TST	United Nations Technical Support Team
UNDESA	United Nations Department of Economic and Social Affairs
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
UNPBSO	United Nations Peace Building Support Office
UNSC	United Nations Security Council
UNSD	United Nations Statistical Division
UNSG	United Nations Secretary-General
UNTT	United Nations Task Team
UPEACE	Universidad para la Paz
WB	World Bank
WGI	Worldwide Governance Indicators
WJP	World Justice Project

Introduction

This research report looks into the development and validity of the indicator framework for measuring and monitoring selected targets in Goal 16 of the SDGs (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).¹ Due to the enormous scope of the SDGs in their entirety, and the wide-ranging scope of Goal 16 and its twelve targets, a substantial part of this report focuses on a selected number of targets and indicators within Goal 16, namely indicators relating to the rule of law, access to justice and corruption. However, relevant developments with regard to the other goals and targets are reflected as well.

The purpose of this research project is to gain a better understanding of the indicator framework for specific targets under Goal 16 of the SDGs, in order to identify possible gaps and areas for improving the monitoring framework at the global, regional and national levels.² The debate on how the progress towards Goal 16 and its targets is to be measured – the necessary selection of a limited number of indicators for each target, their metrics and required disaggregations – had not yet been fully completed at the time of their adoption at the United Nations Statistical Commission “as a practical starting point” in March 2016, and at the time of writing this report (September - December 2016) this debate seems likely to continue for some time into 2017. This is no trivial or purely technical issue. The choices made on how to operationalize the SDG targets through quantitative indicators will frame the assessment of their achievement in the public debate for the next one and a half decades, with far-ranging implications for their power to mobilize public support and resources for achieving progress towards just and peaceful societies.

Methodology and sources

This research made use of a number of standard social science research methods, including qualitative analysis through document analysis, written questionnaires and expert interviews and quantitative analysis of available data.

Important sources for understanding the process of indicator development from the perspective of the main actors are the proposals and justifications provided for their use and selection. Here, the study of the written documentation, reports by international organizations and various proposals put forward by different organizations for or against the adoption of certain goals, targets and indicators are important sources of information. In particular, submissions made to the United Nations Statistics Division as the coordinator of the process, the inputs and documentation of the Inter-Agency and Expert Group on SDG Indicators (IAEG),

¹ Cf. Jandl, M., Sabbatical leave programme for 2016: application form, p. 1.

² The political and social processes leading to the selection and adoption of the SDG goals and targets that are outside this focus are followed only when relevant for the understanding of the development of the selected targets and indicators.

and quantitative evidence to support the indicators are valuable sources of information.

External sources of information that provide an outside perspective, critique or additional proposals are relevant academic articles, media coverage and comments in the press, published and ‘grey’ research literature, documents produced by NGOs that comment on the SDGs and official statements from national governments.

In addition to written sources, ten personal interviews with key actors and stakeholders involved in the process of defining and selecting the indicators were carried out (see acknowledgement above). For reasons of economy, most interviews were carried out via teleconference over the internet (skype) or by telephone, while some interviews were held face-to-face where feasible.

Given the objective of capturing also the perspective of countries that are often not involved in designing statistical methodologies and have a poor coverage of data on governance, and in particular on the rule of law and justice, an effort was made to engage regional perspectives through the engagement of the institutes in the United Nations Crime Prevention and Criminal Justice Programme through a written questionnaire.³ Responses were received from PNI institutes in Africa, the Americas, Asia and Europe.

Finally, the research attempted to illustrate the relevance and validity of the indicators with available quantitative data. By comparing and correlating data on selected indicators with other socio-economic data, tests of their plausibility and validity were carried out and suggestions for extensions and improvements of the indicator framework were developed.

Structure of the report

This report is structured into four parts. Part I reviews the broader political processes and discussion about a new post-2015 development agenda and the forging of an international consensus on a new set of sustainable development goals. Part II then analyses the process, arguments, proposals and rationales for choosing and adopting a set of indicators for monitoring progress towards the 17 goals and 169 targets adopted by the UN Summit in September 2015, a process that both precedes and follows the adoption of the SDGs. Part III goes one step further and, drawing on the insights gained in the preceding parts and other sources, makes a proposal for a limited refinement of some indicators related to the rule of law, access to justice and corruption under Goal 16. In addition, some possible indicators for use in regional and national contexts are presented for discussion. Finally, Part IV looks at actual data for the SDG indicators on rule of law, access to justice and corruption and asks the question of whether the indicators chosen actually represent the underlying concepts they are supposed to measure.

³ A personal interview was also carried out with experts at the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) located in San Jose, Costa Rica.

PART I: The development of the goals and targets: from the MDGs to the SDGs

In September 2015, heads of state attended a special summit of the United Nations in New York and adopted General Assembly Resolution 70/1, “Transforming our world: the 2030 Agenda for Sustainable Development”,⁴ a programme that sets out a set of 17 goals and 169 targets, known as the Sustainable Development Goals (SDGs), addressing the economic, social and environmental spheres and applicable to all countries worldwide. The SDGs succeed the Millennium Development Goals (MDGs), a set of 8 goals and 18 targets that had been adopted after the Millennium Declaration of 2000, and the time frame of which expired in 2015. For a number of reasons, both the number of goals and targets and their scope and aspirations have expanded dramatically from the MDGs to the SDGs. Most importantly, from the perspective of this research project, the SDGs introduced new goals and targets in the social and political sphere relating to peace and security, good governance, rule of law, access to justice and corruption. To understand why governments from all over the world agreed to such an expanded set of goals and targets, we have to look at the process of how these political objectives have been formulated and negotiated.

The MDGs have been praised for their conciseness, focus and capacity to stimulate action and mobilize resources for poverty alleviation, education, health⁵ and other priority causes⁶ but they have also been criticized for being too limited in scope and imposing a Western perspective on development with goals and targets that are to be met mostly by developing countries with limited financial commitments from developed countries. Most of all, the MDGs have been criticized by civil society and Member States of the UN alike for their lack of a human rights focus,⁷ and the obscure and “closeted nature of their genesis”.⁸ This refers to the lack of inputs from external actors in the drafting of the MDGs, which were drawn up by a limited number of senior staff and experts from the UN system, the IMF, World Bank and OECD almost “in the basement of UN headquarters” as shared by one insider who

⁴ United Nations General Assembly, Transforming Our World: the 2030 Agenda for Sustainable Development, A/RES/70/1, 21 October 2015.

⁵ Cf. Sanjiv Kumar, Neeta Kumar, Saxena Vivekadhish, Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs): Addressing Unfinished Agenda and Strengthening Sustainable Development and Partnership, *Indian Journal of Community Medicine*, Vol 41, Issue 1, January 2016, p. 1-4.

⁶ World Health Organization, Regional Committee for the Eastern Mediterranean, From the Millennium Development Goals to the Sustainable Development Goals in the post-2015 development agenda, Sixty-second session, Provisional agenda item 3(b), EM/RC62/Tech.Disc.2 Rev.1, September 2015.

⁷ Nanda, Ved P., The Journey from the Millennium Development Goals to the Sustainable Development Goals, *Denver Journal of International Law and Policy*, March 2016, p. 389-412, p. 398.

⁸ Malcolm Langford, Lost in Transformation? The Politics of the Sustainable Development Goals, *Ethics and International Affairs*, Vol. 30, No. 2 (2016), pp. 167-176.

was involved in the drafting of the MDGs.⁹ In fact, the MDGs – formally proposed in a Road Map by then Secretary-General Kofi Annan in 2001¹⁰ - were formally endorsed as a set of goals reflecting the Millennium Declaration¹¹ by the General Assembly more than one year after the Declaration¹² itself and it took some Member States (such as the USA) several years more to recognize the MDGs as the officially recognized set of development goals. However, the Millennium Declaration is a document that, despite its short length, is far more comprehensive than the MDGs, and includes aspirational statements on peace, security and disarmament and on human rights, democracy and good governance, objectives that had all been excluded from the set of 8 MDGs finally adopted.

At a review meeting on the progress towards achieving the MDGs, a 2010 High Level Plenary Meeting of the United Nations General Assembly, governments called for renewed efforts to achieve the MDGs by 2015, and reaffirmed the importance of freedom, peace and security, respect for all human rights, including the right to development, the rule of law, gender equality and an overall commitment to just and democratic societies for development. As this meeting, governments also requested Secretary-General Ban Ki-moon for the first time to make recommendations “for further steps to advance the United Nations development agenda beyond 2015”.¹³ Given the debate on the genesis of the MDGs, and public demands for a more open and participatory post-2015 process, the UN then launched and orchestrated several broad-based and inclusive consultative processes and intergovernmental negotiations to develop a new post-2015 agenda for development on a much broader and participatory basis than the MDGs.

Consultation initiatives on the post-2015 agenda: A global stock-taking

One important element of the post-2015 process was the establishment of a UN System Task Team in January 2012 to support UN system-wide preparations for the post-2015 UN development agenda.¹⁴ The Task Team was co-chaired by the Department of Economic and Social Affairs and UNDP and brought together senior experts from over 50 UN entities and international organizations to provide

⁹ The Guardian, 16 November 2012, Mark Malloch-Brown: developing the MDGs was a bit like nuclear fusion, <https://www.theguardian.com/global-development/2012/nov/16/mark-malloch-brown-mdgs-nuclear>, accessed on 14 September 2016.

¹⁰ United Nations General Assembly, Road map towards the implementation of the United Nations Millennium Declaration. Report of the Secretary General, A/56/326 of 6 September 2001.

¹¹ United Nations General Assembly, United Nations Millennium Declaration, A/55/2 of 18 September 2000.

¹² United Nations General Assembly, Follow-up to the outcome of the Millennium Summit, Resolution A/56/95 of 14 December 2001.

¹³ United Nations General Assembly, Keeping the promise: united to achieve the Millennium Development Goals, A/RES/65/1.

¹⁴ UN System Task Team to support the preparation of the Post-2015 UN Development Agenda, Draft Concept Note, 6 January 2012.

analytical input, expertise and outreach. In June 2012, it published the report “Realizing the Future We Want for All”.¹⁵ The report reviews global trends, challenges and opportunities to which the post-2015 UN development agenda should respond, outlines a vision for the future and recommends further broad-based consultations to forge a consensus on the post-2015 development agenda. The report recommends that a format that builds on the key strengths of the MDG framework, namely the formulation of concrete end goals and targets, should be kept but considers it “too early” to propose such goals and targets. At the same time, it recommends a more holistic approach to development and suggests the re-organization of the MDG framework along four key dimensions: (1) inclusive social development; (2) inclusive economic development; (3) environmental sustainability; and (4) peace and security.

The substance of the UN Task Team report was adopted at the United Nations Conference on Sustainable Development in Rio de Janeiro from 20 to 22 June 2012, a high level conference to mark the 20-year anniversary of the Rio Conference on Environment and Development that took place in 1992 (also called Rio+20). The outcome document,¹⁶ called “The future we want”, also recognizes “the importance and utility of a set of sustainable development goals... (that) contribute to the full implementation of the outcomes of all major summits in the economic, social and environmental fields”. The goals “should be action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development and respecting national policies and priorities”. The resolution then calls for an inclusive and transparent intergovernmental process on sustainable development goals that is open to all stakeholders and establishes an open working group with thirty representatives,¹⁷ nominated by Member States from the five United Nations regional groups, which should submit a report to the General Assembly with a proposal for sustainable development goals.¹⁸

To keep up the momentum of the post-2015 development process, in June 2012, Secretary-General Ban Ki-moon appointed Ms. Amina J. Mohammed of Nigeria as his Special Adviser on Post-2015 Development Planning.¹⁹ Over the next months and years, the United Nations agencies held a series of eleven global thematic

¹⁵ UN System Task Team on the Post-2015 UN Development Agenda, *Realizing the future we want for all: Report to the Secretary-General*, New York, June 2012.

¹⁶ The Resolution was formally endorsed on 27 July 2012 by the General Assembly in Resolution A/66/288.

¹⁷ The actual mandate of the Open Working Group was given in GA Resolution A/67/L.48/Rev.1, entitled ‘Open Working Group of the General Assembly on Sustainable Development Goals’, of 13 January 2013.

¹⁸ *Ibid*, p.46-49.

¹⁹ <http://www.un.org/press/en/2012/sga1349.doc.htm> (accessed 15 September 2016).

consultations and a large number of national consultations in 88 countries facilitated by the United Nations Development Group (UNDG).²⁰

High Level Panel of Eminent Persons: Setting a broad agenda

Shortly after the adoption of the Resolution on “The future we want”, on 31 July 2012, Secretary-General Ban Ki-moon opened a second strand of political processes to inform the post-2015 development agenda and appointed 27 eminent persons and leaders of states, businesses and civil society organizations to a High Level Panel (HLP) to advise him on the post-2015 Development Agenda.²¹ The panel was co-chaired by three heads of State, namely Susilo Bambang Yudhoyono, President of Indonesia, Ellen Johnson Sirleaf, President of Liberia and David Cameron, Prime Minister of the United Kingdom. The HLP built on the work of the UN Task Team and also consulted extensively with civil society organisations, businesses and individuals. It also benefited from the many regional, national and thematic consultations organized under the UN Development Group, and from many online consultations and teleconferences. It submitted the report of its consultations and deliberations in May 2013 to the UNSG.²² At the core of the HLP proposal are five “transformative shifts”, namely

- 1) Leave No One Behind. All efforts should insure that no person – regardless of ethnicity, gender, geography, disability, race or other status – is denied basic economic opportunities and human rights.
- 2) Put Sustainable Development at the Core. The post 2015 agenda must integrate the social, economic and environmental dimensions of sustainability.
- 3) Transform Economies for Jobs and Inclusive Growth. More diversified economies can drive social inclusion, and foster sustainable consumption and production patterns.
- 4) Build Peace and Effective, Open and Accountable Institutions for All. Peace and good governance must be recognized as a core element of wellbeing, not an optional extra.
- 5) Forge a New Global Partnership. A new spirit of solidarity, cooperation, and mutual accountability must underpin the post-2015 agenda.

Following the discussion of the required changes in the global development agenda along the five transformative shifts outlined above, the HLP report then proposes a set of 12 “illustrative” goals and targets. The proposed goals were

²⁰ The eleven thematic consultations focused on: addressing inequalities; conflict and fragility; education; energy; environmental sustainability; governance; growth and employment; health; hunger, food and nutrition security; population dynamics; and water.

²¹ <http://www.post2015hlp.org/> (accessed at 13 September 2016).

²² High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, Eradicate Poverty and Transform Economies through Sustainable Development, United Nations, May 2013.

1. End Poverty
2. Empower Girls and Women and Achieve Gender Equality
3. Provide Quality Education and Lifelong Learning
4. Ensure Healthy Lives
5. Ensure Food Security and Good Nutrition
6. Achieve Universal Access to Water and Sanitation
7. Secure Sustainable Energy
8. Create Jobs, Sustainable Livelihoods, and Equitable Growth
9. Manage Natural Resource Assets Sustainably
10. Ensure Good Governance and Effective Institutions
11. Ensure Stable and Peaceful Societies
12. Create a Global Enabling Environment and Catalyse Long-Term Finance

As the MDGs did not have any goal on ‘Governance’ and ‘Peaceful Societies’, the inclusion of two goals and a number of targets on peace, access to justice, rule of law and corruption in the HLP list was not a foregone conclusion. According to persons familiar with the process, it was particularly co-chair David Cameroon, together with his two other co-chairs, who has successfully urged the inclusion of this important area as separate goals in the HLP report.²³ As stated in the report, the panel “strongly believes that conflict – a condition that has been called development in reverse – must be tackled head-on, even within a universal agenda. We included in our illustrative list a goal on ensuring stable and peaceful societies, with targets that cover violent deaths, access to justice, stemming the external causes of conflict, such as organised crime, and enhancing the legitimacy and accountability of security forces, police and the judiciary.”²⁴

Thus, despite some reluctance within the HLP, the following targets on security and violence, access to justice, rule of law and corruption are proposed, spread over four Goals (2, 10, 11 and 12):

- 2a. Prevent and eliminate all forms of violence against girls and women
- 10e. Reduce bribery and corruption and ensure officials can be held accountable
- 11a. Reduce violent deaths per 100,000 by x and eliminate all forms of violence against children
- 11b. Ensure justice institutions are accessible, independent, well-resourced and respect due-process rights

²³ An early non-paper by the PBSO that was drafted in consultation with other UN departments and UN agencies had identified nine different models for inclusion of peace and security and related areas into the post-2015 development framework. See: Henk-Jan Brinkman, Think piece on the inclusion of goals, targets and indicators for peace and security and related areas into the post-2015 development framework, United Nations Peacebuilding Support Office, 22 January 2013.

²⁴ High Level Panel, 2013, p. 16.

11c. Stem the external stressors that lead to conflict, including those related to organised crime

11d. Enhance the capacity, professionalism and accountability of the security forces, police and judiciary

12e. Reduce illicit flows and tax evasion and increase stolen asset recovery by x \$

In parallel to the HLP, other notable persons supported the inclusion of goals on peace, justice and governance in the new development framework.²⁵ However, as will be clear from the following discussion, the influence of the HLP report on the shape and content of the Sustainable Development Goals, as adopted in 2015, and particularly on SDG 16 and its accompanying targets has been decisive.

Sustainable Development Solutions Network: The view from academia

Another initiative taken by UN Secretary-General Ban Ki-moon was the launch of the Sustainable Development Solutions Network (SDSN) in August 2012, which mobilizes scientific and technical expertise from academia, civil society, and the private sector in support of sustainable development. The Secretariat of the SDSN, directed by Jeffrey Sachs, worked closely with United Nations agencies, the private sector and civil society and presented the first version of its report for the Secretary General entitled ‘An Action Agenda for Sustainable Development’ in June 2013.²⁶

The SDSN 2013 report takes up the Rio+20 concept of sustainable development composed of four dimensions of society that need to be simultaneously pursued: economic, social, environmental and good governance, including peace and security. However, while emphasizing the importance of good governance as a *means* to achieve the other three dimensions, the SDSN stops short of including a stand-alone goal on peace and security in its list of proposed goals and targets. The SDSN 2012 report includes a list of ten proposed goals, each with exactly three associated targets. Of these ten goals, three goals include targets that are relevant for peace, security, rule of law and access to justice:

Goal 1 (End Extreme Poverty, Including Hunger) includes a target on addressing conflict and violence, though only in the form of support for the most vulnerable states, as follows:

1c. Provide enhanced support for highly vulnerable states and least developed countries, to address the structural challenges facing those countries, including violence and conflict.

²⁵ See for example, the op-ed article by Mary Robinson, Kevin Rudd and Judy Cheng-Hopkins in May 2013 in the Huffington Post, available at: http://www.huffingtonpost.com/mary-robinson/millennium-developmentgoals_b_2862059.html (last accessed on 22 November 2016),

²⁶ Sustainable Development Solutions Network (SDSN), An Action Agenda for Sustainable Development, June 2013.

Goal 4 (Achieve Gender Equality, Social Inclusion, and Human Rights for All) includes a target referring to rule of law and access to justice, though only as part of an anti-discrimination agenda, as well as a target on the prevention of violence that is focused mostly on women and children:

4a. Monitor and end discrimination and inequalities in public service delivery, the rule of law, access to justice, and participation in political and economic life on the basis of gender, ethnicity, religion, disability, national origin, and social or other status.

4c. Prevent and eliminate violence and exploitation, especially for women and children.

Finally, Goal 10 (Transform Governance and Technologies for Sustainable Development) mentions governance and transparency as worthwhile objectives but does not link them to any of the three successive targets: “The public sector, business, and other stakeholders commit to good governance, including transparency, accountability, access to information, participation, an end to tax and secrecy havens, and efforts to stamp out corruption”.²⁷

The report of the Open Working Group: Goals and targets in the intergovernmental negotiations

Based on the many consultative processes and related UN resolutions, the Open Working Group (OWG) mandated by the Rio+20 conference started its working sessions in March 2013. It held a total of 13 sessions in which all thematic areas raised in the post-2015 development process were discussed.²⁸ After over a year of deliberations the OWG submitted its report in July 2014.²⁹ By that time, it had been informed by the many consultation meetings and proposals for post-2015 goals mentioned above and was actively drawing on further inputs from UN agencies, civil society organisations and intergovernmental conferences. At the end of the process, the OWG adopted by acclamation their proposal which suggests 17 SDGs accompanied by 169 targets which are to be “further elaborated through indicators focused on measurable outcomes.” The OWG further elaborated that these goals were “action oriented, global in nature and universally applicable ... [and] take into account different national realities, capacities and levels of development and respect national policies and priorities.”³⁰

The proposal of the OWG takes up many of the goals and targets proposed in the report of the HLP and the SDSN mentioned above. In addition, it includes goals

²⁷ Ibid., p. 31.

²⁸ For example, in the sixth meeting of the OWG (9-13 December), issues of human rights, including the right to development and global governance were discussed. For a detailed documentation on the discussions, comments and inputs, see <https://sustainabledevelopment.un.org/focussdgs.html> (last accessed on 21 September 2016)

²⁹ U.N. General Assembly, Report of the Open Working Group of the General Assembly on Sustainable Development Goals, A/68/970 of 12 August 2014.

³⁰ Ibid, p. 9.

and targets that were mentioned by the HLP as “cross-cutting issues” but had not been explicitly formulated in a separate goal, such as climate change; cities; inequality; sustainable consumption and production patterns³¹ and a final goal on implementation and the Global Partnership for sustainable development. The OWG group proposal on SDGs thus contained a very comprehensive list of goals and targets on tackling the challenges of the time worldwide. The list includes the following 17 goals:

The 17 Sustainable Development Goals (SDGs)

- Goal 1. End poverty in all its forms everywhere
- Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3. Ensure healthy lives and promote well-being for all at all ages
- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5. Achieve gender equality and empower all women and girls
- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10. Reduce inequality within and among countries
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12. Ensure sustainable consumption and production patterns
- Goal 13. Take urgent action to combat climate change and its impacts
- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

Most relevant for the purpose of this research report is the genesis, content and breakdown into targets and indicators of Goal 16. This will be taken up further below.

³¹ Cf. HLP (2013), op. cit, p.16-17.

The adoption of the SDGs by the UN Summit in September 2015: Closing the deal

After further discussions and intergovernmental negotiations within and outside the United Nations General Assembly, world leaders on 25 September 2015 unanimously adopted the United Nations Sustainable Development Goals at a Special UN Summit on Sustainable Development in the Summit's outcome document, "Transforming Our World: the 2030 Agenda for Sustainable Development".³² In the Resolution, the list of the 17 SDG goals and 169 targets proposed by the OWG in 2014 has been adopted virtually unchanged, with a few minor additions to the text of some targets.³³ This congruence between the OWG list and the final list of SDG goals and targets was based on a general understanding that the consultative process leading to the adoption of the OWG outcome document was broad and inclusive enough and had brought a broad consensus that was difficult to change. Thus, after the OWG presented its outcome document, intergovernmental discussions were led mostly by the Permanent Missions of UN Member States in New York and were focused mostly on the text of the 2030 Agenda as well as a few minor modifications to the targets.

One important difference between the text versions of the SDGs and targets by the OWG and the UNGA is that the OWG had left a number of concrete and measurable targets open to the political decision at the highest levels through formulations such as "By 2030 increase by [x] per cent the number of...". These formulations provided an opportunity to formulate concrete and measurable targets at the global level for a total of 10 targets.³⁴ However, in none of these cases was a concrete quantified target set, and the wording was changed to a 'soft-target' formulation that always includes the word "substantially", rather than a measurable target (for example, "By 2030 substantially increase the number of ...").

On the other hand, 'hard-target' commitments made in many of the 169 targets were retained in all cases where they had already been concretely formulated in the OWG proposal, such as "by 2030... halving the proportion of" or "by 2030 double the global rate of...".

In the preamble to the Resolution, world leaders reiterated that the 17 SDGs and 169 targets "seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible

³² A/RES/70/1.

³³ The text in targets 3.2, 7b, 14c, 15.6 and 17.2 has been slightly modified in United Nations General Assembly A/RES/70/1 compared to the text in the OWG proposal of 2014. These changes mostly do not concern substance with the potential exception of changes in target 17.2 where the revised text restricts the commitment of developed countries to provide 0.7 per cent of gross national income for official development assistance to developing countries to those developed countries which had already entered into such a commitment before. However, it should be noted that, in practice, this change may not have major consequences, since ODA from the majority of developed countries falls far short of the 0.7 per cent goal, despite such (political) commitments in the past.

³⁴ Such opportunities for concrete target setting were contained in targets 4.4, 4.6, 4b, 6.3, 7.1, 9.5, 11.5, 11.b and 15.2 of the OWG proposal.

and balance the three dimensions of sustainable development: the economic, social and environmental.” In the following Declaration introducing the agenda, reference is also made to the theme that "no one will be left behind," and that this "Agenda of unprecedented scope and significance [...] is accepted by all countries and is applicable to all, taking into account different national realities, capacities and levels of development and respecting national policies and priorities.”³⁵

The resolution also provides some general guidelines on how the goals and targets are to be monitored and refers both to the value of disaggregated data as well as the use of existing official data: *“Quality, accessible, timely and reliable disaggregated data will be needed to help with the measurement of progress and to ensure that no one is left behind. Such data is key to decision-making. Data and information from existing reporting mechanisms should be used where possible”*.³⁶ The Resolution further mandates an expert group under the UN Statistical Commission to work out a proposal for an indicator framework and sets out the procedure for adopting this framework: *“The Goals and targets will be followed up and reviewed using a set of global indicators. These will be complemented by indicators at the regional and national levels which will be developed by Member States, in addition to the outcomes of work undertaken for the development of the baselines for those targets where national and global baseline data does not yet exist. The global indicator framework, to be developed by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators, will be agreed by the Statistical Commission by March 2016 and adopted thereafter by the Economic and Social Council and the General Assembly, in line with existing mandates. This framework will be simple yet robust, address all Sustainable Development Goals and targets, including for means of implementation, and preserve the political balance, integration and ambition contained therein.*³⁷

Finally, the Resolution states that the monitoring and following of the SDGs and its goals “will be informed by an annual progress report on the Sustainable Development Goals to be prepared by the Secretary-General in cooperation with the United Nations system, based on the global indicator framework and data produced by national statistical systems and information collected at the regional level.” In addition, policy-makers and the general public will be informed also by a regular ‘Global Sustainable Development Report’, which shall strengthen the evidence base for sustainable development.³⁸

³⁵ A/RES/70/1, p .1-3.

³⁶ Ibid, p. 12.

³⁷ Ibid, p. 32.

³⁸ Ibid, p. 34-34.

Governance, access to justice, rule of law and corruption in the post-2015 process

While issues of accountable governance and access to justice have not been included in the MDGs, there was a strong momentum within and outside the UN system that these should be prominently placed within the new post-2015 development agenda and within the new post-2015 set of development goals. Already during the national, regional and thematic discussions held by the UN Task Teams in 2012, governance,³⁹ rule of law and access to justice,⁴⁰ security, violence and illicit trade⁴¹ and human rights⁴² were repeatedly discussed and championed by UN agencies such as OHCHR, UNDP, UN DESA, UNODC and UNESCO. The thematic consultations already identified the main elements that would later be included in the targets under SDG 16: responsive and effective governance, accountability and transparency underpinned by international human rights standards, inclusive and accessible justice institutions, combating corruption, local governance, and gender equality.⁴³ Finally, the UN Task Teams addressed the main argument raised against the inclusion of governance and justice issues as separate goals and targets in the post-2015 framework, namely the claim that such targets would not be measurable and could not be sufficiently monitored through an indicators framework: *“Governance and human rights are measurable and can be monitored; thus ensuring a measurable implementation, accountability and monitoring framework for the post-2015 development agenda is critical: It is possible to identify criteria for goals, targets and indicators for governance. The post-2015 agenda should ensure accountability of states as well as other responsible actors such as businesses by specifying their duties and establishing comprehensive and rigorous monitoring and accountability systems. This should include extensive and publically [sic!] available measurements on the performance of governmental institutions, both in terms of their effectiveness in delivering results*

³⁹ UNDP/UN post-2015 Task Team, Thematic think piece: Governance and development (by UN DESA, UNDP and UNESCO), May 2012, available at <https://www.worldwewant2030.org/node/273401> (last accessed at 23 September 2016)

⁴⁰ UNODC Note on Justice, Security and Illicit Trade, January 2013, <https://www.unodc.org/unodc/en/about-unodc/post-2015-development-agenda.html> (last accessed on 26 September 2016).

⁴¹ Ibid, p. 2.

⁴² OHCHR/UN post-2015 Task Team, Think Piece on Human Rights in a Post-2015 Agreement, May 2012, <https://www.worldwewant2030.org/node/273405> (last accessed at 23 September 2016). This think piece argues that, rather than including a separate goal on human rights which are already included in many human rights treaties as economic, civil, social, cultural and political rights, the post-2015 development agenda, and the global goals, targets and indicators within a post-2015 agreement, should be fully aligned to human rights treaty obligations, in other words human rights obligations should be horizontally, rather than vertically integrated in the framework.

⁴³ UNDP/OHCHR, Global Thematic Consultation on Governance and the Post-2015 Development Framework. Report, March 2013.

*as well as the legitimacy of the processes through which these results are delivered”.*⁴⁴

A special meeting of the UN Task Team on governance and human rights that focused on measurability of the goals⁴⁵ concluded that it may be appropriate to have both ‘process’ (i.e. ‘input’) and ‘outcome’ indicators as well as, for certain areas, ‘structural’ (i.e. commitment) indicators (e.g. on the existence of strong national human rights institutions complying with the Paris Principles⁴⁶ adopted by the United Nations General Assembly).⁴⁷

Furthermore, the meeting considered appropriate sources for such indicators and did not *a priori* rule out any of the possible sources of data in the field (statistical surveys, administrative data, standards-based measures drawn from expert coding, or events-based data) while pointing to possible quality criteria for prioritizing one data source over the other.⁴⁸ Finally, the meeting reviewed selection criteria for goals, targets and indicators and provided a summary of the state of the discussion in the field. For the indicators, the following selection criteria should be applied:

1. Relevance
2. Data availability
3. Robustness, reliability, validity
4. Externally verifiable and amenable to audit
5. Measure effort as well as outcomes
6. Risk of perverse incentives

The meeting report of the expert consultations on governance indicators also refers explicitly to the UN Statistical Commission in order to explore possible follow-up work on governance and civil and political rights in 2013 through a mechanism such as a “Friends of the Chair”.⁴⁹

During the deliberations of the OWG, representatives from member states, civil society organizations, academia and the UN system further elaborated proposals for concrete SDG goals and targets on governance, justice, security, rule of law and corruption. Particularly important in this process were the formal contributions and proposals of the relevant UN agencies, who built their proposals on existing human rights standards and international treaties (such as the UN Convention against

⁴⁴ Ibid, p. 10.

⁴⁵ The meeting brought together forty governance, human rights and measurement experts, along with representatives of Member States and national statistical offices from around the world.

⁴⁶ The Paris Principles on independent national human rights institutions were adopted by the United Nations General Assembly in 1993. See <http://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf>, p. 146-148.

⁴⁷ OHCHR/UNDP, Expert Consultation “Governance and human rights: Criteria and measurement proposals for a post-2015 development agenda. 13-14 November 2012, New York”. Meeting Report, December 2012, available at <http://www.icnl.org/research/library/files/Transnational/meetingreport.pdf> (last accessed at 23 September 2016), p. 6.

⁴⁸ Ibid, p. 8.

⁴⁹ Ibid, p.10. This mechanism was later established by the UN Statistical Commission in May 2013 (see below).

Corruption, which entered into force in 2005), UN resolutions (particularly the 2010 MDG High Level plenary meeting, the Rio+20 conference and the 2012 High-Level Meeting on the Rule of Law⁵⁰ which emphasizes the importance of the rule of law in all its dimensions) as well as the outcomes of various national, regional and thematic consultations on governance and the rule of law.

Report of the Expert Meeting on an Accountability Framework

Particularly notable inputs for the deliberations of the OWG came from two expert group meetings and policy documents from within the United Nations system. The first one was an Expert Group Meeting on Accountability organized by UNDP, UNICEF and the Peace Building Support Office (PBSO) in Glen Cove in June 2013 as part of the UN Global Thematic Consultations.⁵¹ Deliberations of the meeting built on the many inputs gathered in previous consultations and expert group meetings.⁵² According to one person familiar with the process, important inputs were also provided through a set of peace-building targets and indicators developed by the g7+ (a group of conflict-affected countries) together with development partners and civil society in a process called *International Dialogue on Peacebuilding and Statebuilding* (also called the Busan process). This forum had forged agreement between the g7+ and development partners on a “new deal” based on five goals intended to improve development policy and practice in fragile and conflict-affected states. This agreement was supported by the UN, the WB, the OECD and others.⁵³ The goals include the peaceful resolution of conflicts and access to justice; safety and security; and accountable government. These goals are to be measured by a set of over 20 indicators.⁵⁴

⁵⁰ United Nations General Assembly, Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, A/RES/67/1 of 30 November 2012.

⁵¹ UNDP, UNICEF, PBSO, Report of the Expert Meeting on an Accountability Framework for Conflict, Violence, Governance and Disaster and the Post-2015 Development Agenda (Glen Cove Expert Meeting 2013), June 2013.

⁵² For an overview of goals, targets and indicators concerning issues of peace, justice and institutions, see Muggah, Robert, Monitoring violence and Conflict: Reflections on goals, targets and indicators, Igarape Institute, June 2013. An earlier influential paper exploring options for goals, targets and indicators on peace, security and justice was a briefing paper published by the international NGO Saferworld. See: Saferworld, Addressing conflict and violence from 2015. A vision of goals, targets and indicators, Briefing paper, February 2013, available at <http://www.saferworld.org.uk/resources/view-resource/730-a-vision-of-goals-targets-and-indicators> (last accessed 06 October 2016).

⁵³ International Dialogue on Peacebuilding and Statebuilding, Peacebuilding and Statebuilding Indicators – Progress, Interim List and next steps, April 2013, available at https://www.pbsdialogue.org/media/filer_public/a1/52/a152494f-0bb0-4ff3-8908-14bb007abd25/psg_indicators_en.pdf (last accessed 22 November 2016).

⁵⁴ For example, indicators on justice include “Public confidence in the performance of justice institutions (formal / customary), including human rights mechanisms”; “Percentage of victims who reported crime to authorities”; “Extent of pre-trial detention”; “Proximity to formal and customary justice institutions to the public”. Indicators on public administration include

The meeting at Glen Cove then developed its proposals for post-2015 targets and indicators largely on the basis of the twelve goals proposed in the report of the HLP in May 2013. Some participants wanted to go beyond that proposal by developing new goals but others lobbied for working closely within the HLP targets and indicators and integrating other targets and objectives (such as human rights and peace) into the existing framework, which was the approach eventually pursued.

Before tackling the challenge of putting together a framework of metrics for the post-2015 agenda, the meeting formulated the following characteristics of goals, targets and indicators:⁵⁵

- Goals: aspirational, inspirational, broad, generic, abstract.
- Targets: more specific, timeframe, numerical target.
- Indicators: to measure progress against target.

The following key criteria for targets and indicators were proposed:

Key criteria for targets	Key criteria for indicators
Universal (across countries)	SMART (Specific, Measurable, Attainable, Relevant, Time-bound)
Outcome-focussed (as opposed to means-focussed)	Methodologically sound (agreed, robust etc.)
Simple (and communicable)	Feasible to measure (cost, capacity, etc.)
Measurable (and easy to interpret)	Disaggregation (sex, region, age etc.)
Democratically legitimate, consistent with law, ambitious but achievable	Absence of perverse incentives

The report further considers the following sources of data for measuring progress with indicators:

- Household, perception and experience surveys;
- Administrative data, incident reports, document review;
- “Expert” assessments.

The EGM further stated that any peace- and governance-related commitments and targets should be monitored using *baskets* of indicators that measure three aspects: the capacity to address the issue at stake; the ‘objective’ change in society, and the perceptions of all social groups on security, justice, rule of law, governance and other peace-related issues. For example, an indicator basket on security could involve an indicator on the *capacity* of the state to respond to violence (number of officers that cover a homicide), an ‘*objective*’ indicator on the number of homicides per 100,000 in population, and an indicator showing how confident the public actually *feels*.⁵⁶

“Percentage of population that reports paying a bribe when obtaining a public service or when interacting with a public official”, *ibid.*, p. 12-16.

⁵⁵ Based on a paper prepared by UNDP/UNICEF/PBSO and Institute of Economics and Peace: Brinkman, Henk-Jan, Background paper on criteria for targets and indicators, May 2013.

⁵⁶ Brinkman, Henk-Jan (2013), *op. cit.*, p. 9.

Finally, the report proposes a comprehensive list of targets, linked to several goals already proposed in the HLP report, together with a very lengthy list of indicators that could be (selectively) used for measuring the targets.⁵⁷ Due to its importance for the further discussion of the OWG proposal and the (ongoing) development and choice of indicators, this list is reproduced in full below:⁵⁸

Table 2. Indicators proposed by the Glen Cove Meeting in June 2013	
Goal A: Ensure a Safe and Peaceful Society	
Targets	Indicators
Target 1: Reduce and prevent violent deaths per 100,000 people and eliminate all forms of violence against children, women and other vulnerable groups	1a. Intentional homicide rate per 100,000. 1b. Direct deaths from armed conflict per 100,000. 1c. Suicide rate per 100,000. 1d. Violent injury per 100,000. 1e. Percentage of citizens who feel safe. 1f. Number of children recruited by armed forces and non-state armed groups. 1g. Rape and other forms of sexual violence per 100,000. 1h. Rate of child maltreatment
Target 2: Enhance the capacity, professionalism and accountability of security, police and justice institutions	2a. Percentage of the population who express confidence in police and justice institutions 2b. Degree of civilian and parliamentary oversight of security institutions and budgets that are public. 2c. Percentage of security, police and justice personnel prosecuted over the total number of reported cases of misconduct. 2d. Number of police and judicial sector personnel (qualified judges, magistrates, prosecutors, defence attorneys) per 100,000 and distribution across the territory 2e. Ratio of formal cases filed to cases resolved per year.

⁵⁷ Ibid, p. 12-25 Despite proposing such a large number of indicators, the group underlined the need to limit the number of indicators and consider more ‘outcome’ oriented indicators in the agenda. Indicators on issues like extrajudicial killings, disappearances, arbitrary detention, torture and other ill treatment, were seen as outcome indicators that are relevant from a rule of law, human rights and sustainable perspective. However, issues of data availability and political obstacles were pointed out. Ibid, p. 16.

⁵⁸ For reasons of space, targets and indicators on Disaster Risk Reduction are not reproduced here. Finally, the Executive Summary of the meeting report provides a short-list of targets that were prioritized by the group, ibid, p. 3-4. These targets are highlighted in bold in Table 2.

<p>Target 3: Enhance equity and social cohesion and ensure adequate formal and informal mechanisms are in place to manage disputes peacefully</p>	<p>3a. Degree of equitable access to, and resourcing of, outcomes from public services 3b. Level of trust and tolerance within society. 3c. Perceptions of discrimination. 3d. Degree to which there are effective formal or informal mechanisms and programs in place to prevent and resolve disputes peacefully.</p>
<p>Target 4: Reduce external drivers of violence and conflict including illicit flows of arms, drugs, finance, natural resources and human trafficking. <i>(To be placed under HLP Goal 12 – focused on global enabling environment)</i></p>	<p>Indicators could be related to illicit flows of, inter alia, arms, drugs, finance. For example: 4a. To what extent does organized crime (mafia-oriented racketeering, extortion) impose costs on businesses in your country? 4b. If someone in your community wanted to obtain an illegal small arm, how easy would this be? / How would you describe the number of illegal weapons in your community? 4c. Prevalence of drug use among general population. 4d. Volume of illicit financial flows. 4e. Global volume of money laundering. 4f. Extractive industries transparency status: compliant, candidate, suspension. 4g. Anti-money laundering index score. 4h. Adherence to the Arms Trade Treaty/Incidence of involvement of countries’ officials, companies or citizens in arms transfers in violation of UNSC arms embargoes in last 5 years. 4i. Homicide by firearm rate per 100,000 population over homicide rate per 100,000 population. 4j. Drug seizures/laboratory seizures over prevalence of drug use among general population. 4k. Drug-related crime per 100,000 population. 4l. Estimated number of drug-related deaths and rates per million people aged 15-64. 4m. Profits generated by trafficking in cocaine. 4n. Global criminal proceeds. 4o. Global volume of money laundering. 4p. Ease of access to weapons for minors. 4q. Ratification of the Arms Trade Treaty. 4r. Active participation in Forest Law Enforcement, Governance and Trade (FLEGT) or equivalent illicit logging control initiative. 4s. Active participation with the Egmont Group of Financial Intelligence Units. 4t. Active participation in the Kimberley process. 4u. Active participation in the UN Programme of Action on SALW. 4v. Active co-operation with Interpol.</p>
<p>Goal B: Ensure Secure and Just Societies</p>	
<p>Targets</p>	<p>Indicators</p>
<p>Target 1:</p>	<p>1a. Percentage of people who develop trust in the police.</p>

Achieve full trust and confidence in law enforcement and justice systems.	1b. Percentage of people who develop trust in the courts. 1c. Percentage of victims (of certain types of crimes) who tried to report these crimes to the police.
Target 2: Ensure law enforcement and justice systems are accessible, impartial, non-discriminatory and responsive to the needs and rights of individuals and social groups.	2a. Percentage of reported homicides in a given year that resulted in a prosecution within 12 months. Police and court data. 2b. Percentage of reported homicides in a given year that resulted in court adjudication within 24 months. Police and court data. 2c. Existence of an independent national Human Rights institution in compliance with the Paris Principles.
Target 3: Strengthen the capacity of states to investigate, prosecute and sentence perpetrators of crimes.	3a. Percentage of the general population with birth registrations. 3b. Existence of a legal framework for challenging the decisions of public officials. 3c. Percentage of defendants in criminal cases who are represented by legal counsel. 3d. Ratio of conviction rates (violent crimes) for impoverished defendants who are provided with free legal representation vs. conviction rates for defendants with legal representation of their own choosing.
Goal C: Ensure Global Governance and Effective Institutions	
Targets	Indicators
Target 1: Provide all people with free legal identify documentation, such as birth registration cards.	[1a. Percentage of the general population with birth registrations.]
Target 2: Ensure all people enjoy freedom of speech, association, religion, and peaceful protest.	2a. Signatory to relevant treaties 2b. Constitution/laws prescribe all citizens should enjoy same level of civil liberties (de jure) regardless of language, ethnicity, religion, race, sexual orientation, gender identity, region, disability or caste. 2c. Number of registered CSOs per 100,000 inhabitants. 2d. Combined score: the cost of social organization, how easy it is for individuals to form group associations and the likelihood of collective action. 2e. Level of civil liberties. 2f. Level of political rights. 2g. Enabling space/environment score. 2h. Freedom of opinion and expression is effectively guaranteed. 2i. Combined scores: freedom of speech, freedom of assembly & association, electoral self-determination. 2j. Proportion of requests for holding demonstrations accepted by administrative authorities. 2k. Number of opposition candidates/parties arrested/prosecuted. 2l. Use of libel laws to suppress dissent.

	<p>2m. Civic activism.</p> <p>2n. Combined scores: civil liberties and political participation.</p> <p>2o. Number and types of attacks on human rights defenders and journalists.</p> <p>2p. Number of people who have signed a petition, joined in boycotts, attended peaceful demonstrations, joined strikes or any other protest.</p> <p>2q. Ability to express political opinion without fear.</p> <p>2r. ‘In this country, how free are you to say what you want?’</p> <p>2s. ‘In this country, how free are you to join ay political organization you want?’</p> <p>2t. ‘In this country, how free are you to choose to vote for without feeling pressured?’</p>
<p>Target 3: Ensure all people can participate and influence decision-making in formal and informal public institutions at all levels, including the selection of their political representatives.</p>	<p>3a. Existence of institutions for public participation.</p> <p>3b. Percentage of voting age population registered to vote.</p> <p>3c. Voting and party information score.</p> <p>3d. Electoral process.</p> <p>3e. Accountability of public officials.</p> <p>3f. Election integrity.</p> <p>3g. Voice and accountability score.</p> <p>3h. Percentage of voter turnout in national and local elections.</p> <p>3i. Combined scores: electoral process, pluralism and political culture.</p> <p>3j. ‘How would you rate the fairness of the last national election?’</p> <p>3k. Confidence in honesty of elections.</p> <p>3l. ‘How would you rate the freeness and fairness of the last national election?’</p> <p>3m. ‘How do elections enable voters to remove from office leaders who do not do what the people want?’</p> <p>3n. ‘Did you participate in a government-organized meeting, consultation, etc.’?’</p> <p>3o. ‘Overall, how satisfied are you with the way democracy works in your country?’</p> <p>3p. ‘During election campaigns, how much do you personally fear becoming a victim of political intimidation or violence?’</p>
<p>Target 4: Guarantee public right to government and corporate information and access to independent media.</p>	<p>4a. Right2info.org.</p> <p>4b. Internet users per 100 people.</p> <p>4c. National Administrative data on proportion of info requests supplied.</p> <p>4d. Media Concentration/Ownership.</p> <p>4e. NGO’s public information and media score.</p> <p>4f. Freedom of the press index score.</p> <p>4g. Press Freedom Index.</p> <p>4h. Number of journalists killed, imprisoned, missing or in exile.</p> <p>4i. Number of blocked online sources and websites.</p>

	<p>4j. % of journalists that are women.</p> <p>4k. Proportion of people satisfied with system for processing information requests.</p>
<p>Target 5: Eliminate bribery and corruption, and hold public and private perpetrators to account.</p>	<p>5a. National reports. Convention Against Corruption</p> <p>5b. Regulatory Framework for Political Finance and/or Political Finance Database.</p> <p>5c. Open budget index score.</p> <p>5d. Quality of budgetary and financial management.</p> <p>5e. Quality of public administration.</p> <p>5f. Regulatory quality source.</p> <p>5g. Combined score on government conflict-of-interest safeguards, checks and balances, public administration and professionalism, government oversight and controls, anti-corruption legal framework.</p> <p>5h. There is an open and transparent bidding process for receiving public contracts.</p> <p>5i. The government publishes the results of all procurement decisions.</p> <p>5j. Quality of public financial management and internal oversight mechanisms.</p> <p>5k. A percentage of corruption cases are prosecuted.</p> <p>5l. Asset declaration requirement and wealth made public.</p> <p>5m. Absence of corruption score.</p> <p>5n. ‘Level of corruption’.</p> <p>5o. Reported rates of sexual coercion in accessing public services.</p> <p>5p. Transparency, accountability and corruption in public sector.</p> <p>5q. Control of corruption score.</p> <p>5r. Volume of illicit financial flows.</p> <p>5s. Percentage of firms identifying corruption as a major constraint.</p> <p>5t. ‘Do you think government is doing enough to fight corruption?’ and ‘Is corruption the same, lower or higher than five years ago?’</p> <p>5u. Reported rates of bribery (individual experience) in basic public services.</p> <p>5v. ‘In your opinion, how often in this country do officials who commit crimes go unpunished?’</p> <p>5w. ‘Was there at least one instance in the last 12 months when you had to give a bribe/present?’</p> <p>5x. ‘Is the government effective in the fight against corruption?’</p>
<p>Target 6: Strengthen trust in public decision making bodies through enhancing fairness and diversity of representation.</p>	<p>6a. Breakdown of representation in selected institutions.</p> <p>6b. Breakdown of representation in parliament.</p> <p>6c. Breakdown of representation in senior public administration posts.</p> <p>6d. Equity of public resource use score.</p> <p>6e. Fairness of government decision-making.</p> <p>6f. Proportion of CSO managers (and members) who are women.</p>

	<p>6g. Confidence in honesty of elections.</p> <p>6h. ‘During election campaigns, how much do you personally fear becoming a victim of political intimidation or violence?’</p> <p>6i. ‘In your opinion, how often does competition between political parties lead to violent conflict?’</p>
<p>Target 7: Enhance state capacity, transparency and accountability regarding control of national resources.</p>	<p>7a. Signatory to relevant treaties and submission of requisite reporting.</p> <p>7b. Fairness in decisions of governance officials.</p> <p>7c. Quality of public administration.</p> <p>7d. Self-assessment by parliaments as oversight bodies.</p> <p>7e. National self-assessments. UN Convention Against Corruption</p> <p>7f. Quality of budget and financial management.</p> <p>7g. Level of government budget transparency.</p> <p>7h. Thresholds of public procurement reform.</p> <p>7i. Open contracting initiative.</p> <p>7j. Open and transparent bidding process, government publication.</p> <p>7k. Tax Revenue as % of GDP.</p> <p>7l. Extractive Industries transparency status: compliant, candidate, suspended or other. Extractive Industries Transparency Initiative</p> <p>7m. Equity of public resource use.</p>
<p>Target 8: Ensure justice institutions are accessible, independent, and well resourced, and respect due process rights.</p>	<p>8a. Signatory to relevant treaties.</p> <p>8b. Independence of judiciary.</p> <p>8c. Judicial Independence.</p> <p>8d. Confidence in the judicial system.</p> <p>8e. ‘In your opinion, how often are people in this country treated unequally under the law?’</p> <p>8f. ‘How much do you trust the courts of law?’</p> <p>8g. ‘In your opinion, how often do officials who commit crimes go unpunished?’</p> <p>8h. ‘How often has your group been treated fairly by the government?’</p> <p>8i. ‘Do laws, policies, and practices guarantee equal treatment of various segments of the population?’</p> <p>8j. Conviction rate (number of persons convicted per recorded/perceived crime).</p> <p>8k. Physical integrity rights score (composite index on levels of extrajudicial killing, disappearance, torture and political imprisonment).</p> <p>8l. Criminal justice score (including effectiveness, timeliness, impartiality, corruption, due process and rights of the accused).</p> <p>8m. Deaths in police custody</p> <p>8n. Percentage of policy complaints resolved</p> <p>8o. Suspension or arbitrary application of the rule of law and widespread violation of human rights score</p> <p>8p. Number of judges per violent death</p> <p>8q. Judicial Independence score</p>

	8r. Ability of poor people to appeal judicial decisions in serious offence cases 8s. Property rights & rule-based governance 8t. Ability of poor people to appeal judicial decisions in serious offence cases 8u. Separation of powers Legatum Foundation's Legatum Prosperity Index 8v. Property rights & rule-based governance
Goal X: Ensure Stable and Peaceful Societies	
Targets	Indicators
Target X: Resolve divisions within society peacefully.	X1. People can access and afford civil justice. X2. ARDs are accessible, impartial, and effective. X3. Informal justice core (including effectiveness, timeliness, impartiality and respect for fundamental rights). X4. Inter-group cohesion score. X5. People do not resort to violence to resolve personal grievances. X6. Number of days taken to resolve disputes. X7. Reconciliation of conflicts between groups within society, or of contradictions between formal and informal systems of security and justice. X8. 'Generally speaking, would you say that most people can be trusted or that you must be very careful in dealing with people?'

In addition to the above areas, the working group on the economic aspects of conflict and violence came to the conclusion (following the suggestions of the HLP report) that conflict and peace concerns should not be confined to specific goals but that these issues should cut across all development goals.⁵⁹ Likewise it was proposed that additional targets and indicators on justice and rule of law should be streamlined into other development goals proposed by the HLP: secure rights to land, property and other assets (goal 1b), gender equality (goal 2), confidence of enterprises that legal contracts can be enforced in courts (goal 8), and stemming the risk factors associated with violence (goal 11c).

Another important point made by the EGM concerns the credibility and ownership of the data required to monitor the indicators and targets. Here it was stated clearly that national statistical offices should be the main owners of data and related indicators, while other relevant indicators should also be taken into account where appropriate.⁶⁰ At the same time, it was pointed out that in order to be perceived as credible, it is extremely important that the activities of national statistics offices are independent and free of any political interference that could influence their work and/or the results. Here, the recent work of Mexico's National Institute of Statistics

⁵⁹ Ibid, p. 27.

⁶⁰ The EGM report states that "The existence of other relevant (based on sound methodology) indicators outside the scope of traditional statistical offices, such as other government agencies, civil society organizations and international organizations, should be taken into account.", *ibid*, p. 9.

and Geography (INEGI) on data collection and analysis on security and justice was cited as a positive example.

Beside questions on the ownership and sources of the data, the meeting also acknowledged that many of the indicators proposed do not yet benefit from a good availability of data and some need further methodological development for measurement. Therefore, participants concluded that “significant investments need to be made to build states’ capabilities to measure progress towards the right indicators”, and called on international organizations, regional banks and civil society to collaborate in strengthening the capacity for producing the data required for monitoring development outcomes.⁶¹

A particular challenge in measuring indicators was identified in the field of justice due to the existence of many forms of non-state institutions, poor or non-existent record keeping and the unwillingness of clients to share their experiences. The group held that, despite the many challenges, both informal (traditional) and formal legal systems should be taken into account and indicators should be sensitive to justice outcomes for disadvantaged groups such as women, indigenous peoples, minorities, children, religious groups, the poor and marginalized who are the most common users of informal systems of justice.⁶²

Overall, the list of indicators put forward by the Glen Cove meeting had a strong influence on the final shape of the indicator framework for SDG 16 as adopted by the UN Statistical Commission in March 2016. From the list of indicators reproduced in Table 2, as many as 11 indicators can be found in the March 2016 list, though often in modified form. This concerns indicators 1a, 1b, 1e, 4d under Goal A, 1c, 2c under Goal B, and 1a, 4h, 5r, 5(u+w), and 6 (a-c) in Goal C.

UNODC report on Accounting for Security and Justice

Another key contribution to the formulation of SDG 16 and its targets was provided in a concept paper from October 2013 by the United Nations Office on Drugs and Crime (UNODC) that was based on the consultations in an Expert Group meeting on issues related to rule of law, justice, and security.⁶³ This paper already suggests a measurement framework for justice and security in a post-2015 development agenda and puts forward a strong rationale why these issues should be included under a separate goal of the new agenda.⁶⁴ The paper explicitly sets out definitions of the rule of law, security and justice, provides examples and proposals for goals, targets and indicators on security and justice and further defines each indicator in

⁶¹ Ibid, p. 30.

⁶² Ibid, p. 15.

⁶³ UNODC, Accounting for Security and Justice in the Post-2015 Development Agenda, October 2013, https://www.unodc.org/documents/about-unodc/Post-2015-Development-Agenda/UNODC_-_Accounting_for_Security_and_Justice_in_the_Post-2015_Development_Agenda.pdf (last accessed on 26 September 09.2016).

⁶⁴ As noted in the paper, the concept of “rule of law” can be understood as a framework for linking security, justice and development where security and justice are important aspects of the rule of law, which includes also other important elements in relation to development, p. 8.

terms of measurability, data availability and limitations. It argues that targets should be selected for which indicators are well established, data are readily available and related methodological issues are largely resolved, while leaving space for additional targets and indicators that may need further development by proposing a “tier-based approach” to measurement.⁶⁵ Going beyond the criteria for the selection of indicators already established by the High Level Panel and various UN inter-agency working groups (see above), the report specifically suggests that future metrics on security and justice for a post-2015 development agenda can be based on either sample surveys, administrative records or other sources⁶⁶ and should be realistic, reliable and attainable, with attention to the following factors:⁶⁷

- Adequate geographic, temporal and demographic coverage
- Consistent with international standards and good practices
- Focused on both performance (outcome) and capacity (output) variables (though resource (input) indicators may also provide important information)
- Include objective and subjective measures
- Account for both “formal” and “informal” justice systems
- Pay attention to perverse incentives and ethical issues.

The paper then presents a short-list of indicators that crystalized during the discussions at the expert group meeting on rule of law, security and justice organized by UNODC 24-25 June 2013 in Vienna.⁶⁸ Meeting participants had agreed to base their proposal for targets and indicators on the goals and targets proposed by the High Level Panel in their May 2013 report.⁶⁹ From the many proposed indicators considered, the short short-list includes only indicators that fulfil the criteria of relevance, measurability and ability to demonstrate progress. The indicators are further divided into 4 categories along 2 dimensions. First, indicators are sorted into two tiers – Tier 1 where indicators with a well-established methodology already exist, and Tier 2 where methodologies for the indicators are

⁶⁵ Ibid, p. 10.

⁶⁶ Other sources could include qualitative tools and participatory interviews, social media or risk assessments. However, the report also advises against the use of indicators that are consolidated into an index, since “weighting would require an additional layer of subjectivity. Owing to the likelihood of considerable data gaps, it would lead to highly distorted impressions of change.” Ibid, p. 31.

⁶⁷ Ibid, p. 28-30.

⁶⁸ The contributions of experts were in turn informed by previous proposals for rule of law indicators and justice indicators, such as the comprehensive Rule of Law Indicators Handbook produced in a collaborative effort by OHCHR and DPKO and endorsed by the Rule of Law Coordination and Resource Group, which includes DPA, OLA, UNICEF, UNDP, UN-Women, UNHCR and UNODC. United Nations, 2011, *The Rule of Law Indicators, Implementation Guide and Project Tools*, New York, available at <http://www.ohchr.org/EN/NewsEvents/Pages/JusticeAndRuleOfLaw.aspx> (last accessed 23 September 2016).

⁶⁹ The only exception is the inclusion of an additional target: Justice systems should be gender-neutral.

available but need further development. Second, indicators are sorted into global and national level indicators, that is indicators that are likely to be internationally applicable and comparable (Global) or more applicable in certain national contexts (National). Again, the indicator proposal is fully reproduced here due to its relevance for the final shape of the indicators on rule of law, access to justice and corruption as adopted by the UNSC in March 2016.

Table 3. Indicators suggested by the UNODC EGM on rule of law, justice, and security		
Goal 2: Empower Girls and Women and Achieve Gender Equality		
<i>Target 2.a Prevent and eliminate all forms of violence against girls and women</i>		
	Tier 1	Tier 2
Global	2.a.1 Number of women killed by intimate partner per 100,000 women, per year 2.a.2 Percentage of women who have experienced physical or sexual violence within the last 12 months	
National	Percentage of women experiencing violent victimization who reported to police or other authorities	
<i>Target 2.x Justice systems should be gender-neutral</i>		
	Tier 1	Tier 2
Global		2.a.3 Percentage of the total number of judges and prosecutors that are female
National		
Goal 10: Ensure Good Governance and Effective Institutions		
<i>Target 10.e Reduce bribery and corruption and ensure officials can be held accountable</i>		
	Tier 1	Tier 2
Global	10.e.1 Percentage of people who paid a bribe to a public official during the last 12 months 10.e.2 Percentage of businesses that paid a bribe to a public official during the last 12 months	10.e.3 Frequency and amount paid in bribes by population and business 10.e.4 Percentage of the population believing that corrupt practices take place frequently when ordinary citizens deal with civil servants 10.e.5 Percentage of businesses believing that corrupt practices take place frequently when businesses deal with public officials procedures 10.e.6 Percentage of the mandatory requirements of the UNCAC reflected in domestic legislation
National		10.e.7 Percentage of public officials who have been hired through formal and standard procedures

<i>Target 10.a Provide free and universal legal identity, such as birth registrations</i>		
	Tier 1	Tier 2
Global	10.a.1 Percentage of children under 5 whose births have been registered	
National		
Goal 11: Ensure Stable and Peaceful Societies		
<i>Target 11.a Reduce and prevent violent deaths per 100,000 by x and eliminate all forms of violence against children</i>		
	Tier 1	Tier 2
Global	11.a.1 Intentional homicide rate per 100,000 population 11.a.2 Percentage of the population who feel safe in their own neighbourhood after dark 11.a.3 Percentage of the adult population who have experienced physical or sexual violence within the last 12 months	11.a.6 Reported incidents of violence against children per 100,000 [children] 11.a.7 Percentage of children who have experienced physical or sexual violence
National	11.a.4 Direct deaths from armed conflict per 100,000 population 11.a.5 Percentage of persons convicted of a violent crime who have previously been convicted of a violent crime within the past five years (recidivism)	11.a.8 Indirect deaths from armed conflict per 100,000 population
<i>Target 11.d Enhance the capacity, professionalism, accountability of the security forces, police and justice institutions</i>		
	Tier 1	Tier 2
Global	11.d.1 Percentage of people who paid a bribe to a security, police or justice official during the last 12 months 11.d.2 Number of deaths in custody per 100,000 persons detained within the last 12 months 11.d.3 Number of police and justice personnel per 100,000 population	11.d.4 Percentage of population who express confidence in police 11.d.5 Percentage of prisoners who report having experienced physical or sexual victimization while imprisoned over the past 6 months
National		11.d.6 Proportion of violent criminal cases formally initiated that are resolved
<i>Target 11.b Ensure justice institutions are accessible, independent, well-resourced and respect due-process rights</i>		
	Tier 1	Tier 2
Global	11.b.1 Percentage of total detainees in presentence detention 11.b.2 Percentage of victims of violent crimes who reported victimization to law enforcement or other authorities	11.b.3 Percentage of defendants in criminal cases who are represented in court by legal counsel or by non-lawyers, where relevant 11.b.4 Average length of time spent in presentence detention 11.b.5 Number of children in detention per 100,000 child population
National		11.b.6 Proportion of businesses expressing confidence in

		enforceability of contracts in national courts 11.b.7 Percentage of criminal cases decided upon within a timeframe of 1 year (first instance)
<i>Target 11.c Stem the external stressors that lead to conflict, including those related to organised crime</i>		
	Tier 1	Tier 2
Global	11.c.1 Intentional homicide by firearm rate per 100,000 population	11.c.2 Level of global production of cocaine and opium
National		11.c.3 Value of illicit economy as a percentage of GDP 11.c.4 Percentage of people who have experienced what they consider racially or ethnically motivated violence 11.c.5 Percentage of mandatory requirements of the United Nations Convention on Transnational Organized Crime and its protocols that are reflected in domestic legislation of reporting States parties
Goal 12 Create a Global Enabling Environment and Catalyse Long-Term Finance		
<i>Target 12e. Reduce illicit flows and tax evasion and increase stolen asset recovery by x \$</i>		
	Tier 1	Tier 2
Global	12.e.1 Percentage of countries that are party to international instruments related to drug control, corruption, transnational organized crime, and the illicit trade in arms	12.e.6 Value of the annual opium or coca production at farm-gate 12.e.7 Percentage of total production of cocaine and heroin seized (global interception rate)
National	12.e.2 Value of laundered proceeds of crime that are confiscated/forfeited 12.e.3 Total amount of assets frozen or returned within the last 12 months 12.e.4 Numbers of detected smuggled migrants and of victims of trafficking, by citizenship 12.e.5 Total number of requests for (i) mutual legal assistance (MLA) and (ii) extradition sent and received	12.e.8 Quantity of seizures of heroin, cocaine, amphetamine-type stimulants (ATS), cannabis
Structural indicators		
Existence of legislation on violence against women Existence of a national crime prevention strategy in line with international standards Degree of civilian and parliamentary oversight of security institutions Average number of months of basic police training for new recruits Existence of a national anti-money laundering and counter-terrorism financing strategy		

Almost in equal measure to the list of indicators put forward by the Glen Cove meeting, the lists of indicators put forward by UNODC had an important influence on the final list of indicators for SDG 16 as adopted by the UN Statistical Commission in March 2016. From this list of indicators (Table 3), eleven indicators,

often slightly modified, can be found in the March 2016 list, namely indicators 10.e.1, 10.e.2, 10.a.1, 11.a.1, 11.a.2, 11.a.3, 11.a.4, 11.d.1, 11.b.1, 11.b.2 and 12.e.4.

Rule of law, access to justice, governance and corruption in the OWG

When the OWG was established in 2012, the agenda did not explicitly include peace and security elements. However, given the strong momentum to include this into the core agenda, a session on “conflict prevention, post-conflict peacebuilding and the promotion of durable peace and rule of law and governance” was set for February 2014. As was the case for all the other topics on its agenda, a UN Technical Support Team (TST) – established under the UN Task Teams – prepared an Issues Brief, summarizing the discussion within the post-2015 process up to this date and laying out proposed options for SDG goals and targets to inform the deliberations of the OWG sessions.⁷⁰ The TST Brief mentions various options for including peace, rule of law and governance into a SDG framework, either under one stand-alone goal, under several goals or under separate targets under other goals. It also provides a list of optional targets that had been proposed in other documents and intergovernmental processes under the headings “peaceful societies”, “governance” and “rule of law”:

Peaceful societies

- Prevent and reduce by X% violent deaths and injuries per 100,000 by year Y.
- Eliminate all forms of violence against children, women and other vulnerable groups by year Y.
- Enhance social cohesion and ensure adequate formal and informal mechanisms are in place to peacefully address tensions and grievances by year Y.
- Reduce by X% inequalities across social groups, amongst regions within countries and between women and men by year Y.
- Reduce external drivers of violence and conflict, including illicit flows of arms, drugs, finance, natural resources and human trafficking by X% by year Y.

Governance

- Reduce bribery and corruption by X% by year Y and ensure that officials can be held accountable.
- Increase political participation by X%, including diversity of representation in public decision-making and civic engagement at all levels.

⁷⁰ UN Technical Support Team, TST Issues Brief: Conflict Prevention, Post-conflict Peacebuilding and the Promotion of Durable Peace, Rule of Law and Governance, November 2013, available at https://sustainabledevelopment.un.org/content/documents/2639_Issues%20Brief%20on%20Peace%20etc_FINAL_21_Nov.pdf (last accessed 24 November 2016).

- Ensure universal freedom of expression, association, peaceful assembly and access to independent media and information.
- Guarantee the public's right to information and access to government data, including budgets.
- Enhance state capacity, transparency and accountability regarding the control of natural resources and the equitable sharing of benefits derived from their exploitation.

Rule of Law

- Provide free and universal legal identity, including universal birth registration, by year Y.
- Ensure independence of judiciary and increase the accessibility and responsiveness of justice services by X% by year Y.
- Improve capacity, professionalism and accountability of security institutions (including police) by X% by year Y.
- Increase by X% the share of women and men, communities and businesses with secure rights to land, property and other assets by year Y.
- Ensure equal right of women to own and inherit property, sign a contract, register a business and open a bank account, by year Y.

When these topics were then discussed in the OWG, there was widespread support for the goals and targets on peace, rule of law and governance proposed in the report of the HLP and the global thematic discussions, with a strong momentum for these issues to be featured prominently within the new development goal framework. However, there were still some dissenting voices that held that the inclusion of peace and security might divert the development focus of the OWG and which suggested leaving such topics to be addressed by the UN Security Council and peacekeeping operations.⁷¹ In the ensuing discussions, it became increasingly clear that peace, rule of law and governance should be included as a stand-alone goal, that tools and indicators for measuring progress in this cluster have advanced greatly in recent years and that “measurability is not an insurmountable obstacle to the cluster’s inclusion in the SDG framework”.⁷²

Apart from the fact that the OWG gradually came to a consensus that issues of peace, rule of law and governance should be a prominent part of the post-2015 framework, it is worth considering the concrete proposals and topics that were put on the agenda of the OWG. Despite the fact that the OWG was clearly an intergovernmental process that was driven by Member States who were free to include any issues and items of their choice into their agenda, the background documents and proposals put before the OWG, such as the TST briefing paper,

⁷¹ Open Working Group on Sustainable Development Goals, eighth session, 3-7 February 2014, Summary, p. 11.

⁷² Open Working Group on Sustainable Development Goals, Progress report of the ninth session, March 2014, p.30.

clearly had an influence on framing the debate and allocating room for discussion to an already tight agenda. Issues framed in a certain context were then likely to be discussed within this context. Analysing the TST Brief with a view to the preceding consultations, it can be stated that the Brief generally does a good job in synthesizing most of the previous proposals and inputs in its list of optional targets reproduced above. In particular, all targets relevant to peace, security and governance contained in the HLP report are included in the above list. At the same time, the TST Brief gives less room to law enforcement and justice systems than the HLP report, the Glen Cove report, or the UNODC report. Compared to the Glen Cove proposed list of targets, targets B1, B2 and B3 are missing, while targets A3 and C8 are partially wrapped into other targets, which meant that most targets related to the capacity and accessibility of law enforcement and justice institutions were missing from the TST Brief.⁷³ While this is probably not the only reason why these targets do not feature prominently in the final proposal of the OWG, it is likely that it had a strong influence. The fact is that on the list of 169 targets of the SDG there is no explicit reference to “law enforcement” or “justice institutions”, or to their accountability or impartiality, while much of Goal 16 revolves around justice and accountable institutions.

The question of how to integrate human rights into the SDG framework was already dealt with at the sixth session of the OWG.⁷⁴ The key message that emerged from that working group was that “good governance based on human rights, rule of law, access to justice and to information, transparency and accountability is a prerequisite for sustainable development”. However, the group followed the argument developed by the global thematic consultations, the HLP and other expert groups (see above) that human rights are cross-cutting and should be mainstreamed across all SDGs, rather than being a stand-alone goal. The OWG also reiterated that the rights of women are centrally important in all domains.⁷⁵

Given the widespread support for the goals and targets on rule of law, access to justice and corruption, proposed by the various stakeholders and intergovernmental consultations, by the time of its tenth session, the OWG had already compiled a list

⁷³ B1: Achieve full trust and confidence in law enforcement and justice systems; B2: Ensure law enforcement and justice systems are accessible, impartial, non-discriminatory and responsive to the needs and rights of individuals and social groups; B3: Strengthen the capacity of states to investigate, prosecute and sentence perpetrators of crimes; A3: Enhance equity and social cohesion and ensure adequate formal and informal mechanisms are in place to manage disputes peacefully; C8: Ensure justice institutions are accessible, independent, and well resourced, and respect due process rights.

⁷⁴ On mainstreaming this and other goals, such as Youth, Migrants, Gender Equality or Disaster Preparedness into the SDGs, see the document by the Open Working Group on Sustainable Development Goals, twelfth session, Mainstreaming topics for SDGs, available at <https://sustainabledevelopment.un.org/owg12.html> (last accessed 30 September 2016).

⁷⁵ Open Working Group on Sustainable Development Goals, sixth session, 9-13 December 2013, Summary, p. 11.

of 13 targets under draft Goal 19 (which was later to become SDG 16), provisionally entitled ‘Peaceful and non-violent societies, capable institutions’:⁷⁶

1. Effective, accountable and transparent institutions
2. Fighting corruption in all its forms
3. Freedom of media, association and speech
4. Improved public access to information
5. Improvement of transparency in public finances management
6. Inclusive, participatory decision-making
7. Providing access to independent and responsive justice systems
8. Provision of legal identity, provision of property, use and access rights, to all persons
9. Provision of public services for all
10. Reduction of crime, violence, abuse, exploitation, including against children and women
11. Strengthening local governments
12. Strengthening of civil society
13. Strengthening the rule of law at all levels

In subsequent discussions, some of these targets were taken out of this cluster, as they were seen to fit better within other clusters or to be streamlined across all SDGs (for example, rights of access to land and property can now be found in almost identical formulations in targets 1.4 and 5.a). However, most of the targets on this list made their appearance in the final outcome document of the OWG group:

Target 1 of this list was a combination of the TST targets on justice and security but at this stage of the OWG, target 1 now has a formulation that excludes the reference to “security” or “justice” institutions. In all subsequent versions of the OWG proposal, the formulation was kept the same and no more reference was made to “security” or “justice” institutions. Target 2 went into final target 16.5. Target 3 was later dropped and partially merged with target 4 to form target 16.10 of the OWG proposal in a compromise that does not explicitly refer to “freedom of speech”, as this proved to be too controversial. Target 5 was more or less dropped, since the final target 16.6 only refers to the transparency of institutions generally, not to public finance. Target 6 went into final target 16.7, target 8 went into final target 16.9, target 9 went into final target 16.6 and target 10 was split into final targets 16.1 and 16.2 (and the reference to “crime” was dropped). A major changed

⁷⁶ Open Working Group on Sustainable Development Goals, Compendium of existing goals and targets under the 19 Focus Areas being considered by the Open Working Group, 1 April 2014, available at <https://sustainabledevelopment.un.org/owg10.html> (last accessed 28 September 2016).

occurred in that targets 7 and 13 were folded together into the wide-ranging final target 16.3 on rule of law and access to justice.

At its eleventh session, the working document⁷⁷ of the OWG already included an advanced list of 10 targets under Goal 16 entitled “Peaceful and inclusive societies, rule of law and capable institutions” in two sections:

1. Creating peaceful and inclusive societies:

- a) by 2030 reduce by x% crime, violence and exploitation especially of children and women including by reducing organized crime and human trafficking
- b) by 2030 eliminate discriminatory laws, policies and practices, empower marginalized groups, in the social, political and economic fields
- c) by 2030 establish inclusive, participatory decision-making, including at local governments, taking into consideration the interests of future generations
- d) by 2020 provide information and education on a culture of nonviolence
- e) by 2030 implement planned and managed migration policies

2. Rule of law, capable institutions:

- a) by 2030 develop effective, accountable and transparent institutions at all levels
- b) by 2030 provide equal access to independent and responsive justice systems including related to property and tenure rights, employment, business, taxation, trade and finance
- c) by 2020 provide public services for all, including legal identity
- d) improve access to information on public finance management, public procurement and on the implementation of national development plans
- e) by 2030 decrease by x% corruption in all its forms and illicit financial flows

In the above list, most of the targets in the final outcome document of the OWG were already included, plus some additional ones that were later moved to other sections (such as target 1.d on “education on a culture of nonviolence” to final target 4.7 and target 1.e on “migration policies” to final target 10.7).

While Goal 16 already now featured most of the targets finally adopted by the OWG, there were continuous requests and proposals to include new or modified goals from Member States, civil society organizations and other stakeholders. By its twelfth session, the OWG’s list of targets⁷⁸ under SDG 16, now entitled ‘Achieve

⁷⁷ Open Working Group on Sustainable Development Goals, Working Document for the Eleventh Session of the Open Working Group on SDGs, 5-9 May 2014, available at <https://sustainabledevelopment.un.org/owg11.html> (last accessed 28 September 2016).

⁷⁸ Open Working Group on Sustainable Development Goals, Introduction and Proposed Goals and Targets on Sustainable Development for the Post-2015 Development Agenda, 2 June 2014, available at <https://sustainabledevelopment.un.org/owg12.html> (last accessed 29 September 2016).

peaceful and inclusive societies, rule of law, effective and capable institutions’ had again changed noticeably and had expanded to include a total of 17 targets, with targets newly added (or taken up again from previous proposals) on illicit financial flows, democratic practices, strengthened mechanisms for dispute resolution, internally displaced persons and refugees, accountability of security forces, police and the judiciary, access to laws, and freedom of media, association and speech.

In ongoing consultations, the OWG continued to receive requests for amendments as well as the inclusion of new targets from civil society groups and other major stakeholders, which were progressively worked into a revised version of the final OWG proposal.⁷⁹ During these deliberations, inputs from the statistical community (through the Friends of the Chair group) on the degree of data availability for a list of indicators matched to the 17 proposed targets was also taken into account (see also Table 7 further below). However, most of these additional proposed targets did not make it into the final outcome document as the OWG struggled to keep the number of targets under SDG 16 to a manageable number.

By the time of the thirteenth session, the OWG secretariat had compiled a near final list⁸⁰ of 8 outcome and 2 structural targets under SDG 16, now entitled ‘Achieve peaceful and inclusive societies, access to justice for all, and effective and capable institutions’. This list already included all the targets finally adopted, except a target on reducing arms flows (finally part of target 16.4), while dropping (or moving elsewhere) targets on democratic practices, internally displaced persons and refugees, accountability of security forces, police and the judiciary. This ‘zero draft (rev1)’ also had corruption and bribery not yet as a stand-alone target while the terms ‘freedom of expression, association and peaceful assembly’ was changed in the final outcome document in favour of the more neutral expression ‘protect fundamental freedoms’.

At the end of the process, the final outcome document⁸¹ of the OWG from 19 July 2014 contained the following 12 targets under Goal 16, entitled ‘‘Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and effective, accountable and inclusive institutions at all levels’:

⁷⁹ Open Working Group on Sustainable Development Goals, twelfth session, 16-20 June 2014, Morning Hearings with Major Groups and other Stakeholders, available at <https://sustainabledevelopment.un.org/owg12.html> (last accessed 29 September 2016).

⁸⁰ Open Working Group on Sustainable Development Goals, Introduction and Proposed Goals and Targets on Sustainable Development for the Post-2015 Development Agenda, Zero Draft rev 1, thirteenth session, 14-18 July, available at <https://sustainabledevelopment.un.org/owg12.html> (last accessed 29 September 2016).

⁸¹ Open Working Group on Sustainable Development Goals, Introduction and Proposed Goals and Targets on Sustainable Development for the Post-2015 Development Agenda, thirteenth session, 19 July 2014, available at <https://sustainabledevelopment.un.org/owg13.html> (last accessed 29 September 2016).

16.1	Significantly reduce all forms of violence and related death rates everywhere
16.2	End abuse, exploitation, trafficking and all forms of violence against and torture of children
16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all
16.4	By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime
16.5	Substantially reduce corruption and bribery in all their forms
16.6	Develop effective, accountable and transparent institutions at all levels
16.7	Ensure responsive, inclusive, participatory and representative decision-making at all levels
16.8	Broaden and strengthen the participation of developing countries in the institutions of global governance
16.9	By 2030, provide legal identity for all, including birth registration
16.10	Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements
16.a	Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime
16.b	Promote and enforce non-discriminatory laws and policies for sustainable development

The final outcome document differs from the previous two proposals in respect of only a few targets. Targets 16.1 and 16.2 were split into two targets without substantively changing the substance of earlier proposals, target 16.4 was widened through the inclusion of stolen asset recovery and organized crime, while target 16.8 was added as a new goal on the request of developing countries. Target 16.a was added as a new target (promoted mostly by OHCHR and human rights groups), partially compensating for the absence of a target on the capacity and accountability of security and justice institutions (this is apparent more from the indicator chosen to measure the target, rather than from the target itself).

The major change in comparison with most previous proposals came in target 16.3. This target combines the rule of law and access to justice into one single target, while many previous proposals (including the HLP, the Glen Cove and UNODC reports) had suggested to have two or more separate goals for these objectives, given their importance as both enablers and outcomes of sustainable development. Target 16.3 also has a very general formulation that does not define clearly what elements of the rule of law and access to justice are referred to, how progress can be defined and how it can be measured. However, taking into account all the preceding discussions on targets and indicators on rule of law and access to justice, we can state that the rule of law includes at a minimum such important elements as the capacity and accountability of security institutions, the capacity and accessibility of justice institutions, adherence to due process procedures, impartiality and non-discrimination. However, if all these aspects are implicitly included in one single target, the question becomes how to define appropriate indicators for the target.

Discussion

Compared to the MDGs, the efforts of the entire UN system for outreach, transparency and consultation on the SDGs was historic and unprecedented. The inputs from governments, civil society groups⁸² and academia was decisive and many private individuals shared their concerns and suggestions by expressing their opinions in surveys, online consultations and social media.⁸³ The United Nations development group, which unites 32 UN agencies and funds, gathered the inputs of more than one million people all over the world, half of them under the age of 30, with an emphasis on reaching the most vulnerable and marginalized groups as well. The report, *A Million Voices: The World We Want*⁸⁴ is the result of 88 national consultations, 11 thematic dialogues and an online global survey, which was carried out over one year and was launched in September 2013.⁸⁵ Further inputs and information on the challenges and opportunities to implement sustainable development goals were gathered through a series of dialogues led by UN country teams and published in the report *Delivering the Post-2015 Agenda: Opportunities at the National and Local Levels*⁸⁶ in September 2014. By that time, the largest ever global survey, the "My World" survey led by the UNDG, had already collected responses from over 4.5 million people from all over the world.⁸⁷

Regarding the wide political field of peace, security, governance, rule of law and access to justice, there was a long and controversial debate about whether these issues should be included in the post-2015 agenda at all or should be left outside and dealt with by the UN Security Council, which normally has the prerogative of dealing with these issues. There was a concerted effort from within the UN system to bring these issues onto the agenda and to have them included both as a stand-

⁸² On the contribution of civil society organisations and evidence of their influence on the post-2015 process and the development of the SDGs, see www.beyond2015.org (last accessed 20 September 2016). For an early proposal by a consortium of civil society actors (also referred to as the "Bellagio Process"), see: Nicole Bates-Eamer, Barry Carin, Min Ha Lee and Wonhyuk Lim with Mukesh Kapila, *Post-2015 Development Agenda: Goals, Targets and Indicators*. Special Report, The Centre for International Governance Innovation (CIGI) and the Korea Development Institute, October 2012, available at <https://www.cigionline.org/publications/post-2015-development-agenda-goals-targets-and-indicators> (last accessed 22 November 2016).

⁸³ See, for example: <https://www.worldwewant2030.org/> (accessed 20 September 2016).

⁸⁴ United Nations Development Group, *A Million Voices: The World We Want*, United Nations, September 2013, available at <http://www.ohchr.org/Documents/Issues/MDGs/UNDGAMillionVoices.pdf>

⁸⁵ New UN report reflects voices of more than 1 million people on development issues, available at <http://www.un.org/apps/news/story.asp?NewsID=45805> (last accessed 14 November 2016).

⁸⁶ United Nations Development Group, *Delivering the Post-2015 Agenda: Opportunities at the National and Local Levels*, UNDP, September 2014.

⁸⁷ The first 6 priorities (out of 16) out of all respondents globally were: a good education; better healthcare; better job opportunities; an honest and responsive government; affordable and nutritious food; and protection against crime and violence. By September 2016, over 9.7 million votes had been collected, resulting in the same order of priorities. See *My World Survey 2015, Data Overview*, <http://data.myworld2015.org> (accessed 19 September 2016)

alone goal and as a cross-cutting issue.⁸⁸ One early effort to highlight the importance of issues related to rule of law, violence prevention and peace was provided through the theme of the World Development Report 2011, which documented the linkages between conflict, security and development.⁸⁹ Major support came also from the High Level Panel and particularly its three co-chairs (see above). Another important impetus came from a parallel political process that succeeded in getting political agreement on what the concept of “Rule of Law” actually entailed – this was achieved in a declaration adopted by the United Nations General Assembly in 2012.⁹⁰ In this Declaration, States acknowledge the strong interrelation between rule of law and development, which are mutually reinforcing, and call for this interrelationship to be considered in the post-2015 international development agenda.⁹¹

From the early discussions onwards, UN officials working on the subject made an effort to frame issues of “peace, justice and institutions” (the internal short-hand designation for what eventually became SDG 16) as “universal objectives” to all countries and not confined to issues of “peace-building” concerning only conflict-affected countries. This was in keeping with earlier UN mandates for creating a universal sustainable development agenda and had a decisive impact on the formulation of the goal and targets as applicable to all countries. In addition, despite the push to have a separate SDG goal on “peace, justice and institutions” included in the SDGs, there was a conscious effort not to see them in isolation from other goals and targets and to recognize the interlinkages between development, violence, peace, justice and rule of law. According to one official involved in the process, there are as many as 38 targets out of the 169 targets that are clearly related to the concept of peaceful, just and inclusive societies, thus going far beyond the 12 targets under SDG 16.

Despite the long antecedents and preparatory work, by the time the question on how to account for security, justice and rule of law moved to the discussions of the OWG in 2013-2014, the issue had become highly contentious with some governments (including the Russian Federation, China, Cuba and others) fearing a “Trojan horse” inside the sustainable development agenda that would justify interventions in internal affairs. Other governments (e.g. from the G77 group) resisted the “securitization” of rule of law topics for official development assistance, and the

⁸⁸ An early supporter of giving a prominent role to issues of peace, security and governance within the post-2015 development agenda was Deputy Secretary-General Jan Eliasson, whose advocacy on behalf of the issue has been critical to promoting a stand-alone goal on peace, justice and institutions within the wider UN system. Another supporter of a prominent role for the rule of law, justice and security was Ms. Amina J. Mohammed of Nigeria, who had been appointed as the Special Adviser on Post-2015 Development Planning by Secretary-General Ban Ki-Moon in June 2012.

⁸⁹ World Bank, World Development Report 2011: Conflict, Security, and Development, Washington D.C., 2011.

⁹⁰ Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (A/RES/67/1), Resolution adopted by the General Assembly on 24 September 2012.

⁹¹ Ibid, p. 2.

g7+ (a group of conflict affected countries) was concerned about the use of certain SDG targets on conflict and violence for aid conditionality.⁹² Yet others (e.g. Brazil, which made a bid for a UN Security Council seat at the time) argued that issues related to peace and violence are the prerogative of the UN Security Council and should not be relegated to a single goal of the post-2015 agenda. In the end, issues such as disarmament have been completely left out of the SDG framework, with the exception of (half) a target on the prevention of illicit arms flows (Target 16.4 with a corresponding indicator limited to small arms and light weapons).

An important gap in SDG 16 is the absence of an explicit target on the accountability of security and justice institutions.⁹³ According to experts familiar with the process, this was due less to a deliberate attempt of Member States to prevent the inclusion of such a target and more to the need to limit the number of targets, although this argument may have been a convenient excuse for some governments to avoid the inclusion of such a target. In any case, the argument prevailed that accountability of security and justice institutions is already included in other targets, namely targets 16.6 (Develop effective, accountable and transparent institutions at all levels) and 16.3 (16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all). However, as will be shown in the next section, these dimensions are not captured by any of the indicators to measure the targets.

In contrast to other SDGs, within the wider field of governance, peace, security and rule of law, the discussion on indicators proceeded in parallel to the formulation of the goal and targets and this had repercussions on the selection and formulation of the targets. One reason for this exceptionalism of SDG 16 was that no similar target had been included in the MDGs and many governments were still sceptical that it is a measurable goal. A second, related, reason was that some Member States (such as Russia) made it clear that they would not accept targets on governance without seeing concrete indicators for measuring them, in order to ensure that these indicators would not be used for ranking countries (for example, in terms of corruption or other issues).

Other issues have been discussed by various working groups but have been left out for fear of creating “perverse incentives”. One example is the inclusion of a target on reducing the number of refugees or displaced persons – the argument was made that inclusion of a target on refugee numbers would create incentives to close the

⁹² The use of SDG indicators for aid conditionality would be clearly against the spirit of the 2030 Agenda, which emphasizes the ownership of the SDGs by Member States and provides goals and targets that should hold States accountable to their own citizens and not to donors or international governing bodies.

⁹³ Among many others, such a target was promoted by DPKO and various NGOs, including Saferworld. It has been argued that the accountability of all institutions (including security and justice institutions) is covered by Target 16.6 (Develop effective, accountable and transparent institutions at all levels), but the formulation of the indicator for monitoring this targets illustrates the gap of not referring explicitly to security and justice institutions: Indicator 16.6.2 measures the “proportion of the population satisfied with their last experience of public services”, which should theoretically include also the police, courts and other security and justice institutions but is a concept different from their accountability and transparency.

borders and/or not recognize refugees in order to keep the official number of displaced persons within a country's borders low.

In the end, the arguments for including peace, security, governance, rule of law and access to justice as a stand-alone goal into the SDGs won out with the inclusion of SDG 16 – but the proponents of a more restrictive agenda also got their way by limiting the scope of the goal and its targets. For example, the widely used terms “security”, “democracy” or “freedom of the media” do not appear in SDG 16 and other major issues have been left out altogether or have been substantially toned down in the final formulation of the SDG 16 targets.⁹⁴ It is also notable that of the 12 targets under SDG 16, only one has a defined numerical target (16.2), and this comes in the form of a total elimination of violence against specified groups (End abuse, exploitation, trafficking and all forms of violence against and torture of children) without setting a clear date. And, importantly, the whole concept of rule of law, which is a multidimensional concept that includes several distinct concepts such as access to justice, effective delivery of justice and impartiality of justice institutions, and which was long promoted as a stand-alone sustainable development goal, was reduced to a single target within SDG 16.⁹⁵

In previous sections it has been shown that the list of targets agreed upon has been arrived at through continuous discussion, negotiation, modification and reformulation of earlier proposals and drafts, which left their imprints on the final draft – in a sense, the SDGs and their targets “evolved” out of earlier drafts to take on their final shape. This also means that the targets have been negotiated as a compromise and are often convoluted formulations containing multiple objectives and concepts. In the final negotiations, all of the stakeholders had a vested interest in including “their” targets and formulations, and so they compromised by accepting objectives promoted by others into the goals and targets rather than dropping their own objectives, even if this came at the price of a list of bloated target formulations, a process that has been described by one commentator as “ratcheting up of targets” (as opposed to “ratcheting down”).⁹⁶ In the final analysis,

⁹⁴ For example, a suggestion by the SDSN to address the issue of global imbalances and the need for greater legitimacy by adjusting voting rights in international institutions can barely be recognized in target 16.8 (Broaden and strengthen the participation of developing countries in the institutions of global governance), and has an indicator (16.8.1 Proportion of members and voting rights of developing countries in international organizations) which now specifies neither a target nor a date. Cf. SDSN, 2013, op. cit., p. 25. Targets on democratic governance have been formulated by referring to “participatory decision-making” (16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels) and so on. However, the need to recognize political participation outside of the liberal construct of democratic governance had already been highlighted in earlier discussions on the subject. Cf. UNDP, UNICEF, PBSO (2013), op. cit., p. 19).

⁹⁵ According to experts familiar with the process, the decision to limit the whole concept of rule of law to one single target within a wider goal, rather than a goal in itself, was taken towards the end of the final late-night negotiations and was pushed by a group of countries including Egypt, Venezuela and Cuba.

⁹⁶ Langford Malcolm, *Lost in Transformation? The Politics of the Sustainable Development Goals, Ethics and International Affairs*, Volume 30, Issue 2, July 2016, pp. 167-176, available at <https://doi.org/10.1017/S0892679416000058> (last accessed 8 December 2016).

however, and despite the fact that the long list of goals and targets has been much criticized for its excessive length,⁹⁷ many experts familiar with issues of peace, security, rule of law and access to justice agree that the range of targets within SDG 16 are comprehensive, meaningful and generally well balanced.

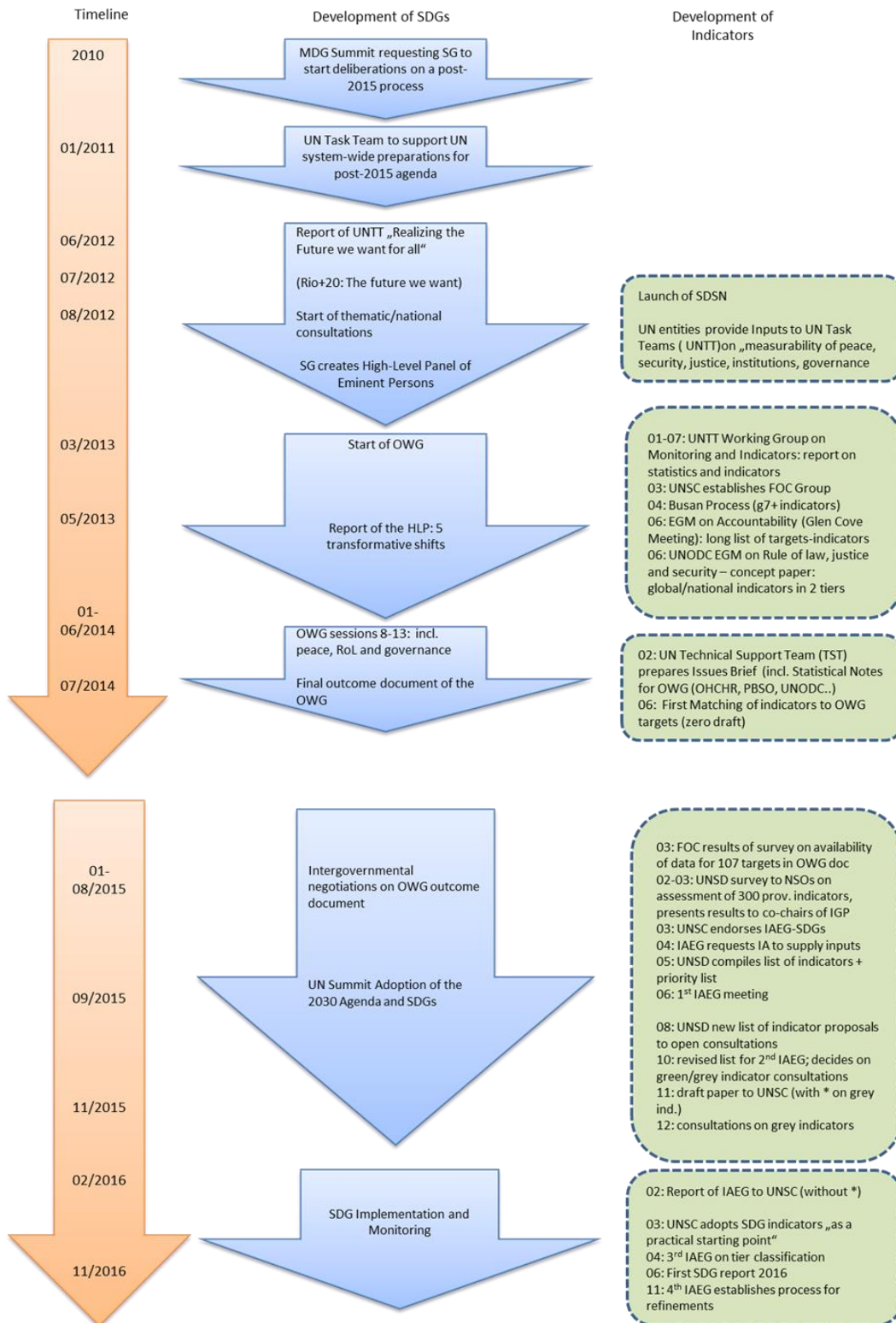
This is also the general conclusion of a serious multi-disciplinary scientific review of the SDG goals and targets: “From a science perspective, the proposed Sustainable Development Goals (SDGs) offer major improvements on the Millennium Development Goals (MDGs). Not only do they address some of the systemic barriers to sustainable development but they also offer better coverage of, and balance between, the three dimensions of sustainable development – social, economic and environmental – and the institutional/governance aspects”.⁹⁸

Most relevant for the purpose of this research report are specifically targets 16.3 and 16.5, since they relate to the rule of law, access to justice and corruption. As each of these targets in itself contains multiple objectives relating to multi-faceted and complex concepts, the interpretation of the targets and their operationalization in indicators for monitoring is confronted with big challenges, as will be further elaborated in the next chapter. For better orientation, a schematic overview and timeline of the process of developing the SDGs on the one hand, and the related indicators on the other hand, is provided on the next page.

⁹⁷ For example, The Economist quotes Bjorn Lomborg, a Danish economist, who has launched the Post-2015 Consensus, an effort to draw up a relatively short list of goals and targets whose benefits would far outweigh the costs of implementing them, as saying: “having 169 targets is like having no targets at all”, The Economist, The Economics of Optimism, 24 January 2015.

⁹⁸ International Council for Science (ICSU) and International Social Science Council (ISSC), Review of the Sustainable Development Goals: The Science Perspective. Paris: International Council for Science (ICSU), 2015, p. 7, available at <http://www.icsu.org/publications/reports-and-reviews/review-of-targets-for-the-sustainable-development-goals-the-science-perspective-2015/SDG-Report.pdf> (last accessed 8 December 2016).

Overview of the development process of the Sustainable Development Goals, Targets and Indicators



PART II: Developing indicators for measuring SDG 16

As is apparent from the above discussion on the development of the post-2015 agenda and its specific goals and targets, the selection of appropriate indicators for monitoring has been a central concern early on in the process of selecting and defining SDG 16 and its targets. In this context, the detailed indicator proposals submitted during the consultations on a framework of goals and targets served, first, to demonstrate the feasibility of including concrete targets on governance, security, rule of law, access to justice and corruption (something that served to “legitimize” the inclusion of such targets in the post-2015 agenda as this was disputed until fairly late in the process), second, to develop clear criteria on the selection of targets and indicators and, third, to put forward concrete measurement proposals in these areas for broader consultation, review and refinement.

UN System Task Team Working Group on Monitoring and Indicators

An important line of work on the criteria for the selection of targets and indicators that fed directly into other work streams on the development of goals and targets, as well as the elaboration of an appropriate indicator framework for the post-2015 development agenda, was the report “Statistics and Indicators for the post-2015 development agenda” by a special Working Group on Monitoring and Indicators created by the UN System Task Team on the Post-2015 Development Agenda. The Working Group had been established already in January 2013 to analyse lessons learned from the experience with monitoring the Millennium Development Goals (MDGs) with a view to developing recommendations on the design and criteria of numerical aspects of target-setting. The report on Statistics and Indicators for the post-2015 development agenda is built on inputs from over 60 UN entities and came out in July 2013. The report was further discussed at a side event during the 5th session of the Open Working Group on Sustainable Development Goals in November 2013.⁹⁹

While not proposing specific targets in itself, the report provides several important criteria for the selection of indicators. In particular, it elaborates criteria that future development targets should fulfil: *“To be effective, global development targets need to be specified in clear, concise, and objectively measurable terms. They should specify an easy-to-understand numerical scale for measurement and be capable of*

⁹⁹ UN System Task Team on the Post-2015 Development Agenda, Report on the Side event on Statistics and indicators for the post-2015 development agenda, held during the 5th session of the Open Working Group on Sustainable Development Goals on 26 November 2013.

aggregation to represent global and regional trends".¹⁰⁰ The report further states that indicators should be mainly “*outcome*” indicators in order to keep the focus on long-term results, be clearly linked to the targets, measurable over time, use data collected in countries in a cost-effective and practical manner, be helpful in informing policy, and be clear and easy to communicate to the general public and civil society.¹⁰¹

Regarding specific indicators on governance, the rule of law, peacebuilding, violence, conflict and human rights, the report finds that past work on standardization and harmonization of concepts and methods “provides a strong foundation for numerical target-setting and subsequent selection of indicators” and refers to existing methodologies for victimization surveys, violence against women, homicide, mortality statistics by cause of death, human rights, rule of law, as well as ongoing data development work on governance (e.g. transparency and corruption).¹⁰² Regarding the latter, the Working Group states that while perception-based indicators on corruption are widely used in opinion polls, indicators based on the actual experience of corruption, such as those promoted by UNODC, UNDP and the World Bank, are “considered more solid, relevant and useful”.¹⁰³

Finally, as a main lesson learned from the monitoring of the MDGs, the Working Group emphasized the critical role of the UN system agencies in coordinating the monitoring of the MDGs, and particular the role played by the Inter-Agency and Expert Group (IAEG) on MDG Indicators. Given this vital function of coordination and oversight, the WG recommended a similar IAEG to be set up for monitoring the post-2015 agenda.

Friends of the Chair Group on Broader Measures of Progress

As mentioned before, in parallel to the open, participatory and highly “political” work of defining, selecting and agreeing on the coming SDG goals and targets, a more specialized work-stream on the development of appropriate SDG indicators was taking place under the leadership of the UN Statistical Commission (UNSC) and its Secretariat, the UN Statistical Division (UNSD). While this work-stream remained more technical, the deliberations and inputs coming out of this process fed back into the SDG development process (outlined above) and influenced the selection and definition of SDG goals and targets.

¹⁰⁰ UN System Task Team on the Post-2015 Development Agenda, Statistics and Indicators for the post-2015 development agenda, July 2013, available at http://www.un.org/en/development/desa/policy/untaskteam_undf/UNTT_MonitoringReport.shtml (last accessed on 03.10.2016), p. vi.

¹⁰¹ Ibid, p. vii.

¹⁰² Ibid, p. x.

¹⁰³ Ibid, p. 35.

Formally, the mandate to start work on an appropriate framework of indicators to measure and monitor the post-2015 objectives came from the UNSC which called for the establishment of a Friends of the Chair (FOC) group to “develop broader measures of progress” and to “ensure that a robust statistical measurement approach is incorporated from the outset in preparations for the post-2015 development agenda”.¹⁰⁴ The FOC group,¹⁰⁵ which involved 22 National Statistical Offices, UN agency statisticians and other international organizations, was tasked to undertake national consultations (mainly with national statistical offices which should coordinate national consultations within their countries) and to reach out to the agencies of the UN system, regional commissions and sub-regional agencies to take an active role in the consultations. It was set up with a time-bound mandate to report to the UNSC in 2014 and 2015.¹⁰⁶

The FOC started its work in June 2013 with a first informal meeting and decided early on to be “actively involved in the process of the formulation of [post-2015] targets and indicators” and to focus strategically on working with the Open Working Group (OWG), for example by providing input and advice through meetings or through statistical notes providing background information for the thematic meetings of the OWG.¹⁰⁷

One of the first contributions of the FOC to the development of the SDG indicators was a set of comments by its members on the statistical implications of the report of the High Level Panel of Eminent Persons on the post-2015 Development agenda.¹⁰⁸ The FOC group comment agreed with the emphasis given by the HLP Report on the importance of a “data revolution” (involving “government statistical offices, international organizations, civil society organizations, foundations and the private sector”) to improve the quality of statistics, including investment in the development of concepts, measurement frameworks, classifications and standards that meet the requirements and quality standards of official statistics. To emphasize the importance of (official) statistics and insure sufficient financial support, the FOC even advocated the inclusion of a target on an “effective official statistical

¹⁰⁴ United Nations Statistical Commission, Report on the forty-fourth session (26 February-1 March 2013), Decision 44/114. Follow-up to the policy decisions of the General Assembly and the Economic and Social Council that are relevant to the work of the Statistical Commission: Response to the Rio+20 mandate for broader measures of progress, E/CN.3/2013/33, p. 19, available at <http://unstats.un.org/unsd/statcom/44th-session/documents/statcom-2013-44th-report-E.pdf> (last accessed 10 October 2016).

¹⁰⁵ Detailed background information and supporting documentation can be found on the website of the Friends of the Chair Group on Broader Measures of Progress at <http://unstats.un.org/unsd/broaderprogress/work.html> (last accessed 5 October 2016).

¹⁰⁶ United Nations Statistical Division, Information note for the Friends of the Chair Group on the Broader Measures of Progress”, 10 May 2013.

¹⁰⁷ Friends of the Chair Group for broader measures of progress. Note on an informal meeting held back to back with the ECE conference, 5 July 2013, p. 1.

¹⁰⁸ Friends of the Chair Group, Summary of FOC member’s comments on the HLP Report, 30 October 2013, p. 2-3.

system” as a target in its own right under Goal 10 (“Ensure Good Governance and Effective Institutions”) of the HLP proposal.¹⁰⁹

Another important contribution made by the FOC was through inputs to a special “Informal meeting of the Open Working Group on measuring progress”, which was held in December 2013 in New York.¹¹⁰ In this meeting, national chief statisticians and monitoring experts met with the members of the Open Working Group (OWG) to discuss how statistics can assist in the design of the post-2015 goals and targets to ensure that they will be measurable. In his keynote address, Walter Radermacher, Chief Statistician of the European Union, pointed out the importance of an appropriate measurement framework and relevant indicators for evidence-based decision-making based on *official* and high-quality statistics. He called for targets to be set realistically and measurably, which would require a constant dialogue between the OWG and Official Statistics in the process.¹¹¹

This theme was repeated in the first report of the FOC to the 45th session of the UNSC, which summarized the work of the FOC so far and called for the continuous close involvement of the statistical community in the development of the post-2015 agenda.¹¹² The report also repeats the call to include within the new framework a target related to an effective official statistical system and the need for statistical capacity development in developing countries supported by developed countries and international organizations (“global partnership on development data”).

Statistical Notes for the OWG

The “Statistical notes for the Open Working Group on Sustainable Development Goals (OWG)” prepared as background documents attached to the Issue Briefs were prepared by the Technical Support Teams (TST) for the various thematic meetings held by the OWG in the second half of 2013 and early 2014. The 29 statistical notes were prepared by the Technical Support Team (TST) groups of the various Issue Briefs, with inputs from members and observers of the FOC and members of the Committee for the Coordination of Statistical Activities (CCSA) and were subjected to a quick review process among the FOC members. All statistical notes were later compiled in a single document and submitted to the 45th session of the UNSC in early 2014 as well as to the co-chairs of the OWG.¹¹³ Their aim was to

¹⁰⁹ While this proposal was not taken up, a target on enhancing capacity-building support on statistics to developing countries was included in Goal 17, Target 18 of the SDGs.

¹¹⁰ Documentation, presentations and reports can be found at http://unstats.un.org/unsd/Dissemination/workshops/OWG_2013/default.html (last accessed on 3 October 2016)

¹¹¹ Radermacher, Walter, How can statistics assist in the design of the SDGs and post-2015 goals and targets?, Presentation made at the “Informal meeting of the Open Working Group on measuring progress”, New York, 17 December 2013.

¹¹² United Nations Statistical Commission, Report of the Friends of the Chair group on broader measures of progress. Note by the Secretary-General, E/CN.3/2014/4 of 23 December 2013.

¹¹³ United Nations Statistical Commission, Statistical notes for the Open Working Group on Sustainable Development Goals (OWG), Background document for the 45th session of the UN Statistical Commission 4-7 March 2014, February 2014, and Compendium of Statistical notes for the Open Working Group on Sustainable Development Goals (OWG), March 2014.

provide “a comprehensive and neutral picture of the statistical possibilities of measuring and monitoring the main issues identified in the Issue Briefs”, but not yet the proposal of any particular indicators as such.¹¹⁴

With regard to the specific issues of governance, peace, violence, human rights and rule of law there are two relevant statistical notes. The note on human rights summarizes the discussion by stating that most proposals from stakeholders, not least the OHCHR and other human rights bodies, advocate the integration of human rights throughout the post-2015 framework, rather than the inclusion of a stand-alone goal. Such mainstreaming requires that a human rights approach underpins general goals and targets (for example by ensuring the availability of and accessibility to certain goods for all) and implies that indicators need to be able to disaggregate outcomes by various dimensions (such as sex, age, disability, location, and income as well as by the most disadvantaged groups in each country, e.g. caste, indigenous peoples and migrants).¹¹⁵

The other background note that is relevant in this context is Statistical Note 29: Conflict Prevention, Post-conflict Peacebuilding and the Promotion of Durable Peace, Rule of Law and Governance.¹¹⁶ In this note, which draws strongly on the 2013 UNDP/UNICEF/PBSO report and the 2013 report by UNODC, both discussed in previous sections, reference is made to the current state of the art in measuring concepts such as governance and rule of law, the possible data sources, such as administrative records and sample surveys, and their respective trade-offs. Concrete examples of indicators that are mentioned in the statistical note as “collectable, reliable and comparable” are

- intentional homicide per 100,000
- percentage of women subjected to physical or sexual violence
- percentage of children aged under five years whose births have been registered
- percentage of persons who think that formal/informal mechanisms to resolve disputes and interpersonal conflict are accessible
- percentage of persons who have a bank account.¹¹⁷

The Statistical Note also includes some examples of “measurement challenges” and where methodologies need further improvements, such as conflict deaths, illicit flows of arms, drugs, finance and natural resources, as well as trafficked persons

¹¹⁴ Ibid, p. 2.

¹¹⁵ Ibid, p. 113.

¹¹⁶ Ibid, p.180-189. The following countries and organizations contributed to the drafting and review of this statistical note: Australia, Netherlands, United Kingdom, DPKO, OHCHR, PBSO, RoLU/EOSG, UNDP, UNEP, UNICEF, UNODC and UN Women.

¹¹⁷ Ibid, p. 185. The report also mentions composite indicators, such as the World Bank’s World Governance Indicators, but considers such indicators to be less suitable for measuring SDG targets for a number of reasons, including the question of how to weight various components of a component indicator and the difficulties of disaggregating them by variables such as sex, age and social group.

and smuggled migrants and the effect of informal or customary justice systems. Finally, a caveat is raised in relation to targets and indicators that may create perverse incentives.¹¹⁸

Comments of the FOC to the first indicator proposal by the SDSN

Another important contribution of the FOC was provided in a collaborative effort of the group to provide detailed comments on the indicator proposal prepared by the Sustainable Development Solutions Network (SDSN) in March/April 2014.¹¹⁹ The indicator proposal refers to the goals and targets proposed in the HLP, that is to an intermediate step in the development of the SDG goals and targets, but it was still an important contribution in the iterative process of arriving at a set of agreed SDG indicators, as some of the potential indicators were evaluated at an early stage of the process and were either strengthened, weakened or dropped altogether. The assessment of the proposed indicators, which was also transmitted to the co-chairs of the OWG, asked evaluators to rate indicators in a three-tier classification, according to the following code:

Legend	
A	Indicator is feasible to measure
B	Indicator is feasible, but will require some efforts to measure
C	Indicator is very difficult/not possible to measure in the available time frame.
N/A	Not applicable
TBD	To be determined: Country/Agency needed more time to provide evaluation

Out of the 100 indicators suggested in an interim proposal from the SDSN and assessed by the FOC group,¹²⁰ ten had a direct relevance to issues of peace, conflict, rule of law and governance.

Indicator #	Potential and Illustrative Indicator	Issue to Measure
6	Violent injuries and deaths per 100,000 population	Impact of conflict and violence
7	Refugees and internal displacement caused by conflict and violence	Impact of conflict and violence
27	Compliance with recommendations from the Universal Periodic Review and UN Treaties	Compliance with UN Human Rights Treaties and Protocols

¹¹⁸ Ibid, 187-188. Specific reference is made to conviction rates, which would not address the issue of quality of justice.

¹¹⁹ Friends of the Chair Group, SDSN Indicator Proposal Summary - Final, 8 April 2014 (in Excel).

¹²⁰ Thirteen countries that are members of the FOC, three regional organizations as well as fifteen international organizations participated in this assessment. However, not all countries and organizations provided assessments of all indicators.

28	Proportion of seats held by women and minorities in national parliament and/or sub-national elected office according to their respective share of the population (revised MDG indicator)	Discrimination
32	Rate of women subjected to violence in the last 12 months by an intimate partner	Violence against women
33	Percentage of referred cases of sexual and gender-based violence against women and children that are investigated and sentenced	Violence against women and access to justice
87	Publication of resource-based contracts	Business code of behaviour
88	Publication of all payments made to governments under resource contracts	Good governance and business code of behaviour
91	Perception of public sector corruption	Corruption
93	Assets and liabilities of BIS reporting banks in international tax havens (as per OECD definition), by country (US\$)	Use of tax havens

It is interesting to see that the assessments of the individual international and regional organizations differed systematically from the assessments of the country representatives in the FOC group. While country representatives rated the first six indicators in the list above mostly as “feasible” with A (and some with B) and the last four indicators exclusively with C, the specialized international organizations were more pessimistic and rated all the indicators mostly with B, with the exception of indicator 28 (which can be considered a structural indicator and was rated mostly A) and indicator 93 (which received no rating from any international organization). The presumable reason for this discrepancy is ‘positive self-selection’ of countries providing assessments to certain indicators only (presumably those they are able to measure at the national level while not responding to questions on other indicators). For the international organizations, experience with large data gaps in past data collections may have led to a more pessimistic assessment of the indicators. Moreover, beside this summary assessment of a number of proposed indicators, the qualitative comments provided by many respondents lead to a sweeping reformulation and change in the indicators put forward by the SDSN.¹²¹

Contribution of the FOC to the zero draft proposal by the OWG

In the first half of 2014, discussions on the list of SDG goals, targets and indicators progressed swiftly within and outside the Open Working Group (OWG), and at its 12th session in June 2014 the OWG presented a first tentative list of goals and targets

¹²¹For example, comments by UNODC and others led to a total reformulation of the proposed indicator on “violent injuries and deaths”, which includes other elements which do not measure security or external violence (for example suicides or non-intentional homicide) and its replacement with two indicators on intentional homicide and conflict related deaths. Similarly, the proposed indicator on “perception of corruption” was replaced by an experience-based indicator on corruption, based on recent methodological developments.

(zero draft – see also above). Members of the FOC continued to be actively involved in the discussions on targets and indicators and quickly reacted to the zero draft by compiling a list of indicators that “matched” the targets in the zero draft proposal.¹²² The list of potential indicators to “match” the proposed targets is still based on the proposed list of 100 indicators of the SDSN, augmented by 60 additional indicators on the MDGs and a list of 90 Sustainable Development Indicators developed by the Conference of European Statisticians (CES SDI).¹²³ This first matching of potential indicators to proposed targets also provides an assessment of data availability from members of the FOC group. The three-tier classification already used to rate the SDSN indicators before was retained but the assessment categories were now redefined as:

Table 6: Evaluation categories for indicators (June 2014)	
Legend	
A	80% of countries have at least 2 data points / Indicator feasible to measure
B	50-80% of countries have at least 2 data points / Indicator feasible with some effort
C	<50% of countries have at least 2 data points / Indicator very difficult or infeasible within time frame

The results of this first assessment of potential indicators for the targets under the 17 goals proposed in the zero draft of the OWG already indicated the potential challenges in finding appropriate metrics for SDG 16. Of the 17 targets under SDG 16, only two targets (or 11.8 per cent) could be matched with (four) indicators that were rated with A in the assessment exercise, the second lowest percentage for all 17 SDG goals.¹²⁴ Out of a total of 17 targets under SDG 16 in the OWG ‘zero draft’ proposal, more than half (9) did not even have a single indicator matched to them in the assessment (see Table 7).

¹²² Friends of the Chair Group, Matching of indicators to OWG targets (Zero draft) and assessment of data availability, June 2014 (in Excel).

¹²³ United Nations Economic Commission for Europe, Conference of European Statisticians Recommendations on Measuring Sustainable Development, New York and Geneva, 2014, available at https://www.unece.org/fileadmin/DAM/stats/publications/2013/CES_SD_web.pdf (last accessed on 12 October 2016). The recommendations are based on the work of a joint Task Force of Experts from the United Nations Economic Commission for Europe (UNECE), the European Commission (Eurostat) and the Organisation for Economic Co-operation and Development (OECD), set up under the Conference of European Statisticians (CES) in 2009, to develop harmonized indicators for measuring sustainable development. The Task Force followed up on the work of a previous UNECE/Eurostat/OECD Working Group on this topic, which produced a publication on Measuring Sustainable Development in 2009. The proposed list of indicators was finished in 2013 and does not contain any indicators on governance, rule of law or access to justice.

¹²⁴ Friends of the Chair Group, June 2014, op. cit, sheet 3.

TABLE 7. Matching of proposed indicators to targets by FOC group (June 2014)				
<i>Proposed goal 16: Achieve peaceful and inclusive societies, rule of law, effective and capable institutions</i>				
<i>Fostering peaceful and inclusive societies</i>				
Target #	OWG Target	Indicator	Source	Rating
16.1	By 2030, reduce levels of violence and related death rate by X%			
		Rate of women subjected to violence in the last 12 months by an intimate partner (SDSN Indicator #32)	<i>SDSN</i>	A
		Percentage of referred cases of sexual and gender-based violence against women and children that are investigated and sentenced (SDSN #33)	<i>SDSN</i>	A
		Crude death rate due to assault (death per 100,000 people) (CES Indicator #33)	<i>CES</i>	A
		Expenditures on safety (CES #34)	<i>CES</i>	C
16.2	By 2030 end abuse, exploitation and violence against children			
16.3	By 2030 reduce illicit financial flows by X% and reduce money laundering and all forms of organized crime including human trafficking and illicit trade in arms, drugs and wildlife			
16.4	By 2030 increase inclusive, participatory and representative decision-making at all levels, taking into consideration the interests of present and future generations			
16.5	By 2020 build necessary capacities of sub-national and local governments for fostering peaceful and inclusive societies			
		Generalized trust (CES #71)	<i>CES</i>	C
		Trust in institutions (CES #76)	<i>CES</i>	B
16.6	Forge unity in diversity through democratic practices and mechanisms at the local, national and international levels			

		Bridging social capital (CES #72)	<i>CES</i>	C
		Contact with family and friends (CES #73)	<i>CES</i>	C
		Participation in voluntary work (CES #74)	<i>CES</i>	C
		Contribution to international institutions (CSE #78)	<i>CES</i>	C
16.7	By 2020 provide information and education on a culture of non-violence			
16.8	Strengthen mechanisms for formal and non-formal dispute resolution at all levels			
16.9	Reduce the number of internally displaced persons and refugees			
		Refugees and internal displacement caused by conflict and violence (SDSN #7)	<i>SDSN</i>	B
16.10	Enhance the capacity, professionalism and accountability of the security forces, police and judiciary			
<i>Rule of law, effective and capable institutions</i>				
16.11	Develop effective, accountable and transparent public institutions at all levels			
		Perception of public sector corruption (SDSN #91)	<i>SDSN</i>	C
		Generalized trust (CES #71)	<i>CES</i>	B
		Trust in institutions (CES #76)	<i>CES</i>	B
16.12	By 2030 provide equal access for all to independent, effective and responsive justice systems that respect due-process rights, and equal access to legal aid			
16.13	By 2020 provide legal identity for all, including birth registrations			
		Percentage of children under age 5 whose birth is registered with a civil authority (SDSN #26)	<i>SDSN</i>	A

16.14	By 2020 improve public access to information and government data, including on public finance management, public procurement and on the implementation of national development plans			
		Publication of resource-based contracts (SDSN #87)	<i>SDSN</i>	C
		Publication of all payments made to governments under resource contracts (SDSN #88)	<i>SDSN</i>	C
16.15	By 2030 ensure that all laws are publicized and accessible by all			
16.16	By 2030 establish and implement effective regimes to decrease and provide accountability for corruption and bribery in all its forms and at all levels			
		Perception of public sector corruption (SDSN #91)	<i>SDSN</i>	C
16.17	Promote freedom of media, association and speech			

Like other work outputs of the FOC group, the assessment of data availability was communicated to the OWG co-chairs and contributed to the iterative process of target formulation and selection. However, in terms of actual indicators selected under SDG 16, out of all proposed SDSN indicators only SDSN indicator # 26 (on birth registrations) eventually coincided with the final SDG list.¹²⁵

After the adoption of the final list of SDG goals and targets by the OWG in July 2014, the work of the statistical community on the formulation and selection of indicators entered into a new phase. While the FOC group was still active, the Committee for the Coordination of Statistical Activities (CCSA) now took on a more active role and planned the elaboration of a full indicator framework for the targets proposed in the OWG outcome document until the 47th session of the Statistical Commission in March 2016.¹²⁶ The proposal was formally proposed in a suggested ‘road map on the development and implementation of an indicator monitoring framework’ contained in the final activity report of the FOC group to

¹²⁵ One of the reasons for this limited impact of the SDSN proposals on the final selection of indicators can be found in the highly “academic” approach taken by the experts contributing to the network, which commonly resulted in indicators that would be “nice to have” without regard to the cost, feasibility or practicality of data collection in the global context.

¹²⁶ Committee for the Coordination of Statistical Activities, Twenty-fourth session, Work on the indicator framework for the post-2015 development agenda, SA/2014/9, 8 September 2014.

the 46th session of the UNSC in March 2015.¹²⁷ In this report, reference is made to the past work on indicators, existing proposals and criteria for indicator selection.¹²⁸ It is then proposed that the UNSC at its forty-sixth session establish a new mechanism modelled on the Inter-agency and Expert Group on MDG indicators (IAEG-MDG), consisting of international agencies, regional organizations and national statistical offices, for the further development of SDG indicators.¹²⁹ The work of the international agencies in this process is highlighted as the FOC group expresses its expectation that the system of custodian agencies that has been applied for the monitoring of the MDGs, would be largely followed also for the post-2015 monitoring, with a greater number of contributing specialized agencies owing to the larger scope of the agenda (such as the inclusion of governance, rule of law and access to justice). The ongoing monitoring and publication of data on relevant SDG indicators would be complemented by an annual statistical report on progress towards the SDG goals and targets prepared by the Department of Economic and Social Affairs.

During the UNSC session in March 2015, the FOC also presented the results of a new survey among Member States on the *availability* of data for 107 targets proposed in the OWG outcome document.¹³⁰ The survey had been launched in October 2014 and had an (extended) deadline of 30 January 2015. A total of 91 responses were received, of which 55 were from developing countries (but only 11 from the 48 least developed countries). The survey asked for data availability both at the level of targets and indicators and collected suggestions for additional or alternative indicators to measure the targets. One major result of the survey was that, while many countries already have data to cover a large number of targets, substantial investment in capacity building for data production will still be required.¹³¹ Another important result is that lower data availability requiring more capacity building is reported especially for the “new” goals and targets (those not

¹²⁷ United Nations Statistical Commission, Report of the Friends of the Chair group on broader measures of progress. Note by the Secretary-General, E/CN.3/2015/2 of 16 December 2014.

¹²⁸ Mention is made, for example, that indicators should be SMART, that is: specific, measurable, available/achievable in a cost effective way, relevant for the programme, and available in a timely manner. *Ibid.*, p. 8.

¹²⁹ The road map to develop an indicator and monitoring framework for the post-2015 development agenda in a “multi-stage process” with broad participation of Member States, UN agencies and other stakeholders, was further discussed in a large expert group meeting in New York in February 2015, attended by 110 participants from 22 countries, 28 agencies, funds and programmes. See: Report of the Expert Group Meeting on The indicator framework for the post-2015 development agenda, 25-26 February 2015, New York, ESA/STAT/441/2/58A/L3.

¹³⁰ Friends of the Chair Group for broader measures of progress. Results of the global questionnaire of the Friends of the Chair on broader measures of progress, Part II: Availability of indicators for Sustainable Development Goals and associated targets, Background paper for the 46th session of the Statistical Commission, February 2015.

¹³¹ While it could be expected that this is particularly so in developing countries, for a number of reasons the results of the survey did not indicate a lower data availability in low and lower-middle income countries. One likely reason is a positive self-selection of responding countries that have more data available. Another reason could be an overestimation of the capacity of reporting countries to supply data at the required level of quality.

included under the MDGs, such as SDG 16). For example, while across all 16 SDGs (SDG 17 was not rated), for 52 out of the 107 targets (49 per cent), at least 60 per cent of countries indicated that they had available data to measure at least one indicator for this target, the same was indicated for only 2 out of the 10 targets under SDG 16 (20 per cent). These two targets were 16.1 (Significantly reduce all forms of violence and related death rates everywhere) and 16.9 (By 2030, provide legal identity for all, including birth registration), a result that confirmed previous findings from the assessment of SDSN indicators by the FOC (see Table 7). When asked about the availability of data for specific indicators, data for one additional indicator are reported to be available in more than 60 per cent of countries, namely one indicator on trust under target 16.6 (Develop effective, accountable and transparent institutions at all levels).¹³²

Shortly after this first survey on the availability of data for SDG indicators was launched, already in December 2014 the newly appointed co-facilitators of the process of intergovernmental negotiations on the post-2015 development agenda requested the chair of the UN Statistical Commission to urgently provide a more comprehensive draft framework of indicators (3-5 indicators per SDG target based on the OWG proposal) to inform the ongoing intergovernmental negotiations.¹³³ They also asked for this list to be available in advance to a major intergovernmental meeting on 23-27 March 2015. The acting chair of the UNSC responded positively to this request but cautioned that the ongoing participatory and iterative process of defining and selecting the final SDG indicators is a technical process that will require more time and that only a preliminary proposal that illustrates the ease or difficulty of measuring certain targets will be available by the requested time.¹³⁴

To fulfil the request of the co-chairs of the international negotiations on the post-2015 development agenda, the United Nations Statistics Division (UNSD) of the Department of Economic and Social Affairs (DESA), as the Secretariat of the UNSC, at short notice launched another survey sent in February 2015 to all National Statistical Office, asking for their initial assessment of more than 300 provisional

¹³² It should be noted here that the results of the survey can only indicate very general trends in data availability for the final SDG indicators, since the questions referred to the set of indicators proposed by the SDSN, CES and former MDG indicators. Thus, the indicator formulation in the survey included 16.1.1 Violent injuries and deaths per 100,000 population (SDSN Indicator #93), 16.9.1 Percentage of children under age 5 whose birth is registered with a civil authority (SDSN Indicator #98) and 16.6.2 Trust in institutions (CES Indicator #76). Only 16.9.1 was retained substantively unchanged in the final indicator framework. See Friends of the Chair Group for broader measures of progress. Questionnaire of the Friends of the Chair on broader measures of progress, Part II: Availability of indicators for Sustainable Development Goals and associated targets, October 2014.

¹³³ This request by the co-chairs, which implied a possible list of some 800+ indicators, created considerable concern both on the policy side of international agencies working on the SDGs (such as the ROL unit, the PBSO, DESA) for fear of losing the focus of the negotiations and the statistical community, which aimed for a limited number of indicators for the SDGs.

¹³⁴ Letter of the Permanent Missions of the Republic of Kenya and Ireland to the President of the Hungarian Central Statistical Office of 19 December 2014 and Letter of the President of the Hungarian Central Statistical Office to the Permanent Missions of the Republic of Kenya and Ireland of 12 January 2015.

indicators. The results had been made available to the co-chairs of the intergovernmental negotiations and other stakeholders in a technical report of the Bureau of the Statistical Commission in March 2015.¹³⁵ The report stresses that the proposed indicators in this list are provisional and have not been discussed or endorsed by national experts and should not pre-judge the final outcome. However, despite the short time frame of its production, the list of indicators had vastly expanded and was only partly overlapping with the indicators in the October 2014 survey. New or alternative indicators based on the inputs of various stakeholders or taken from previous reports on SDG monitoring were included in the survey (see below). Moreover, the UNSD survey asked Member States to rate each proposed indicator according to three¹³⁶ dimensions on a scale from A-B-C to produce a composite rating in three letters (for example, BAA), according to the following classification:

Question 1: Feasibility	Question 2: Suitability	Question 3: Relevance
<i>A: Easily feasible (methodology exists and data is available)</i> <i>B: Feasible with strong effort</i> <i>C: Difficult, even with strong effort</i>	<i>A: We support this indicator</i> <i>B: We need to discuss and/or consider other indicators</i> <i>C: We do not support this indicator</i>	<i>A: Very relevant</i> <i>B: Somewhat relevant</i> <i>C: Not relevant</i>

Table 9 shows which indicators were included in the survey under Goal 16 targets, and from which sources these indicators came or were at least partially derived. It also shows the aggregate rating scores¹³⁷ on the feasibility, suitability and relevance that the indicators obtained in the survey.¹³⁸

Indicator #	Definition	Rating	Source
16.1.1	Homicide and conflict-related deaths per 100,000 people	AAA	UNODC, Glen-Cove (partly)
16.1.2	Percentage of the adult population aged 18 and older, subjected to violence within the last 12 months, by type (physical, psychological and/or sexual)	BAA	UNODC (partly)

¹³⁵ United Nations Statistical Division, Technical report by the Bureau of the United Nations Statistical Commission (UNSC) on the process of the development of an indicator framework for the goals and targets of the post-2015 development agenda, working draft, March 2015.

¹³⁶ In addition, a fourth dimension on the feasibility of disaggregation beyond age and sex was asked for 23 of the indicators where this was considered especially relevant.

¹³⁷ Individual country rankings were aggregated in the following way: The rating “A” was given to an indicator when at least 60 per cent of respondents to this question gave a rating of “A”. The rating “C” was given when at least 40 per cent of respondents to this question gave a rating of “C”. In all other cases, the rating “B” was given. Percentages were calculated excluding non-responses.

¹³⁸ Ibid., p. 38-40.

16.2.1	Percentage of young adults aged 18-24 years who have experienced violence by age 18, by type (physical, psychological and/or sexual)	BBA	UNODC (partly)
16.2.2	Number of victims of human trafficking per 100,000 people	CAA	(UNODC)
16.3.1	Percentage of people who have experienced a dispute, reporting access to an adequate dispute resolution mechanism	CBB	Glen-Cove (partly)
16.3.2	Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case	BAA	UNODC (partly)
16.4.1	Total volume of inward and outward illicit financial flows	CBB	Glen-Cove (partly)
16.5.1	Percentage of population who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months	CBB ¹³⁹	UNODC (partly)
16.5.2	Percentage of businesses that paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months	CBB	UNODC (partly)
16.6.1	Actual primary expenditures per sector and revenues as a percentage of the original approved budget of the government	BBB	
16.6.2	Proportion of population satisfied with the quality of public services, disaggregated by service	BAA	
16.7.1	Diversity in representation in key decision-making bodies (legislature, executive, and judiciary)	BBA	Glen-Cove (partly)
16.7.2	Percentage of population who believe decision-making at all levels is inclusive and responsive	CBB	Glen-Cove (partly)
16.8.1	Percentage of voting rights in international organizations of developing countries	CBB	
16.9.1	Percentage of children under 5 whose births have been registered with civil authority	AAA	SDSN#26, Glen-Cove (partly)
16.10.1	Percentage of actual government budget, procurement, revenues and natural resource concessions that are publicly available and easily accessible	BBA	Glen-Cove (partly)

¹³⁹ This indicator was also evaluated on the feasibility of disaggregation beyond age and sex, which was rated “B”.

16.10.2	Number of journalists, associated media personnel and human rights advocates killed, kidnapped, disappeared, detained or tortured in the last 12 months	CBB	Glen-Cove (partly)
16.a.1	Percentage of requests for international cooperation (law enforcement cooperation, mutual legal assistance and extraditions) that were met during the reporting year	BBB	(UNODC inputs)
16.a.2	Existence of independent national human rights institutions (NHRIs) in compliance with the Paris Principles	BBB	OHCHR/UNDP
16.b.1	Proportion of the population reporting and perceiving to be discriminated against directly and/or indirectly, and hate crimes	CBB	Glen-Cove (partly)
16.b.2	Proportion of the population satisfied with the quality of public services, disaggregated by service	BBB	Glen-Cove (partly)

Comparing this provisional list of indicators on SDG 16 targets with the list that has finally been adopted by the UNSC in March 2016 as the basis for monitoring SDG 16, shows that the general type of the indicators proposed here (if not their ultimate formulations) were already at a highly advanced stage by March 2015. In Table 9, indicator numbers in bold show that the same, or a slightly modified version of the same, indicator has been included in the March 2016 framework. This is the case for 18 of the 21 proposed indicators in the table, while the March 2016 framework contains an additional 5 indicators that were added later. At the same time, the assessment and ratings of the indicators in Table 9 already provided a glimpse of the challenges the statistical community will encounter in defining an appropriate methodology for data collection and, eventually, in collecting the data. From all the 18 indicators in Table 9 that were finally selected in March 2016, only 2 had a rating of AAA, while 6 of the indicators selected had a rating of CBB, meaning that they were assessed as “difficult to collect, even with strong effort”.

Inter-Agency and Expert Group on Sustainable Development Goal Indicators

As suggested by the FOC group to the 46th session of the UNSC, the Commission endorsed the roadmap and the establishment of an Inter-Agency and Expert Group on Sustainable Development Goal Indicators (IAEG-SDG), composed of representatives of national statistical systems as members,¹⁴⁰ and international agencies that are willing to support monitoring efforts in their area of expertise as observers (including UN Regional Commissions), and tasked the group with

¹⁴⁰ By December 2016, the IAEG-SDGs had 27 NSOs from all world regions represented in the group. Comprehensive documentation on the work of the group, containing meeting reports, inputs from contributing agencies on the indicator framework as well as extensive metadata, is available on the regularly updated website of the IAEG-SDGs. See <http://unstats.un.org/sdgs/iaeg-sdgs> (last accessed on 23 December 2016).

developing a comprehensive proposal of a framework of indicators for monitoring the SDGs.¹⁴¹ The Commission also supported the formation of a new high-level group (HLG), composed of national statistical offices, and regional and international organizations, to provide strategic leadership for the SDG implementation process and to foster capacity-building.

The new IAEG-SDG immediately started work in preparation of its first meeting in June 2015, and in April 2015 requested all international agencies (for their respective areas of expertise) to supply inputs on the existing indicator proposals as well as metadata on the proposed indicators (the lack of which had been criticized by NSOs which felt that they could not adequately evaluate previous indicator proposals). The list of indicators that were assessed in this exercise was the same as the list assessed by Member States in March 2015 (see Table 9). This list contained a maximum of two indicator proposals per target (with the exception of target 3.3). To shorten the list of indicators, all agencies were now asked to indicate only one priority indicator under each target or to propose an alternative (new) or modified indicator as the preferred indicator for the target. UNSD consolidated these inputs into a list of proposals presented to the first IAEG¹⁴² and also compiled a second list that contained only the proposed priority indicators.¹⁴³ In addition, each priority indicator is given a new rating into one of three “tiers” according to the following criteria:¹⁴⁴

Tier classification	Description
Tier I:	An established methodology exists and data are already widely available
Tier II:	A methodology has been established but data are not easily available
Tier III:	An internationally agreed methodology has not yet been developed

Table 11 shows which indicators were included in the list of proposals compiled by the IAEG in May 2015 under Goal 16 targets, and which agencies had suggested and/or further elaborated on the indicator. Indicators marked as “NEW” are newly proposed indicators not yet included in the March 2015 list (Table 9), while

¹⁴¹ United Nations Statistical Commission, Report on the forty-sixth session (3-6 March 2015), Decision 46/101. Data in support of the post-2015 development agenda, E/2015/24-E/CN.3/2015/40., available at <http://unstats.un.org/unsd/statcom/46th-session/documents/statcom-2015-46th-report-E.pdf> (last accessed 13 October 2016).

¹⁴² United Nations Statistical Commission, List of Proposals (May 2015), June 2015. This list has been updated with comments received during and shortly after the First IAEG meeting on 1-2 June 2015.

¹⁴³ United Nations Statistical Commission, Proposed Priority Indicator List (May 2015), June 2015.

¹⁴⁴ The proposed indicators were ranked by the IAEG according to the metadata and additional information on the indicators compiled by the substantive UN agencies. The tier ranking was given much prominence in the discussions of the IAEG and continues to be of relevance even after the adoption of the list of indicators in March 2016.

indicators in italics are indicators that were included but had been substantively modified or re-formulated. The fourth column shows the newly proposed tier classification for those indicators which were suggested as “priority indicators” by the UNSD (non-priority indicators were not rated at the time) and the fifth column compares the proposed indicators with the list of indicators adopted in March 2016 by the UNSC.¹⁴⁵

Indicator #	Definition	Proposed by	Initial tier rating	Notes
16.1.1	Homicide and conflict-related deaths per 100,000 people	UNODC (partly), PBSO/TST, ¹⁴⁶ UNICEF, UNWOMEN	I/II	NF
16.1.2	Percentage of the adult population aged 18 and older, subjected to violence within the last 12 months, by type (physical, psychological and/or sexual)	OHCHR (partly), PBSO/TST, UNODC (partly), UNWOMEN		NF
16.1.3 (NEW)	<i>Proportion of people that feel safe walking alone around the area where they live</i>	PBSO/TST		F
16.2.1 (NEW)	<i>Percentage of children aged 1-14 years who experienced any physical punishment by caregivers in the past month</i>	UNICEF, PBSO/TST, UNWOMEN	II	NF
16.2.1	Percentage of young adults aged 18-24 years who have experienced violence by age 18, by type (physical, psychological and/or sexual)	UNODC (partly)		SM

¹⁴⁵ The abbreviations in the column “Notes” - explained below the table – compare the formulation of the indicator proposals compiled by UNSD in May 2015 with the final list of indicators that was adopted by the UNSC in March 2016. Thus, an indicator that is marked as NF in Table 11 already has a “near-final” formulation as compared with the actual indicator adopted later, while an indicator marked as D was “dropped” from the final list of indicators altogether.

¹⁴⁶ Indicators proposed by the PBSO reflect joint submissions from the Technical Support Team (TST) on SDG 16, co-lead by PBSO, UNDP, UNODC and EOSG/RoLU and supported by other entities, for example UNICEF and UN Women.

16.2.2	Number of victims of human trafficking per 100,000 people	UNODC, OHCHR (partly), UNWOMEN		F
16.3.1	<i>Proportion of those who have experienced a dispute in the past 12 months and who have accessed a fair formal, informal, alternative or traditional dispute mechanism.</i>	WB, PBSO/TST	II	SM
16.3.2	Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case	UNODC (partly), PBSO/TST (partly), UNWOMEN, OHCHR (partly)		SM
16.4.1	Total volume of inward and outward illicit financial flows (<i>in current US\$</i>)	PBSO/TST, WB (partly)	II	F
16.4.2 (NEW)	<i>Percentage of small arms marked and recorded at the time of import in accordance with international standards</i>	PBSO/TST		NF
16.5.1	<i>Percentage of persons who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months.</i>	UNODC, PBSO/TST	II	F
16.5.2	<i>Percentage of businesses who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months</i>	UNODC, PBSO/TST		F
16.6.1	<i>Primary government expenditures as a percentage of original approved budget</i>	PBSO/TST, WB (partly)	I	F
16.6.2	Proportion of population satisfied with the quality of public services, disaggregated by service	PBSO/TST, UNWOMEN		NF
16.7.1	<i>Proportions of positions (by sex, disability and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions.</i>	PBSO/TST, OHCHR (partly), UN WOMEN	II	F
16.7.2	Percentage of population who believe decision-making at all levels is inclusive and responsive			F
16.7.3 (NEW)	<i>Extent to which legislature conducts public hearings during budget cycle</i>	PBSO/TST		D
16.8.1	<i>Percentage of members or voting rights of developing countries in international organizations.</i>	PBSO/TST	I	F

16.9.1	<i>Percentage of children under 1 whose births have been registered with civil authority</i>	WB, PBSO/TST (partly), UNICEF (partly), UNWOMEN, Global Migration WG (partly)	I	NF
16.10.1 (NEW)	<i>Numbers of violations of fundamental freedoms which impact on public access to information, and percentage of judicial cases resolved</i>	OHCHR	I	SM
16.10.1	Percentage of actual government budget, procurement, revenues and natural resource concessions that are publicly available and easily accessible	PBSO/TST, WB (partly)		D
16.10.2	Number of journalists, associated media personnel and human rights advocates killed, kidnapped, disappeared, detained or tortured in the last 12 months	ILO/UNESCO (partly), OHCHR (partly), PBSO/TST (partly), UNWOMEN		NF
16.10.3 (NEW)	<i>Number of library service points per 1,000 inhabitants</i>	UNESCO		D
16.a.1 (NEW)	<i>Percentage of victims who report physical and/or sexual crime to law enforcement agencies during past 12 months</i>	PBSO/TST, UNODC (partly)	II	F
16.a.1	Percentage of requests for international cooperation (law enforcement cooperation, mutual legal assistance and extraditions) that were met during the reporting year	PBSO/TST, UNODC (partly)		D
16.a.2	Existence of independent national human rights institutions (NHRIs) in compliance with the Paris Principles	OHCHR, PBSO/TST		F
16.b.1	<i>Percentage of population reporting having personally felt discriminated against or harassed within the last 12 months on the basis of a ground of discrimination prohibited under international human rights law</i>	OHCHR, PBSO/TST, UNODC (partly), UNWOMEN	II	F

Notes: F= final formulation, NF= nearly final formulation, D= indicator dropped, SM= indicator strongly modified

This indicator proposal, the initial tier ratings shown in Table 11 and the many comments and counter-proposal received from agencies were presented at the first meeting of the IAEG in June 2015. At this meeting, the IAEG reviewed its terms of reference, appointed two co-chairs (Philippines and Italy) and discussed the

methods of work of the group and in particular the process for the selection of indicators.¹⁴⁷ While the group is primarily an intergovernmental body with representatives from national statistical agencies (who in turn should reach out and coordinate the inputs of national stakeholders) and with international agencies who support the group as observers in their area of expertise, the group can also invite experts from civil society, academia and the private sector to contribute their expertise and experiences on indicators. It was recognized that, while the number of global indicators must be limited, and should ideally include multi-purpose indicators that address several targets at the same time, some targets might require multiple indicators to measure its different aspects. And while the group acknowledged that there was room for global, national, sub-national and thematic indicators, in this first phase the IAEG decided to focus on indicators to measure progress at the *global* level.¹⁴⁸

The IAEG also received and considered a large number of inputs on the two lists of proposed indicators from the more than 200 delegates present at its first meeting, representing the 22 IAEG members, other observer countries, experts and international organizations, as well as additional inputs in writing from other agencies and stakeholders.¹⁴⁹ Many comments and inputs referred to the general indicator framework or to specific indicators. A widely echoed criticism concerned the proposed procedure to reduce the number of indicators to one per target, a procedure that would not do justice to multi-dimensional targets that require more than one indicator to monitor their various dimensions. As an illustrative example, a case for the need for multiple indicators for some targets was made for Target 16.3 (Promote the rule of law at the national and international levels and ensure equal access to justice for all), which includes concepts ranging from equal protection of the law to equal accountability to the law as well as the efficiency of the justice system.¹⁵⁰

As can be seen from the last column in Table 11, the proposed indicator framework for SDG 16 in the list of proposals for the first IAEG is already at a very advanced stage with nearly all the indicator types that are finally adopted by the Statistical Commission in March 2016 already present in some form. Of the 27 indicators in Table 11, 12 were already in their final formulation, 7 were in their nearly final formulation, 4 were strongly modified in the final formulation, and only 4 indicators

¹⁴⁷ United Nations Statistical Division, Report on the First Meeting of the Inter-Agency and Expert Group on the Sustainable Development Goal Indicators, New York, 1-2 June 2015, ESA/ST/AC.300/L3.

¹⁴⁸ While there are links between global, national, sub-national and thematic indicators, each set of indicators serves a specific purpose, with national and sub-national indicators needed for more localized policy interventions, and “thematic” indicators for more in depth analysis in specific policy areas. Ibid., p. 5.

¹⁴⁹ United Nations Statistical Division, First Meeting of the Inter-Agency and Expert Group on the Sustainable Development Goal Indicators, New York, 1-2 June 2015, Statements and related inputs submitted in writing, ESA/ST/AC.300/6.

¹⁵⁰ Ibid., p. 41-51 (UNODC – second inputs), 12 June 2015.

were dropped altogether.¹⁵¹ However, this does not mean that there was already widespread agreement on the indicators for SDG 16, and the iterative process with arguments and counterarguments for or against certain indicators went into its next round.

Revisions of indicator proposals on SDG 16 by the IAEG

Following the first list of indicator proposals that was rated into three tiers and circulated in advance of its first meeting in June 2015, the IAEG launched a wider consultation on 11 August 2015, based on a slightly revised indicator proposal.¹⁵² This “open consultation on the development of a global indicator framework” for the SDGs invited all countries, regional and international agencies, civil society, academia and the private sector to submit comments by 14 September 2015. The list of indicators proposed for SDG 16 remained largely unchanged from the May 2015 list (see Table 11) with the following exceptions, based on revised proposals from UN agencies.

Indicator #	May 2015 proposal	August 2015 proposal	Change proposed by	NEW tier rating	Notes
16.1.1	Homicide and conflict-related deaths per 100,000 population	<i>Number of victims of intentional homicide by age, sex, mechanism and where possible type of perpetrator, per 100,000 population</i>	UNODC	I/II	NF
16.1.2	Homicide and conflict-related deaths per 100,000 population	<i>Conflict-related deaths per 100,000 population (disaggregated by age, sex and cause)</i>	UNODC, WHO	I/II	F
16.2.2	Number of victims of human trafficking per 100,000 population	<i>Number of detected and non-detected victims of human trafficking per 100,000; by sex, age and form of exploitation</i>	UNODC	I	NF

¹⁵¹ For example, the newly proposed indicator 16.10.1 on “Numbers of violations of fundamental freedoms which impact on public access to information, and percentage of judicial cases resolved” was not further pursued.

¹⁵² The list incorporates minor changes in the goals and targets adopted by the parallel process of intergovernmental negotiations in the final proposal of the 2030 Agenda, which, however, did not influence the formulation of the indicator proposal. United Nations Statistics Division, List of indicator proposals (11 August 2015), August 2015, p. 1.

16.3.1	<i>Proportion of those who have experienced a dispute in the past 12 months and who have accessed a fair formal, informal, alternative or traditional dispute mechanism.</i>	<i>Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate)</i>	UNODC	II	NF
16.3.2	Percentage of total detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case	<i>Unsented detainees as percentage of overall prison population</i>	UNODC	II	F
16.4.2	<i>Percentage of small arms marked and recorded at the time of import in accordance with international standards</i>	<i>Percentage of seized and collected firearms that are recorded and traced, in accordance with international standards and legal instruments</i>	UNODC	III	NF
16.6.2	(NEW)	<i>Percentage of recommendations to strengthen national anti-corruption frameworks (institutional and legislative) implemented, as identified through the UNCAC Implementation Review Mechanism.</i>	UNODC	n.a.	D
16.7.2	(NEW)	<i>Proportion of countries that address young people's multisectoral needs with their national development plans and poverty reduction strategies</i>	UNFPA	III	D

16.10.2	Number of journalists, associated media personnel and human rights advocates killed, kidnapped, disappeared, detained or tortured in the last 12 months	<i>Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months</i>	OHCHR	I	F
16.10.3	(NEW)	<i>Number of countries that have adopted and implemented constitutional, statutory and/or policy guarantees for public access to information</i>	UNESCO	n.a.	NF

Notes: F= final formulation, NF= nearly final formulation, D= indicator dropped

The revised version of the indicator proposal brought the selection and formulation of the indicators again an important step closer to the provisional indicator framework adopted under Goal 16 in March 2016. As can be seen from Table 12, the new list contains small but important changes in definitions proposed by international agencies. Indicator 16.1.1, for example, has now been split into two separate indicators, in order to avoid the “blurring” of relatively solid data on intentional homicide with the often rough estimates on conflict deaths. Another example is the introduction of the word “verified” into indicator 16.10.2 (“verified cases of kidnapping...”), in order to mitigate criticisms that the data for this indicator are often not reliable. A major change came through the adoption of a new indicator for 16.3.1, which now refers to the crime reporting rate, rather than the concept of dispute resolution more generally. Two new indicators proposed by UNODC (16.6.2) and UNFPA (16.7.2) were later dropped, while a new indicator on guarantees for public access to information (16.10.3) proposed by UNESCO was taken up in the final indicator list.

This indicator proposal (Table 11 as modified in Table 12), the initial and revised tier ratings and the many comments and counter-proposal received were sent to all Member States, international agencies and civil society organizations for comments. Based on the comments received,¹⁵³ the indicator proposals were then revised and a new list of revised indicators was compiled in preparation for the second meeting of the IAEG in October 2015. For example, the proposed disaggregation by mechanism and type of perpetrator of intentional homicide (16.1.1) was dropped following a suggestion from the African members of the

¹⁵³ United Nations Statistics Division, Summary of comments on Indicator proposals (25 September 2015), September 2015.

IAEG who argued that such detailed disaggregations would not be feasible for many African countries.

The indicators were further revised, reviewed and modified in the second meeting of the IAEG and in the following separate rounds of consultations on the so-called “green indicators” (indicators that have been largely agreed upon) and consultations on the so-called “grey indicators” (indicators that need further discussions, see below). The final indicator proposal submitted in November 2015 to the UN Statistical Commission did not yet include indicators 16.5.2, 16.7.2, 16.10.2 and 16.a.1, which have been added only after further inputs on these indicators had been received in the consultations on the grey indicators. However, they were included in the revised version (Rev.1) of 29 February 2016, which was the version adopted by the UNSC in March 2016 (see Table 14 below).

Indicator proposals related to rule of law, access to justice and corruption

The discussion on the indicator proposal within the IAEG and between its members, as well as the comments provided by external parties in the open consultations generated a lot of materials that go far beyond the scope of the current project. The following discussion is limited to key aspects of the inputs, discussions and comments on the indicators related to the rule of law, access to justice and corruption.

In a first round of open consultations of the IAEG between 11 August and 14 September 2015, hundreds of comments and proposals were received from member states and international agencies. In addition, comments and inputs on SDG 16 indicators were received from various civil society organizations, academia, human rights institutions, interest groups, the private sector, networks, coalitions, think tanks and others, many providing multiple comments on several indicators pertaining to various goals.

Rule of law and access to justice (indicators on target 16.3)

Perhaps the strongest criticism of the newly proposed indicator on rule of law and access to justice was received from within the UN system itself. A group of agencies who had worked together on indicator formulation for SDG 16 within the (TST) Inter-Agency Group on Goal 16 and (partly) also within the Virtual Network¹⁵⁴ for Goal 16 (an online platform for coordination and exchange on SDG 16) criticized both the process and the substance of one of the two indicators listed in the latest proposal.¹⁵⁵ On the process, the group that was led by the Peace Building Support

¹⁵⁴ See also the publication of the group: UNDP et al., Goal 16: The indicators we want”; Virtual Network Sourcebook on Measuring Peace, Justice and Effective Institutions, UNDP, 2015 available at: <http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Virtual%20Network%20on%20Goal%2016%20indicators%20-%20Indicators%20we%20want%20Report.pdf> (last accessed 27 November 2016)

¹⁵⁵ United Nations Statistics Division, IAEG-SDG’s Open Consultation for Members and Observers (as of 15 September 2015), September 2015, p. 280.

Office (PBSO), the Rule of Law Unit in the office of the UNSG, UNDP and also included the World Bank, criticized first that the new indicator 16.3.1 (crime reporting rate) was not put forward by the TST group and that it was not included in previous proposals under this target (although a similar indicator was put forward under Target 16.a). On the substance, the group held that the focus of both of the indicators under 16.3 was now on the criminal justice system, while excluding civil law disputes and other issues.¹⁵⁶ The Virtual Network and the (TST) Inter-Agency Group on Goal 16 then put forward an alternative proposal that would span both civil and criminal law disputes:

“Suggested Indicator 16.3.1. Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism and who feel it was just”¹⁵⁷

The same argument – that the scope of the target is broader than just criminal justice – was also put forward in separate comments by UNDP, the Rule of Law Division of the Commonwealth Secretariat, the European Commission, the National Statistical Office of Cabo Verde on behalf of a number of African countries and by an expert group meeting on the topic organized by relevant authorities in the United States.¹⁵⁸ Some commentators (e.g. Singapore and Cuba) referred to the limited relevance of the indicators or even to the need to base any indicators only on “official” data of crimes reported to the authorities, and to the inadmissibility of estimates based on sample surveys.¹⁵⁹

On the other hand, there were also strong voices supporting the new indicators under target 16.3 coming from both UN agencies and UN Member States. Most

¹⁵⁶ The group commented, “Whilst criminal justice is important to many people’s lives – in truth only a small percentage of the population comes into direct contact with the criminal justice system. Sustainable development is about much more.” While the second part of this comment is not disputed (nobody claimed that sustainable development is restricted to criminal justice), the first sentence, while somewhat true, is also misleading as it seems to imply that only a small percentage of the population experience crime so that a strong, efficient and fair criminal justice system is relevant to them. Instead, a substantial percentage of the population may experience crime but only a small minority of these actually report the crime to the authorities due to lack of trust or lack of confidence in the system. For example, the largest regular crime victimization survey in the world, which is annually carried out in Mexico on a sample of over 95,000 households, consistently finds that a very high share of households – 33.2% in 2014 – have at least one member who has been victim of at least one crime over the past 12 months alone, but that of all crimes experienced by victims only 10.7 per cent were reported to the authorities. See: Instituto Nacional de Estadística y Geografía (INEGI), Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública (ENVIPE) 2015, Principales Resultados, 30 Septiembre 2015.

¹⁵⁷ Ibid., p. 281. The last part of this indicator proposal (“*and who feel it was just*”), while substantially changing the measurement focus of the indicator, does not appear in a separate proposal by UNDP.

¹⁵⁸ Ibid., p. 279-331, see also: Comments by US Expert Group on Goal 16, 8 September 2015.

¹⁵⁹ It should be noted that the exclusion of sample surveys for the estimation of the “dark figure of crime” is totally ignorant of the current state of the art in crime victimization surveys as carried out by dozens of countries around the world and would not allow the measurement of any underreporting of crimes (or disputes generally) to official authorities.

prominently, a group of Chief Statisticians of relevant UN agencies working on SDG 16¹⁶⁰ who regularly collaborate in the Committee for the Coordination of Statistical Activities (CCSA) suggests that the new indicators on 16.3 be kept but re-classified from Tier II to Tier I. The Special Representative of the Secretary General on Violence against Children also explicitly endorsed the new indicators on 16.3, as did Ecuador. The group of African countries changed their opinion and supported the new indicator as it had a stronger methodology than the indicator on the dispute resolution mechanism and a higher chance of data availability in the African context.

Summarizing the many comments from civil society organizations (CSOs), some commentators were of the view that the current indicator proposal did not account for reporting of business and investment disputes outside of the criminal justice system; that it did not account for taking disputes to any officially recognized conflict resolution mechanism other than “competent authorities”; that the indicator did not include dispute resolution mechanisms beyond the formal justice sector (such as traditional leaders); that indicators lack disaggregation by ethnicity or income; and many other more particular objections to the proposed indicators. As alternatives, a number of diverse and often very particular indicators were suggested by various civil society organizations, ranging from input indicators (e.g. the number of public defenders and defenders provided through legal aid), structural indicators (e.g. the number of countries who incorporated and implement the UN Declaration on the Rule of Law), to outcome indicators measured by surveys (e.g. percentage of people who express confidence in justice systems and dispute resolution mechanisms). Several organizations supported the latest indicator proposals referring to some version of the crime reporting rate and unsentenced detainees (some also asked for additional disaggregation of these indicators). A significant number of civil society organizations backed the broader indicator, referring to general dispute resolution mechanisms proposed by the (TST) Inter-Agency Group on Goal 16.¹⁶¹

¹⁶⁰ The group included chief statisticians of agencies that have specific expertise on areas covered by the goal (OHCHR, UNODC, UNICEF, UNWomen, UNESCO, UNHCR, UN Population Division and OECD). In addition, all the Chief Statisticians of the UN System reviewed the submission and approved it. Ibid., p. 295 and submission of the group to UNSD (goal16.xlsx) of 5 September 2015. The group further agreed with the proposed disaggregation of all indicators “by sex, age, residence (U/R) and other characteristics, as relevant and possible”.

¹⁶¹ United Nations Statistics Division, StakeholderConsultationResponses_final.xlsx, September 2015. The document compiles all comments on SDG indicators from 336 civil society organizations in one huge Excel sheet. Comments on indicators for SDG target 16.3 were provided by the following organizations or coalitions: United Nations Association of the USA (UNA-USA), the EU-CORD Network - European Christian Organisations in Relief and Development, the Small Arms Survey, National Campaign for Dalit Human Rights, HDS systems design science; Women's Major Group; a joint comment signed by a number of signatory organizations: United Nations Foundation, Plan International, Girl Effect, CARE, International Women's Health Coalition, Girls Not Brides, World Association of Girl Guides and Girl Scouts, European Parliamentary Forum, International Center for Research on Women, Advocates for Youth, FHI360, Equality Now, Mercy Corps, Let Girls Lead, International Rescue Committee; Tebtebba; International Movement ATD Fourth World; Columbia Law School

Concerning the second indicator proposed under target 16.3, namely indicator 16.3.2 (Unsentenced detainees as a percentage of the overall prison population), there was less controversy and fewer comments. On the part of international agencies and Member States, the indicator was endorsed by the group of Chief Statisticians of relevant UN agencies working on SDG 16 with an additional element proposed that refers to the average period of pre-trial or unsentenced detention. Similar suggestions to add the average length of stay of unsentenced detainees were also made by the European Commission and the expert group meeting on the topic organized by relevant authorities in the United States. The latter group also suggested to include possible indicators related to measures designed to prevent (or shorten) unsentenced detention (e.g. diversion programmes). The comment from Cabo Verde on behalf of a group of African countries endorsed the indicator but also suggested to distinguish temporary unsentenced imprisonment within certain legal limits from unsentenced imprisonment outside such limits, but no further specification was provided.

Comments on the proposed indicator 16.3.2 were also made by civil society organizations. Some commentators suggesting replacing the indicator with one of the indicators on access to justice discussed above, while others suggested no or only modest changes. One commentator raised concerns about possible perverse incentives emanating from an indicator on the average time of pre-trial detention which could possibly “incentivize speedy but unjust trials”. One proposal for a slight modification of the indicator that is relevant from a human rights perspective, is easy to understand and relatively straightforward to collect by national authorities, is “percentage of detainees who have been held in detention for more than 6 months while awaiting trial, sentencing or a final disposition”. Another interesting proposal suggested an indicator that would compare crime reporting rates with conviction rates for crime, though no further details were provided. These themes and proposals will be further reviewed in the sections below.

Corruption (indicators on target 16.5)

Given the often-controversial nature of metrics used to measure corruption there were surprisingly few comments from UN agencies and Member States on indicators for target 16.5. Presumably, the absence of widespread criticism of the proposed indicators on corruption signifies a wider acceptance of experience-based

Human Rights Institute; Institute for Reproductive and Family Health; Open Society Justice Initiative; Health Poverty Action; Asia Pacific Forum on Women Law and Development; International Justice Mission Germany; Society for the Psychological Study of Social Issues; Psychology Coalition at the United Nations; Saferworld; Centre for Human Rights and Climate Change Research; Equality Now; International Council of AIDS Service Organizations; Bingham Centre for the Rule of Law and British Institute of International and Comparative Law; Bachpan Bachao Andolan; Center for Economic and Social Rights; Transparency International; Transparency, Accountability & Participation (TAP) Network; International Bar Association Human Rights' Institute; Danish Institute for Human Rights; and The International Legal Foundation.

indicators over perception-based indicators.¹⁶² The indicator was fully endorsed by the group of Chief Statisticians of relevant UN agencies working on SDG 16 with the added remark that the tier level could be upgraded from Tier II to I, since a standard methodology already existed to undertake population-based corruption surveys.

There were however, also some dissenting comments. The comment made on behalf of the EC stated that both indicators 16.5.1 and 16.5.2 focus on petty corruption while ignoring other dimensions of corruption before going on to suggest a replacement by a perception indicator. Columbia noted that the indicator focuses on bribery only, and should also refer to other types of corruption. Japan noted that the indicator would require the measurement of the “dark figure” of the crime (bribery), which would not be feasible for most countries (a claim that is contrary to existing evidence). Finally, Cuba again referred to the requirement to base any indicators only on “official” data of countries, and to the inadmissibility of estimates.

There were a number of comments and proposals from civil society organizations.¹⁶³ These comments generally supported the existing language for experience-based indicators under target 16.5 but were less supportive of the structural indicator referring to the UNCAC review mechanism. Major anti-corruption coalitions and networks such as the Transparency, Accountability & Participation (TAP) Network and Transparency International fully supported the proposal. Some organizations proposed other structural indicators referring to the adoption of anti-corruption laws and commitments or the publication of transparent budgetary information. Some organizations advocated for the inclusion of perception indicators either as stand-alone indicators or in addition to experience-based indicators to also capture high-level corruption. Several comments referred to the need for disaggregations by ethnicity, income, gender, age and other dimensions.

Review of proposed indicators on rule of law, access to justice and corruption

Following the first round of open consultations on the indicator proposals, the UN Statistics Division organised a second meeting of the IAEG-SDGs on 26-28 October 2015 in Bangkok. Keeping with its open, transparent and participatory

¹⁶² Such as the widely-known Corruption Perception Index (CPI) compiled by Transparency International.

¹⁶³ Comments were made by the following civil society organizations: Open Society Justice Initiative; Centre for Human Rights and Climate Change research; EU-CORD Network - European Christian Organisations in Relief and Development; Amnesty International; Women's Major Group; Tebtebba; Kamla Nehru College, University of Delhi; Kepa Finland; International Council of Nurses; International Movement ATD Fourth World; Institute for Reproductive and Family Health; Small Arms Survey; Saferworld; Christian Aid; Save the Children; ICMM and IPIECA; Transparency, Accountability & Participation (TAP) Network; Transparency International; USIL; Center for Economic and Social Rights.

approach to the indicator selection, the meeting was broadcast live and online to the public.¹⁶⁴

In preparation for the meeting, the IAEG members took stock of the many proposals received during the preceding rounds of consultations with agencies, Member States and civil society organizations and decided to focus the discussions on indicators where there was less consensus in order to finalize a proposal by December 2015 in time for submission to the UN Statistical Commission session in March 2016. In order to do so, a questionnaire was sent out to IAEG members that asked three specific questions on 1) whether members agree with any of the proposed modifications, 2) whether they agree to any of the additional indicator proposals and 3) whether they have any strong concern with the suggestions for this indicator.¹⁶⁵ Based on the detailed results of this survey,¹⁶⁶ all proposed indicators were divided into three groups with colour codes:

GREEN: indicators for which there is general agreement (or small modifications proposed)

YELLOW: Indicators where there are some unresolved issues which could be resolved during the meeting

GREY: Indicators where it appears that more in-depth discussion is still needed and/or methodological development needs to be undertaken (or where many respondents expressed strong concerns or opposing views)

The work at the second IAEG meeting then focused on a discussion of the indicators coded in yellow with the goal of shifting those indicators to either a “green” classification or a “grey” classification and at the conclusion of the meeting, 159

¹⁶⁴ See <http://unstats.un.org/sdgs/meetings/iaeg-sdgs-meeting-02/> (last accessed on 25 October 2016).

¹⁶⁵ United Nations Statistics Division, Questionnaire on Summary of comments.xlsx, 28 September 2015.

¹⁶⁶ United Nations Statistics Division, Results of IAEG Questionnaire with Indicator Groupings_Oct 22 2015.pdf, 22 October 2015. Regarding indicators 16.3.1, out of 18 respondents two supported the proposed formulation from the United States, “Proportion of those who have experienced a dispute in the past 12 months who have accessed formal, informal, alternative or traditional dispute resolution mechanism”, seven respondents supported the formulation “Proportion of those who have accessed such a mechanism for resolution of a dispute in the past 12 months who feel that the process was just”, seven countries supported the formulation “Percentage of people who voice confidence in the judicial system”, while two countries supported the formulation suggested by Cuba, “Number of complaints to the competent authorities for alleged breaches of law”; three countries supported the formulation “proportion of the population who were victim of violent crimes in the past 12 months and who reported to competent authorities”, two countries expressed general reservations and one country suggested considering an alternative indicator. Regarding indicator 16.3.2, out of 11 respondents, eight supported the indicator fully and two supported the UNSSO proposal to disaggregate unsentenced detainees further by length of time in detention. Regarding indicator 16.5.1, a total of two countries supported the proposal with a slight modification, two countries supported the proposal of Brazil to expand this indicator to include other forms of corruption, one country supported the proposal of Cuba to remove the indicator and one country proposed the formulation “Number of persons sanctioned or penalized by [sic!] corruption acts”.

indicators had been classified as “green”, thus indicating general consensus and the need for, at most, only marginal adjustments before including them in the indicator list proposed to UNSD.¹⁶⁷ A work plan for finalizing the discussion on the “green” indicators by 20 November was adopted, while a first work plan to discuss and agree on the indicators classified as “grey” was extended until 15 February 2016.¹⁶⁸ Indicators in this last group would also be included in the proposal to the UNSC with an indication that methodological development is underway and that work on “grey” indicators would continue. This indication was included in the first indicator proposal submitted to the UNSC in November 2015 – denoted with an asterisk (*) – but is missing from the final indicator proposal adopted by the UNSC in March 2016.

Regarding rule of law, access to justice and corruption, three indicators were included in the list of indicators, two of which were classified as “grey” (16.3.1 and 16.5.1) and one as “green” (16.3.2, see Table 13).

Indicator #	<i>Original Indicator proposal</i>	<i>Initial classification before the meeting</i>	Proposed modification/ alternative or additional indicator	New classification at the conclusion of the meeting	Note included in Nov 2015
16.3.1	<i>Percentage of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms (also called crime reporting rate)</i>	YELLOW	Choose between current proposal with modification or other suggestions	GREY	*
16.3.2	<i>Unsentenced detainees as percentage of overall prison population</i>	GREEN		GREEN	

¹⁶⁷ United Nations Statistics Division, Results of the list of indicators reviewed at the second IAEG-SDG meeting.xlsx, 2 November 2015.

¹⁶⁸ United Nations Statistics Division, Meeting summary and work plan.pdf, October 2015.

16.5.1	<i>Percentage of persons who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months.</i>	YELLOW		GREY	*
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Open consultations on GREEN and GREY indicators

Following the decisions taken at the second IAEG meeting on the classification of indicators into “green” and “grey” groups and separate work streams for each of them, a short round of open consultations was first held on the “green” indicators between 4 and 7 November. Regarding indicator 16.3.2, 30 substantive comments were received from civil society organizations. Most supported the indicator fully, often with minor modifications (such as the duration of unsentenced detention) or with additional disaggregations (e.g by income, ethnicity and disability).¹⁶⁹

After this round of open consultations on the “green” indicators, the IAEG prepared the list of indicator proposals for submission to the UNSC. As mentioned above, the initially submitted proposal included indicators 16.3.1 and 16.5.1 denoted with an asterisk (*) and 16.3.2 without such denotation, but not yet indicator 16.5.2.¹⁷⁰

At the same time, the IAEG prepared another round of open consultations on the “grey” indicators, which took place from 9 to 15 December, and invited comments from countries, international agencies and civil society organizations. Regarding indicator 16.3.1, the IAEG members invited comments by prompting respondents to choose between the current proposal or the alternative indicator "Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism". Regarding indicator 16.5.1, the IAEG members asked for suggestions for an alternative indicator that includes private sector corruption. It is likely that the limitation to restrict their choice between the two options listed for indicator 16.3.1 was too narrow for many member states, since some member states did not express a clear preference for any of these options.

On indicator 16.3.1 there were 60 substantive comments, the majority of which supported the inclusion of a broader indicator on a dispute resolution mechanism (“Proportion of those who have experienced a dispute in the past 12 months who

¹⁶⁹ United Nations Statistics Division, Open Consultation 4-7 Nov 2015_All Goals_V6.xlsx, November 2015.

¹⁷⁰ United Nations Statistical Commission, Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators. Note by the Secretary-General, E/CN.3/2016/2 of 17 December 2015.

have accessed formal, informal, alternative or traditional dispute resolution mechanism”). Several commentators wanted to specify the indicator through the phrasing “who have accessed a *fair* formal, informal, alternative or traditional dispute resolution mechanism *in compliance with international standards*”). However, many supported an exchange of this indicator for the indicator on the crime reporting rate only because the latter was seen as being already included under 16.a.1 (which it was not in the proposals submitted to the UNSC). Several CSOs also explicitly supported the crime reporting rate as an indicator, given that appropriate disaggregations were applied (e.g. sex, age, ethnicity, migratory status). Others also suggested alternative indicators such as “the percentage of people who express confidence in the justice system or alternative dispute resolution mechanisms” or “the provision of legal aid services”.

On indicator 16.5.1 there were 46 substantive comments that were overwhelmingly supportive of this experience-based indicator, often coupled with requests for additional disaggregations such as sex, age, income, race, ethnicity, caste, sexual orientation, migratory status, disability, public services sought, and other characteristics relevant in national contexts. Others advocated the inclusion of additional indicators, such as the Financial Secrecy Index, private sector corruption, percentage of high level officials who comply with asset declaration requirements, or an indicator linked to the implementation of UNCAC along the lines previously suggested. In addition, there was a large group of international agencies, member states and CSOs who proposed the inclusion of an additional indicator on bribes paid by businesses, “Percentage of businesses who had at least one contact with a public official, who paid a bribe to a public official, or were asked for a bribe by these public officials, during the last 12 months”.¹⁷¹

In the consultations on the “grey” indicators, respondents were also specifically asked about whether they would suggest an alternative indicator for 16.a.1, which was listed as: “Percentage of victims who report physical and/or sexual crime to law enforcement agencies during the past 12 months (Disaggregated by age, sex, region and population group)”. Many international agencies, countries and CSOs expressed support for this indicator (crime reporting rate) but noted that it may be better suited to measure access to justice under 16.3 rather than target 16.a. As an alternative, many agencies, countries and CSOs proposed the indicator: “Existence of independent National Human Rights Institutions (NHRI) in compliance with the Paris Principles”.¹⁷² UNODC proposed an indicator on “Number of outgoing requests for mutual legal assistance (MLA) that were granted, disaggregated by type of MLA” while the g7+ Secretariat suggested a perception indicator on

¹⁷¹ Proponents of this additional indicator 16.5.2 included PBSO, EOSG/ROLU, UNDP, DPKO, UNWOMEN, UNODC, the g7+ Secretariat and the United States.

¹⁷² Proponents of this alternative indicator 16.a.1 included the OHCHR, PBSO, EOSG/ROLU, UNDP, DPKO, UNWOMEN, the High Level Task Force for ICPD, Danish and German Institutes for Human Rights, Statistics Finland and Sweden. An Independent NHRI is an institution with ‘A level’ accreditation status as benchmarked against the United Nations Paris Principles, which were adopted by the United Nations General Assembly in 1993. It was suggested that this indicator could also serve as an additional indicator to 16.b.

“Percentage of population confident in security personnel delivering national security”. The NGO Saferworld and the Transparency, Accountability, Participation (TAP) Network suggested that people's feelings of safety (indicator 16.1.4) could be placed under this target, since it would have relevance to many targets across the SDGs, while the Sustainable Development Solutions Network (SDSN) recommended using other multipurpose indicators in order to reduce the overall number of indicators. In the end, the indicator suggested by OHCHR on the existence of independent National Human Rights Institutions (NHRI) was chosen, in part because there are few other separate indicators specifically monitoring human rights issues.¹⁷³

Report of the IAEG on Sustainable Development Goal Indicators

Following the latest round of open consultations on the “grey” indicators, the IAEG submitted a revised list of indicator proposals to the UNSC.¹⁷⁴ This new indicator proposal includes all “green” and “grey” indicators on which sufficient agreement could be reached, including the previously proposed indicators 16.3.1, 16.3.2 and 16.5.1 and the new indicators 16.5.2 and 16.a.1. The previous notation of indicators with an asterisk (*) for indicators that need further discussion has been left out and most references to (standard) disaggregations are included in the catch-all *chapeau* to the list of indicators:

Sustainable Development Goal indicators should be disaggregated, where relevant, by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics (General Assembly resolution 68/261).¹⁷⁵

The report of the IAEG on SDG indicators was finally endorsed by the UN Statistical Commission at its 47th session in March 2016 in decision 47/101 when the Commission

“(d) Agreed, as a practical starting point, with the proposed global indicator framework for the goals and targets of the 2030 Agenda for Sustainable Development, as reflected in the list of indicators presented in annex IV of the report, subject to future technical refinement;

¹⁷³ According to several commentators involved in the process, the inclusion of this indicator for target 16.a can be seen as a compromise reflecting the widely-felt need for a specific human rights indicator that shows the efforts of states to safeguard human rights. However, it is also widely acknowledged that this indicator – which is also a process, rather than an outcome indicator – does not cover the target 16.a particularly well and was placed here for lack of an appropriate space elsewhere.

¹⁷⁴ United Nations Statistical Commission, Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators. Note by the Secretary-General, E/CN.3/2016/2/Rev.1 of 19 February 2016.

¹⁷⁵ *Ibid.*, p. 39.

(e) Requested the Inter-Agency and Expert Group to take into account the specific proposals for refinements of the indicators made by Member States during the discussion”.¹⁷⁶

The decision of the Statistical Commission on the global indicator framework for the Sustainable Development Goals was taken note of by ECOSOC at its 70th session in June 2016 (ECOSOC decision 2016/220)¹⁷⁷ and on 22 July was welcomed by Ministerial declaration of the ECOSOC high-level segment of the 2016 session.¹⁷⁸

Below is the list of indicators for Goal 16 as adopted by the UNSC at its 47th session in March 2016, together with the latest classification into tiers and a provisional indication of the agency responsible for compiling global data on this indicator.

Target	Indicators	Updated tier classification (Sept 2016) ¹⁷⁹	Possible custodian agency
16.1 Significantly reduce all forms of violence and related death rates everywhere	16.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age	I	UNODC
	16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause	III	OHCHR
	16.1.3 Proportion of population subjected to physical, psychological or sexual violence in the previous 12 months	II	UNODC
	16.1.4 Proportion of population that feel safe walking alone around the area they live	II	UNODC
16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children	16.2.1 Proportion of children aged 1-17 years who experienced any physical punishment and/or psychological aggression by caregivers in the past month	III	UNICEF

¹⁷⁶ United Nations Statistical Commission, Report on the forty-seventh session (8-11 March 2016), E/2016/24-E/CN.3/2016/34, p. 97.

¹⁷⁷ E/2016/SR.25 - 2016 session, 24 July 2015-27 July 2016, Second coordination and management meeting. Summary record of the 25th meeting, 1 June 2016, available at <https://www.un.org/ecosoc/sites/www.un.org.ecosoc/files/documents/2016/dec.2016.220.pdf> (last accessed 08 December 2016).

¹⁷⁸ Economic and Social Council, Report of the Economic and Social Council on its 2016 session, New York, 24-27 July 2016, A/71/3, p. 33 and p. 77.

¹⁷⁹ The tier classification and listing of possible custodian agencies refers to the latest available decision by IAEG members. See: United Nations Statistics Division, Provisional Proposed Tiers for Global SDG Indicators.pdf, 24 March 2016 as updated by United Nations Statistics Division, Tier Classification of SDG Indicators Updated.pdf, 23 September 2016.

	16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation	II	UNODC
	16.2.3 Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18	II	UNICEF
16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms	II	UNODC
	16.3.2 Unsented detainees as a proportion of overall prison population	I	UNODC
16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime	16.4.1 Total value of inward and outward illicit financial flows (in current United States dollars)	III	UNODC/ IMF
	16.4.2 Proportion of seized small arms and light weapons that are recorded and traced, in accordance with international standards and legal instruments	II	UNODC
16.5 Substantially reduce corruption and bribery in all their forms	16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months	II	UNODC
	16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months	II	WB
16.6 Develop effective, accountable and transparent institutions at all levels	16.6.1 Primary government expenditures as a proportion of original approved budget, by sector (or by budget codes or similar)	I	WB
	16.6.2 Proportion of the population satisfied with their last experience of public services	III	UNDP?

16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels	16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions	III	UN Women?
	16.7.2 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group	III	UNDP?
16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance	16.8.1 Proportion of members and voting rights of developing countries in international organizations	I	?
16.9 By 2030, provide legal identity for all, including birth registration	16.9.1 Proportion of children under 5 years of age whose births have been registered with a civil authority, by age	I	UNSD/ UNICEF
16.10 Ensure public access to information and protect fundamental freedoms, ...	16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months	III	OHCHR
	16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information	II	UNESCO
16.a Strengthen relevant national institutions, ..., to prevent violence and combat terrorism and crime	16.a.1 Existence of independent national human rights institutions in compliance with the Paris Principles	I	OHCHR
16.b Promote and enforce non-discriminatory laws and policies ...	16.b.1 Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law	III	OHCHR

Ongoing work of the IAEG on the refinement of SDG Indicators

The UN Statistical Commission had recognized that the development of a robust and high-quality indicator framework is a technical process that will need to continue over time. The Commission thus asked the IAEG to continue its work and report back on its progress at its next (48th) session in 2017. Shortly after the endorsement of the indicator framework, the IAEG held its 3rd meeting on 30 March-1 April 2016 in Mexico. Work focused on the establishment of a final tier classification of the indicators and a corresponding work plan on the development of Tier II and III indicators, the development of a reporting system for global SDG indicators and the establishment of procedures for the refinement and review of indicators. The IAEG further established one subgroup on data disaggregations and three technical working groups on SDMX (standards for data transmission), geospatial information and interlinkages of indicators.

Regarding the first refinement of indicators, the IAEG members “agreed to address the decision by the Statistical Commission to consider the specific proposals for refinement of indicators mentioned by Member States during the 47th Session, in addition to possibly reviewing those indicators that are determined to not completely cover the full scope of the target”. This work would fully start once the indicator framework is adopted by ECOSOC and the General Assembly, and a mandate for such refinements/revisions is given. More comprehensive reviews of the indicator frameworks are provisionally planned to occur in 2020 and 2025.¹⁸⁰

In preparation for a revision of some priority indicators on which particular concerns were brought up during the 47th session of the UNSC, the IAEG held another round of open consultations, open to all countries, regional and international agencies, civil society, academia and the private sector between 19 and 28 September 2016, on a limited number of indicators.¹⁸¹ Comments on possible refinements were specifically requested for indicators 1.a.1, 2.b.1, 3.8.2, 3.b.1, 5.6.2, 7.a.1, 8.8.2, 8.9.2, 8.b.1 and 16.4.2 (the latter on small arms and light weapons). Indicators on access to justice, rule of law or corruption were not part of the consultation process.

Finally, the 4th meeting of the IAEG was planned to be held on 20-21 October 2016 in Addis Ababa. However, due to security concerns the meeting was shifted to be held from 15 to 18 November 2016 in Geneva. The meeting aimed to finalize the initial tier system for indicators, establish a process for the refinement of indicators, especially Tier III indicators and review data flows from national to regional and global levels.¹⁸²

¹⁸⁰ United Nations Statistics Division, Report on third meeting of the Inter-Agency and Expert Group on the Sustainable Development Goal Indicators (30 March – 1 April 2016), ESA/STAT/AC.318/L.3, 28 April 2016.

¹⁸¹ Inter-agency and Expert Group on Sustainable Development Goal Indicators, Consultation on Possible Refinements of Indicators Identified by the Inter-agency and Expert Group on Sustainable Development Goal Indicators. Questionnaire, 19-28 September 2016.

¹⁸² United Nations Statistics Division, Fourth Meeting of the IAEG-SDGs. Provisional Agenda, ESA/STAT/AC327/1, 13 October 2016.

In preparation for its 4th meeting in November 2016, the IAEG prepared a document that lays out a proposal on the rules and principles to be followed for refining the indicator framework when needed.¹⁸³ In essence, the IAEG proposed to divide any potential changes of the indicators into two categories:

- *refinements* of indicators are relatively minor changes to the indicator that include simple clarification of terms, specifying or correcting units of measurement or splitting indicators into their components into multiple component indicators
- *revisions* of indicators refer to major changes that include deleting or changing indicators and changes that will significantly disrupt the time series

Refinements of indicators could be considered as part of a yearly review of the indicator framework, while revisions could only be considered as part of the 2020 and 2025 review cycles. Both refinements and revisions could be initiated by the IAEG or by the custodian agencies for the indicators, would be reviewed by the IAEG and put on the website of the IAEG for an open consultation. Refinements would be submitted to the UNSC at its annual meeting for endorsement while revisions would be considered at the 2020 and 2025 UNSC meetings.

Discussion

Just as the process of developing the list of SDG goals and targets went through a lengthy consultative process with successive proposals, counterproposals, reformulations and compromise agreements, an evolutionary process that was very different from the genesis of the MDG goals and targets, the process of agreeing on the indicator framework was also characterized by the same type of multi-stakeholder consultations, negotiations and compromise agreements. And while many officials in international organizations wanted to keep the process of indicator selection at a purely technical level and completely out of international politics, there was a strong desire by Member States to control the process and its outcomes beyond the purely technical level. After an initial period where UN agencies were moving the process forward by supplying expert advice and inputs into the indicator selection, by the time the process of indicator development had moved to the UNSC and its IAEG, the process had become largely Member State-driven.¹⁸⁴ Since then,

¹⁸³ United Nations Statistics Division, General principles for refining the indicator framework, Draft - 20 September 2016

¹⁸⁴ The IAEG is made up of a group of 27 Member States (as of 24 November 2016) according to a system that should ensure the broadest possible representation of UN Member States, with each member of the IAEG representing a regional grouping of countries. For example, Cabo Verde would represent the countries of West Africa and would coordinate its inputs with the Statistical Offices from this group of countries before making a submission to the IAEG. In addition, there were also other regional groups making joint inputs to the IAEG – for example, the various regional groups in Africa decided to formulate a joint African position on most indicators, where countries with a particular interest in these indicators took the lead in coordinating this common position. Another example is input to the work of the IAEG by the Commonwealth Secretariat, which coordinated the responses of a number of its Member States,

decisions have been taken by Member States only, with international organizations relegated to the position of observers.¹⁸⁵ There was a concern on the part of many substantive UN agencies working on the policy side as well as on the technical side of SDG indicator selection that they would be completely shut out from the negotiations on the SDG indicators, as the IAEG increasingly shaped their own agenda and decisions, up to a point where international agencies were excluded from certain meetings of the IAEG.

While this was, in a sense, a consequence of moving the development of the indicators to the “technical” side under the UN Statistical Commission, in reality the discussions in the IAEG went beyond being purely technical discussions by statistical experts. Some observers voiced concerns that in some meetings of the IAEG, it was representatives from the Permanent Missions who spoke on behalf of the countries, rather than the Statistical Offices who are the members of the IAEG.

Another consequence of entrusting the work on indicator selection for monitoring of the SDG targets to the UN Statistical Commission and its IAEG, the members of which are the official national statistical offices of UN Member States, was that the IAEG decided that the monitoring should be based, as much as possible, on official data coming from these offices, something that is sometimes regretted by members of the policy community who were eager to take advantage also of new sources of data (“big data”, GPS data sources, “crowd-sourcing”, etc.).

While the discussions on the indicators, their formulation and selection took place at a very high professional level with arguments and counter-arguments seriously weighed by statistical experts in an iterative process of indicator development, persons familiar with the process also report on a growing saturation of the experts with a large and changing number of proposals and an increasing fatigue with the many civil society groups who aggressively lobbied for their favourite indicator proposals, up to the point of sending their interventions to private email addresses of staff members of international agencies and IAEG members. It can be speculated that this swelling information overflow was one of the reasons that led to a restriction of certain meetings of the IAEG to its members only.

Regarding the indicators, there was a recurring discussion on appropriate criteria for indicator selection as well as the maximum number of indicators that should be selected. Many of the criteria have been reviewed in this research report (such as that indicators should be SMART indicators (Specific, Measurable, Achievable in a cost-effective way, Relevant for the programme, and Available in a timely manner) and there was also considerable effort on the part of the IAEG to evaluate indicators based on the real data and metadata available. One decision that has been taken early on in the case of SDG 16 indicators was that no composite indicators (such as the World Bank’s World Governance Indicators) should be used because their disadvantages outweigh their advantages: while they can readily be portrayed

with a particular emphasis on Small Island Developing States and Anglophone countries in Africa.

¹⁸⁵ Decisions can be taken by simple majority, although most decisions are effectively arrived at by consensus.

as single-score indicators, they are generally difficult to interpret as they are generated through the use of arbitrary weights assigned to a basket of sub-indicators. Most of all, such indicators are often not directly related to policies and hence of limited value in monitoring progress or performance.

Based on lessons drawn from the MDG monitoring that a small number of “headline indicators” would receive the most attention and be able to better mobilize resources, there was an effort on the part of the statistical community to limit the number of indicators to under 100, which means fewer indicators than targets and implies that some indicators would need to be “multi-purpose”, i.e. relevant to two or more targets. This effort manifested itself in an attempt by the UNSC to achieve consensus in the open consultations on a list of one priority indicator per target, while the total number would then be further reduced through multi-purpose indicators. However, this effort met with too much resistance from substance-matter experts and was quickly abandoned, with a final list of about two indicators per targets (and a maximum of five in the final list).¹⁸⁶ This large number of indicators now certainly has the disadvantage of reducing the attention that will be paid to each individual indicator, but it also has the advantage that it is broader and can better cover the various aspects of the targets.

Because the discussion on concrete operationalization of potential targets through specific indicators in the area of “peace, justice and institutions” came already very early in the various consultative processes on SDG goals and targets (see above), this parallel discussion of indicators also faced a major process challenge, as the successively proposed indicators were in fact chasing a “moving target” with the proposed goals and targets continuously changing. For example, both the Glen Cove meeting and the EGM organized by UNODC in June 2013 based their proposals on the goals and targets of the HLP report, and the early lists of indicator proposals compiled by the various working groups of UNSC (Friends of the Chair group, IAEG) and the SDSN proposal were also based on proposals for goals and targets that would eventually not be adopted in this form.

Many developing countries, and in particular smaller developing countries, such as the group of Small Island Developing States had voiced concerns about their own capacity to measure some of the indicators, in particular when this involved the use of expensive surveys. These arguments were quickly taken up by some developed country Member States who normally act as donors and who feared that the inclusion of new indicators that require costly surveys would lead to new demands for additional resources, while the overall consensus on the SDGs was that they should not lead to new mandates and new money. Hence, despite the need for additional resources and technical support to enhance the capacity for data collection, there are only vague promises within SDG 17 to provide support to

¹⁸⁶ At one point in the consultation process on the indicators, when the co-chairs of the OWG asked the IAEG to propose a list of 3-5 indicators per target, there was even the potential of a list of 800 indicators or more, a horrifying prospect for most experts within the statistical community, and this was met with strong resistance at the time.

developing countries.¹⁸⁷ Hence, there was a strong argument made in favour of administrative data that would be cheaper to collect, even for measuring complex targets such as 16.3 and 16.5.

Despite the many criticisms and the need for ongoing discussion and refinements of the indicators (see below the proposal for refinement of indicators for targets 16.3 and 16.5), there is a widely held feeling that the indicator framework for SDG 16 is the best that could be achieved given the widely diverging interests, priorities and capacities of Member States. Given the need to limit the number of indicators, there is inevitably a restriction on the measurement of certain aspects of multi-dimensional targets and the indicators generally succeed in focusing on the most important aspect or at least certain aspects that can be indicative of progress towards wider objectives.¹⁸⁸

¹⁸⁷ The issue of providing technical support for such activities is formulated vaguely in Target 17.18: By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts. In addition, there is a reference in the text of the Agenda 2030 that states: “We will support developing countries, particularly African countries, least developed countries, small island developing States and landlocked developing countries, in strengthening the capacity of national statistical offices and data systems to ensure access to high-quality, timely, reliable and disaggregated data.” A/RES/70/1, *op. cit.*, p. 32.

¹⁸⁸ An obvious example of this is indicator 16.9.1 (Proportion of children under 5 years of age whose births have been registered with a civil authority, by age), which covers only one aspect of a much wider concept in target 16.9 (By 2030, provide legal identity for all, including birth registration).

PART III: A proposal for the refinement of selected indicators for SDG 16

After reviewing the lengthy, open and participatory process of selecting and formulating the indicators under SDG 16 in the previous sections, the following section will present a proposal for a limited refinement of the indicators under SDG targets 16.3 and 16.5. In addition, some possible indicators for use in regional and national contexts are presented for discussion further below (such indicators will need to be adopted in regional/national contexts). The proposals draw on the many suggestions, arguments, justifications and critiques brought forward during the consultations on the indicators reviewed above, additional inputs and arguments collected during this research project in interviews and written questionnaires, and the experience of the author in collecting and analysing data on rule of law, access to justice and corruption at the global level.

Summary of proposed refinements

Table 15 provides a synthesis of proposed refinements of the indicators for targets 16.3 and 16.5 (proposed changes indicated in bold):

Target	Indicators as adopted by UNSC in March 2016	Proposed refinement of indicators by UNSC in March 2017	Custodian agency
16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all	16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms	No change	UNODC
		16.3.2 Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism	WB
	16.3.2 Unsented detainees as a proportion of overall prison population	16.3.3 Unsented detainees as a proportion of overall prison population, <i>by duration of unsented detention</i>	UNODC

16.5 Substantially reduce corruption and bribery in all their forms	16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months	16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials , during the previous 12 months	UNODC
	16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months	16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months	WB

Justification for the refinement of indicators on target 16.3

In the consultations on the indicators for target 16.3 on rule of law and access to justice, a large number of proposed indicators had been put forward (see above), all of which measure different aspects of the concepts of rule of law and access to justice. This is hardly surprising, given that the rule of law is a multidimensional construct that includes several distinct concepts that can be seen both as means to obtain other objectives (such as sustainable development) and as ends in themselves. Thus, the Rule of Law Declaration adopted by the UNGA in 2012 (A/RES/67/1) includes several aspects that are part of the broader concept of the rule of law: the accessibility and responsiveness of justice and security institutions; good governance and the effective, equitable delivery of public service, including criminal, civil and administrative justice; and the independence, impartiality and integrity of the judicial system, non-discrimination and right of equal access to justice for all, including legal aid and the prevention of corruption.¹⁸⁹ There is no known indicator that could even theoretically cover all these aspects at once, not to mention any indicator that fulfils the minimum requirements stipulated for SDG indicators (such as relevance, measurability, availability, cost-effectiveness, etc.). As mentioned above, the basic dilemma in the operationalization of target 16.3 on rule of law and access to justice is a consequence of reducing a comprehensive goal (with several targets and a multitude of indicators) to a single target, so that it

¹⁸⁹ Rule of Law Declaration (A/RES/67/1). Other commentators include additional dimensions into this multi-faceted concept, ranging from equal protection of the law, efficient justice system, and safe community to ensuring that all persons, institutions and entities, public and private, including the State itself, are held accountable to standards that are embodied in just, fair and equitable laws.

became practically unmeasurable with only a few indicators. Ideally, target 16.3 would require a multitude of indicators with each of them monitoring distinct aspects of the overall concept. In practice, the indicators chosen for 16.3 need to be limited in number and are bound to be a compromise between comprehensiveness and feasibility. However, there is a strong case to be made that the comprehensiveness of target 16.3 justifies at least three indicators, instead of the current two, in the same way as target 3.3 (preventing distinct diseases) justifies five separate indicators, target 16.1 (reducing violence) four indicators and targets 1.5 (reducing vulnerabilities), 3.9 (reduce deaths from various types of pollution) and 17.18 (building capacity for data) justify three indicators each. Indicators 16.3.1 and 16.3.3 refer to the criminal justice system only (the first to victims and the second to the accused), while indicator 16.3.2 refers to justice in civil law affairs. Choosing only two out of the three implies a political decision to prioritize one issue over the other, which arguably is not the intention of the Agenda 2030.

Proposal 1: split indicator 16.3.1 into two indicators

Indicator 16.3.1

For a number of reasons – predominantly the capacity of the indicator to measure important aspects of the target as well as pragmatic considerations of methodological developments, data availability and ongoing monitoring – the first of the two indicators chosen by the IAEG (indicator 16.3.1) refers to the degree to which victims of violence turn to official authorities for help (“Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms”). This is a well-tested indicator known from crime victimization surveys that reflects several aspects of the rule of law and access to justice: when victims of crime and violence have trust in official institutions and have the (direct and indirect) experience that support is offered by capable and professional institutions, they will report their experience to authorities, indicated by a higher reporting rate, while otherwise they will increasingly refrain from doing so, resulting in a lower reporting rate. The indicator thus goes to the heart of the concept of rule of law: the access and effective delivery of justice by impartial law enforcement and justice institutions. This has been recognized by many commentators, international organizations and the members of the IAEG, leading to the choice of this indicator over other proposed options. Given its potential to measure very significant aspects of target 16.3, the indicator should be retained.

Specifications

Indicator 16.3.1 has been classified as a Tier II level indicator, which means that a methodology has been established but data are not easily available. The source of the data are representative household surveys, and in particular crime victimization surveys or multipurpose surveys with a module on crime and violence. To measure the indicator, it is necessary to first establish in the interview whether the randomly selected respondent has experienced a violent crime over a certain period in the past

(the standard period here is 12 months).¹⁹⁰ If a violent crime was experienced in the reference period, it is established whether the incident¹⁹¹ was reported to the police or another official authority. While the overall methodology for measuring the reporting rate has been applied in dozens of victimization surveys to date, the consistent and comparable measurement of the indicator across countries and survey types will require further harmonization of different aspects of the indicator (which violent crime types, which official authorities, etc.).

Indicator 16.3.2

A large number of commentators on the indicators have pointed out that the existing indicator 16.3.1 is too narrow as it does not include disputes in the domain of civil law (such as disputes over the enforcement of contracts, land ownership, property rights, inheritance, divorce etc.). This is a significant gap as the rule of law and access to justice referred to in target 16.3 also concern the safeguarding of rights in civil matters which is seen as vital for enabling sustainable development.

More specifically, during the open consultations on the “grey” indicators, a relative majority of commentators supported the inclusion of a broader indicator on a dispute resolution mechanism (“Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism”). As has been pointed out in the consultations, this indicator would cover an important aspect of justice systems, which is to resolve (civil) disputes between people, between businesses, and between citizens and the state. However, contrary to the arguments made by its proponents, this indicator could not capture criminal justice issues as well, which is why this indicator should be split from indicator 16.3.1 on the crime reporting rate.¹⁹²

Specifications

¹⁹⁰ To reduce any cognitive bias through misplacement in time (“telescoping effect”), questions on the 12-month period should be preceded by questions that cover a longer period of 3 or 5 years.

¹⁹¹ Where more than one incident is reported over the reference period, the options are to ask details either on the last incident, on the last few incidents, or on all incidents experienced. If reporting on more than one incident is asked, decisions have to be taken on how to aggregate the single responses into one overall reporting rate.

¹⁹² A large share of people experiencing (violent) crime will never enter into a dispute resolution mechanism, nor will they perceive their victimization as a dispute. To establish whether a respondent in a survey has actually experienced a particular form of crime, it is necessary to pose the question in simple, non-legal terms that clearly describe the event. It is not sufficient to ask whether a person has experienced a “dispute” or “violence” or “crime” in general. The use of a standard methodology for victimization surveys is required to make survey results comparable over time and space. Cf. UNODC-UNECE Manual on Victimization Surveys, United Nations, Geneva, 2010.

Despite the strong arguments brought forward on behalf of an indicator on (civil) dispute resolution mechanisms, there is as yet no commonly accepted and widely applied methodology available to measure the indicator, which means that the newly split indicator 16.3.2 would be classified as a Tier III level indicator, requiring further methodological development. Since the indicator should refer to civil law disputes in areas such as investment, commercial, corporate, land, and family law, which are often seen as important enabling factors to attract more public and private investment and contribute to sustainable development, it is suggested that the process of indicator development, and the monitoring of the indicator itself, is led by the World Bank, which has accumulated experience on justice surveys.¹⁹³ As is foreseen in the draft on the process for the refinement of indicators discussed by the IAEG in November 2016,¹⁹⁴ the adoption of the indicator should be preceded by another round of open consultations before adoption at the next session of the UNSC in March 2017.

The consultations and the subsequent development of the indicator would need to take a close look into what the concept of “dispute” means in different national contexts and how it can be operationalized into language suitable for use in cross-cultural contexts. There is a risk that the concept of “dispute” is formulated too loosely to have any meaningful value for comparative analysis.

Guidance further needs to be developed on the exact sources and methodologies for measuring the indicator. If the indicator is to measure dispute resolution mechanisms in a variety of possible national contexts (“formal, informal, alternative or traditional dispute resolution mechanism”), depending on the legal, social and cultural contexts, a consistent approach needs to be found for gathering the required information from respondents. This requires that the respective role and contributions of population-based surveys, business surveys as well as the possible role of court user surveys and surveys focusing on the users of other disputes resolution mechanisms are clarified.

Another important question that should be addressed in the open consultations is whether the indicator should focus on the degree of access to a (civil law) dispute resolution mechanism or whether it should go beyond that and try to measure also the degree of fairness and justice of the mechanism. Indeed, one influential group of commentators¹⁹⁵ on indicator 16.3.1 suggested the following formulation of the indicator: “Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism *and who feel it was just*”. This formulation of the indicator implies the measurement of a very subjective element of the process (fairness, justice) and would thus convert the indicator from an experience-based indicator to

¹⁹³ See World Bank Justice Population and Institutional User Surveys, available at: <http://go.worldbank.org/NGQKXOVHH0> (last accessed on 23 December 2016)

¹⁹⁴ United Nations Statistics Division, General principles for refining the indicator framework, Draft - 20 September 2016

¹⁹⁵ The proposal comes from a common submission on 16.3.1 for the consultations on the GREY indicators from PBSO, UNSG-ROLCRG, UNDP and the World Bank, and was also shared by the Commonwealth Secretariat.

a perception indicator. It is also not clear whether the formulation “and who feel it was just” refers to the fairness of the process or the outcome. And finally, there is a possible bias that is inherent in the evaluation of dispute resolution as “just”, depending upon if the case is won or lost by the respondent. Thus, respondents who lost a case where the dispute resolution mechanism may have been fair and equitable may still perceive it as “unjust” and “unfair” if the outcome of the case does not live up to their aspirations.¹⁹⁶

A proposed alternative formulation of the indicator attempts to get around this problem by including the fairness aspect of the dispute resolution mechanism into the formulation of the indicator, rather than basing the measurement of whether the dispute resolution was just on the subjective evaluation of the respondents in the survey. The proposed formulation is: “Proportion of those who have experienced a dispute in the past 12 months who have accessed a *fair* formal, informal, alternative or traditional dispute resolution mechanism *in compliance with international standards*”. However, this formulation of the indicator does not remove the need for an evaluation of the fairness of the dispute resolution mechanism but only avoids specifying who would make this determination. In addition, this formulation raises the question of who decides whether a particular mechanism is “*in compliance with international standards*”.

Whichever way the aspect of “fairness” in the proposed indicator 16.3.2 would be measured in the end, it appears that a straightforward indicator on the use of dispute resolution mechanisms would measure something quite different from an indicator on the percentage of persons using the indicator who feel it was “fair”. While the first option measures access to such mechanisms (which the state sometimes can promote by supporting the creation and maintenance of institutions offering alternative dispute resolution), this is not the whole story. Some parties to the dispute may decide not to use such mechanisms, for example when they are able to solve the dispute among themselves. However, measuring only “fairness” would also not capture all aspects of access to justice, because even if many of those who access such a mechanism and perceive the process to be just, this is meaningless if many others who would have benefited from such a mechanism did not have access to it. Perhaps a combination of both an indicator on access to alternative dispute resolution and (subjective) evaluation of it as “fair” can provide a more comprehensive picture. (It should be noted that both measurements would be available simultaneously and without additional costs if the indicator is based on sample surveys.)

Finally, it should be noted that whether or not the evaluation of fairness will eventually be included in the formulation of indicator 16.3.2, this subjective

¹⁹⁶ This potential bias has been acknowledged by a number of commentators in the consultations. To alleviate it, a number of steps have been proposed (for example, by the Commonwealth Secretariat), all of which would require additional disaggregations that would further complicate the indicator: (a) the indicator should be disaggregated by dispute outcome; (b) where possible, the indicator should be supplemented by information from additional respondents including (at least in the case of formal justice systems), legal counsel or independent court monitors and (c) the indicator should be further disaggregated by type of dispute and by resolution mechanism.

evaluation should not be applied to indicator 16.3.1 on criminal justice as the evaluation of the response by state institutions to violent crime as “fair” or “unfair” can be seriously misleading when asked of victims of violent crime.

Proposal 2: disaggregate indicator 16.3.3 by duration of unsentenced detention

Indicator 16.3.3

As has been pointed out by a number of commentators during the consultations, indicator 16.3.3 will become much stronger if in addition to the aggregate indicator on the overall proportion of unsentenced detainees out of all detainees there is also a disaggregation by length of detention of unsentenced detainees.¹⁹⁷ One option to capture the length of (sentenced or unsentenced) detention is to measure the average length of (sentenced or unsentenced) detention, but experience has shown that this type of metrics places high demands on the statistical systems, which most countries at present cannot (yet) fulfil, thus resulting in a low availability of data on average length.¹⁹⁸ Thus, in order to keep the indicator manageable for data collection in penitentiary systems that do not (yet) have fully computerized record systems, the indicator measures the number of detainees, at a specified date, who have been held in unsentenced detention for more than a certain period (for example, 6 months or 12 months).¹⁹⁹ In this way, the disaggregated indicator can directly signal the extent to which unsentenced detention is of excessively long duration, and, where relevant, the degree to which detention periods exceed the legally permissible duration according to international and national law.²⁰⁰

Specifications

¹⁹⁷ On a more comprehensive measurement of pre-trial detention, including its frequency, duration and legitimacy, see the useful guide by the Open Society Foundation’s Red Regional para la Justicia Previa al Juicio America Latina: Open Society Justice Initiative, Strengthening Pretrial Justice. A guide to the effective use of indicators, January 2016, available at <https://www.opensocietyfoundations.org/publications/strengthening-pretrial-justice-guide-effective-use-indicators-0> (last accessed 25 November 2016)

¹⁹⁸ A precise measurement of the average length requires a daily count of the (sentenced and unsentenced) prison populations, something that is still beyond the capacity of many, particularly developing, countries. The same is true for data on the average length of trials.

¹⁹⁹ An alternative measurement would measure the number and share of persons who *completed* a period of pre-sentence detention during a specified 12-month period (Cf. UNODC/UNICEF, Manual for the Measurement of juvenile justice indicators, United Nations, New York, 2006, p.12) or on the average duration of a period of unsentenced detention. However, this indicator would have the disadvantage that it is backward looking and does not include those still in unsentenced detention at the time of measurement.

²⁰⁰ The United Nations Standard Minimum Rules for Non-Custodial Measures (GA Res 45/110) state that "Pre-trial detention shall last no longer than necessary" (Rule 6.2). In addition, the so-called Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice, GA Res 44/33) state that “Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time” (Article 13(1)). Against these general rules, many national jurisdictions specify concrete periods of maximum duration for unsentenced detention.

The indicator measures only the extent to which persons are held without having been tried and sentenced in court, that is “persons held in prisons, penal institutions or correctional institutions who are untried, pre-trial or awaiting a first instance decision on their case from a competent authority regarding their conviction or acquittal. Persons held before and during the trial should be included. Sentenced persons held awaiting the outcome of an appeal in respect of verdict or sentence or who are within the statutory limits for appealing their sentence should be excluded.”²⁰¹

This means that persons in prisons while awaiting the outcome of an appeal against their custodial (prison) sentence should be excluded from this count, as should be foreign migrants held pending the determination of their immigration status or foreign citizens held without a legal right to stay. Persons held in community-based correction facilities that are not detention facilities should be excluded, while persons held in police cells and other detention facilities over a certain period of time²⁰² should be included.

It has been argued that an indicator on unsentenced detainees may incentivize speedy but unfair trials and that including a specified time period in the measurement of unsentenced detention (“benchmark”) may create perverse incentives for extending pre-trial/unsentenced detention to just before this period. However, this risk can be mitigated by including various time periods within the measurement. An easy to understand and intuitive measurement could include three such points: total unsentenced persons held, unsentenced persons held for over 6 months, and unsentenced persons held over 12 months. Further disaggregations of the indicator can be provided at the national and regional levels, as appropriate.²⁰³

Proposal 3: Refine the formulation of indicators 16.5.1 and 16.5.2

Indicator 16.5.1

As has been pointed out by a number of commentators during the consultations, this indicator already has an established methodology and has already been used by governments, international organizations, NGOs and others around the world to track the nature, extent and changes in corruption. The source of these data are specialized corruption surveys or special modules on the experience of bribery in existing household surveys. Experience from specialized corruption surveys in Afghanistan, Iraq, the Western Balkans and Nigeria demonstrates that data collection is feasible and reliable when carried out according to a standard

²⁰¹ United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (UN-CTS) – 2016, UNODC, 2016.

²⁰² For practical reasons of counting, this could be a period exceeding 24 hours.

²⁰³ It has been suggested by various commentators that the indicator should be disaggregated by basic crime type category, using the International Classification of Crimes for Statistical Purposes (ICCS), since more complex crimes may normally warrant longer periods of investigation and pre-trial detention; by whether the defendants have access to a private lawyer or a state-funded lawyer; by income level; by legal status (adult or minor), and by ethnicity, disability and other factors relevant at the national level.

methodology.²⁰⁴ In particular, respondents have shown a willingness to share experiences of bribery in (anonymous) interviews and provide detailed information on bribes paid. There is therefore no necessity²⁰⁵ to weaken the indicator on the experience of actual bribes paid by the inclusion of instances where there was only a presumed demand for bribes from public officials (“*or were asked for a bribe by these public officials*”). Moreover, if the indicator were to include bribes that were only demanded but not actually paid, it would still not be clear *why* respondents did not pay the bribe when asked (e.g. because they refused on principle, because the requested amount was too high, because they could complain to another authority to receive the same public service sought, because they paid a bribe to some other authority to receive the service, etc.) and what happened when they did *not* pay the bribe.²⁰⁶

While weakening the indicator on the actual experience of bribes paid, results from recent surveys indicate that the inclusion of requests for bribes into the measurement of bribery prevalence does not actually change the results significantly. In a recent 2016 survey on bribery in Nigeria implemented by UNODC that collected information from 33,000 households across the country, the prevalence rate of bribery (that is, the proportion of persons who had at least one contact with a public official and who paid a bribe to a public official during the previous 12 months – which is precisely the formulation of the refined indicator 16.5.1) changed only slightly (from 31 per cent to 32 per cent) when including also those who were asked for a bribe by those public officials but did not pay it.²⁰⁷

Specifications

Indicator 16.5.1 has been classified as a Tier II level indicator, which means that a methodology has been established but data are not easily available. Despite this, further specifications will be needed for comparable measurement at the international level. One important specification of the indicator is that the rate of bribe payers is calculated in reference to the adult population who had contact with a public official in the 12 months before the survey, thus restricting the prevalence rate to those actually “at risk” of bribery. To alleviate the problem of recall errors

²⁰⁴ See <https://www.unodc.org/unodc/en/data-and-analysis/corruption.html> for results and methodological guidance.

²⁰⁵ The main argument for including the formulation “*or were asked for a bribe by these public officials*” was that this would make it easier for respondents to answer the question without losing face.

²⁰⁶ In comprehensive surveys on corruption and bribery, all these issues can be taken up separately, with valuable information gained as to why citizens refuse to pay bribes and what measures could be taken to strengthen the resistance to bribery. However, these additional indicators cannot and should not be gathered together into one headline indicator on bribery.

²⁰⁷ One reason why the overall prevalence rate of bribery is affected only marginally is that many of those who indicated that they at one point in the past 12 months had been asked to pay a bribe but did not pay it, also indicated that they paid a bribe in another occasion in the past 12 months. These respondents are then already included in the proportion of the population who did pay a bribe.

(on which type of public officials the respondent had contact with), the established practice in corruption surveys requires that the respondent is presented with a list of public officials and asked for each one of these whether he or she had a contact over the past 12 months. Only for officials where actual contact was made, respondents are asked whether a bribe has been paid over the past 12 months. In dedicated corruption surveys, a comprehensive list of civil servants is developed that reflects the most important types of civil servants whom citizens may encounter, often including 20 or more types of officials (e.g. police, judges, public doctors, teachers, tax officials etc.). For international comparability, guidelines and specifications need to be developed on the range of officials to be included in the question. Further guidelines are required for defining the precise wording of the question on whether bribes were paid, as this is a sensitive question that is best asked without using the word “bribe” as such (a widely-used formulation is “In the last 12 months (since xx.xx): did it happen that you had to give to any of them [i.e. the official just asked] a gift, a counterfavour or some extra-money, including through an intermediary (with the exclusion of the correct amount of official fees)?”

Indicator 16.5.2

As in the case of indicator 16.5.1, there exists an established methodology for measuring bribery by private businesses that has been applied in business corruption surveys.²⁰⁸ The source of the data in this case are specialized corruption surveys or special modules on the experience of bribery in existing business surveys. As in the case of indicator 16.5.1, there is no necessity to weaken the indicator on the experience of actual bribes paid by the inclusion of instances where there was only a presumed demand for bribes from public officials. Accordingly, the same arguments for refining the indicator by excluding the wording “*or were asked for a bribe by these public officials*” as for indicator 16.5.1 apply.

Specifications

Like indicator 16.5.1, indicator 16.5.2 has been classified as a Tier II level indicator, which means that a methodology has been established but data are not easily available. However, in the case of business bribery, there is likely to be a greater demand for methodological specifications than in the case of bribery in the general population. This starts with the actual definition, selection and sampling of business units (e.g. only headquarter units or all separate business premises), the definition of economic sectors the survey should be applied to (e.g. are agricultural units to be included) and ranges all the way to the choice of sample stratification and weighting accorded to single business units sampled (e.g. are all businesses given the same weight irrespective of how many employees they have, should larger businesses be given preference in the sampling procedure etc.). Guidance will also

²⁰⁸ See for example, UNODC, *Business, Corruption and Crime in the Western Balkans: The impact of bribery and other crime on private enterprise*, Vienna, 2013, available at <http://www.unodc.org/unodc/en/data-and-analysis/corruption.html> (last accessed on 29 December 2016).

be needed on the choice of respondent (only the owner/general manager of the business or also other senior managers with knowledge of bribery instances), interview mode and data aggregation, to name just a few of the issues to be clarified.

Regional Indicators

The focus of this paper was on the process of developing the global indicator framework for the monitoring of the Sustainable Development Goals and targets, particularly SDG 16. Besides this global indicator framework, the 2030 Agenda also foresees monitoring at the regional, national and thematic levels.²⁰⁹ While many countries are working on their own list of indicators to refine the monitoring at the national level, and international agencies will progressively develop a framework for thematic monitoring of the SDGs, the development of regional monitoring instruments will be necessarily tied to various regional processes which will follow their own logic and time-frame.

For example, in Africa national statistical offices have now started to work on a regional indicator framework that will align the SDG indicators with the future indicators for monitoring the “goals” and “priority areas” under the Agenda 2063.²¹⁰ This policy document proposed in 2013 and concluded in January 2015, contains a political commitment of African Head of States to fulfil a number of targets under 7 different “Aspirations” (Goals) over the next 50 years. Of the 7 “Aspirations”, Aspiration #3 relates to good governance, democracy, respect for human rights, justice and the rule of law and Aspiration #4 relates to peace and security. The first ten-year implementation plan²¹¹ contains a large number of “priority areas” to be pursued over the next decade until 2023, as well as an even larger number of “targets” to be pursued at the national and continental levels until 2023 (pertinent examples under Aspirations #3 and #4 are: “At least 70% of the people believe that they are empowered and are holding their leaders accountable”, “At least 70% of the people perceive that the press/information is free and freedom of expression pertains”, “At least 70% of the people perceive the judiciary to be independent and deliver justice on fair and timely basis”, and “At least 70% of the people perceive they have free access to justice”).²¹²

Besides these initiatives at the regional level, a number of volunteer countries were also participating in an initiative to pilot governance indicators for monitoring in the context of the SDGs at the global, regional and national level. A meeting on the

²⁰⁹ A/RES/70/1, para 75.

²¹⁰ African Union Commission, Agenda 2063. The Africa We Want, final edition, April 2015, available at <http://agenda2063.au.int/> (last accessed 16 December 2016).

²¹¹ African Union Commission, Agenda 2063. First Ten-Year Implementation Plan 2014-2023, September 2015.

²¹² Another regional process is currently taking shape in the Americas with a planned regional meeting on SDG 16 targets and indicators organized by UNDP in May 2017.

results of this pilot initiative of Albania, Indonesia, Rwanda and Tunisia was held in April 2015 in Tunis with the support of UNDP.²¹³

A selection of potential regional indicators

While at this point there are not yet any completed indicator frameworks for regional monitoring, some general indicators that have been proposed and discussed during the global consultations on the SDG indicator framework can be proposed as possible options for inclusions in regional and thematic indicator frameworks. These indicators have generally received much support from States, international agencies, civil society organizations or academia but have not been included into the global indicator framework for various reasons, mostly because the number of indicators have to be necessarily more limited at the global level than at regional or national levels. Considering all the potential indicators mentioned in this study so far, the following indicators on Targets 16.3 and 16.5 can be distilled for consideration in regional consultations on regional indicator frameworks:

Table 16. A selection of potential regional indicators for targets 16.3 and 16.5 (November 2016)
1. Percentage of the population who express confidence in police and justice institutions
2. Number of police and judicial sector personnel (qualified judges, magistrates, prosecutors, defence attorneys) per 100,000 population, by sex, location and other relevant characteristics (please specify)
3. Proportion of those who have experienced a dispute in the past 12 months who have accessed a formal, informal, alternative or traditional dispute resolution mechanism
4. Percentage of reported homicides in a given year that resulted in a conviction
5. Ratio of formal cases filed to cases resolved per year
6. Backlogs of civil and criminal law cases in court at end of year divided by the number of cases disposed of during the previous 12 months multiplied by 12 (months of backlogs)
7. Number of days taken to resolve disputes (in court, outside of court)
8. Number of public defenders, and defenders provided through legal aid, and law clinics per 100,000 population
9. Existence of legal aid services that are affordable, fair and timely
10. Unsentenced detainees as a proportion of overall prison population, <i>by duration of unsentenced detention</i> (for example, percentage of unsentenced detainees who have been held in detention for more than 12 months)
11. Number of deaths in custody over the last 12 months per 100,000 persons detained, by cause of death
12. Number of corruption cases reported and prosecuted over the past 12 months

²¹³ Initiative to Pilot Illustrative Work on Governance in the context of the SDGs - Global Workshop, 15 April 2015, Tunis.

Assessment of regional indicators by the UN Programme Network Institutes (PNI)

In order to get a sense of how relevant these or other indicators would be for regional monitoring, an attempt has been made to draw on the expertise of specialists working on justice and security issues and who bring in both a global and various regional perspectives. To do so, a short questionnaire was designed and sent to the 18 Institutes of the UN Crime Prevention and Criminal Justice Programme Network (PNI), asking experts within each institute who had prior knowledge of (and sometimes direct involvement in) the SDG indicator selection process about their assessments of the global indicators chosen for targets 16.3 and 16.5 and how these indicators could be refined to be more relevant in the regional context.²¹⁴ The following tables summarize the answers received, followed by short comments from a comparative perspective.

Table 17. Comments from PNI experts on global indicator 16.3.1 (December 2016)		
Target 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all		
Indicator 16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms		
Regional context	PNI	Comments
Africa	United Nations African Institute for the Prevention of Crime and the Treatment of Offenders; Kampala, Uganda (UNAFRI)	Victim support schemes should be available for effective recovery, a vibrant criminal justice system to administer conflict resolution and deterrent measures consistent with the law should be put in place
Americas	International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR & CJP); Vancouver, Canada	Interesting indicator, but it does not take into account that the concept of authority is problematic. In many countries, the matter would be reported to traditional authorities, local elders, etc. The notion of “other officially recognized conflict resolution mechanisms” is also problematic in that these mechanisms are varied and not well understood.
	United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), San Jose, Costa Rica	This is a very general indicator, of little use for comparative analysis between countries. Talking about violence, without specifying the scope of this concept could lead to underreporting of cases and distort the analysis of information. It would be more convenient to talk about intentional homicide rates.
Asia	United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), ²¹⁵ Tokyo, Japan	This is definitely a necessary indicator. However, it can measure only a tiny part of the given Target 16.3. You need much more than that, for instance, “proportion of victims of violence in the previous 12 months whose victimization resulted in official criminal investigation and/or prosecution”, and /or,

²¹⁴ “Regional context” in this case referred to the main region the PNI is concerned with.

²¹⁵ The response of UNAFEI represents the personal opinion of Prof. Dr. Mana Yamamoto, researcher at UNAFEI, and not the opinion of UNAFEI as a whole.

		“proportion of victims of violence in the previous 12 months who received redress”, “proportion of victims of violence in the previous 12 months who received physical and/or mental healthcare service by relevant official institutions”, and maybe more.
	Korean Institute of Criminology (KIC), Seoul, Republic of Korea	Costly surveys are required, which may be difficult for some countries
Europe	The European Institute for Crime Prevention and Control, affiliated with the United Nations; Helsinki, Finland (HEUNI)	This is an obvious indicator, with the data taken from victimisation surveys. Its benefits and shortcomings have been widely discussed – also in HEUNI publications.

Comment: It is interesting to see that the emphasis in various regional contexts is placed on different types of victim support services, different types of violence and various concepts of public authorities. These can be better tailored to specific regional circumstances.

Table 18. Comments from PNI experts on global indicator 16.3.2 (December 2016)		
Target 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all		
Indicator 16.3.2 Unsented detainees as a proportion of overall prison population		
Regional context	PNI	Comments
Africa	UNAFRI	Provide free legal aid services and special initiatives (plea-bargaining, reconciliation/ restorative justice mechanisms) for dispensing justice to ensure quick adjudication of cases
Americas	ICCLR	Not a very useful one, because the proportion can be influenced by both factors, the number of sentenced and the number of unsented detainees which varies at different times during the year. The link between the construct and the goal is tenuous at best. Several other alternatives have been suggested already which are superior to this formulation.
	ILANUD	Good indicator. In Latin America, the excessive use of pre-trial detention constitutes an aggravating factor of the prison crisis that affects - in different measure - all the countries of the region. The situation of "prisoners without conviction" also reflects criminal policies characterized by harsher penalties and the creation of new criminal types as a primary response to the situation of violence affecting the region. ²¹⁶
Asia	UNAFEI	This is a useful indicator, but it covers only a component of the target (e.g. “criminal justice is delivered without delay”). It may serve as measuring the expediency of judicial process which surely is an important component of a truly functioning judiciary, an indispensable factor for the realization of the rule of law and access to justice. Indicators such as “average number of days from the beginning of formal investigation to the first instance judgment” can go well together with this indicator. This indicator may also be used to measure the environment for offender rehabilitation, which may also be crucial for rule of law in the society from the viewpoint of treatment of offenders, because the longer you hold an unsented detainee (especially if in the same environment of those of

²¹⁶ ILANUD has compiled relevant information for decades on this criterion. See: Carranza, Elías, The prison situation in Latin America and the Caribbean. What to do, 2012, Available at: <http://www.anuariodh.uchile.cl/index.php/ADH/article/viewFile/20551/21723>, (last accessed on 23 December 2016).

		convicted prisoners), the larger the risk of impeding sound rehabilitation will be.
Europe	HEUNI	This is also an obvious indicator of the “rule of law”, but its use is hampered (in particular outside of Europe) by the different administrative definitions of “detainees” and “unsentenced”. Do you, for example, include those who are detained for various administrative purposes, such as illegal border crossing? Does “unsentenced” refer only to the first instance, or is the case subject to appeal?

Comment: Attention is drawn to the importance of alternatives to detention as well as the rehabilitation of offenders and how different legal and institutional frameworks can affect measurement in various national and regional contexts.

Table 19. Comments from PNI experts on global indicator 16.5.1 (December 2016)		
Target 16.5 Substantially reduce corruption and bribery in all their forms		
Indicator 16.5.1 Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months		
Regional context	PNI	Comments
Africa	UNAFRI	Continued sensitisation against the vice supported by sustainable supervision and improved terms of service
Americas	ICCLR	This indicator works well. It has been successfully used before.
	ILANUD	This is a good indicator. Its measurement at the regional level can even be found in studies such as those by Transparency International and Latinobarómetro.
Asia	UNAFEI	This is not a bad indicator, although it may be applicable only in societies where there is a fair amount of openness and people generally feel free to speak up, which differs country to country. The indicator’s validity may also be greatly affected by the characteristics of the country’s governance and social environment; you may need a supplemental indicator to adapt this into each country’s situation, or want to give up setting a unified regional indicator and think about different tailor-made indicators for each country.
	KIC	Costly Surveys are required, which may be difficult for some countries
Europe	HEUNI	Again, a helpful indicator, with the data taken from victimisation surveys that include a question on bribery. (Not many do, however.) Any study that uses such data should emphasize that corruption takes many forms, and the payment of a bribe by a private citizen to a public official (“street corruption”) is only one aspect of corruption.

Comment: Regional comments hint at the importance of cultural factors in measuring sensitive (illicit) behaviour when accessing scarce public resources. Different strategies for (illicitly) accessing public resources have to be taken into account in the measurement.

Table 20. Comments from PNI experts on global indicator 16.5.2 (December 2016)		
Target 16.5 Substantially reduce corruption and bribery in all their forms		
Indicator 16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months		
Regional context	PNI	Comments
Africa	UNAFRI	Ensure a business friendly legislation to make private and public partnership a regular and routine operation
Americas	ICCLR	This indicator works, but you have a problem conducting a survey on a valid sample of businesses. Also business these days take many forms.
	ILANUD	This is a good indicator. Its measurement at the regional level can even be found in studies such as those by Transparency International and Latinobarómetro.
Asia	UNAFEI	In addition to the comments made on 16.5.1, you may think about “foreign businesses” or maybe “multinational businesses” as sources of information, because they are generally less tangled up in domestic politics, bureaucracy and customary convention.
Europe	HEUNI	An interesting one, but studies of bribes paid by corporate bodies are few and far between. There is also the difficulty of definition: it is often difficult to distinguish between bribes, (legitimate) processing fees and facilitation payments. One major difficulty with victimization surveys among corporate bodies is that the respondent – answering on behalf of the company – may not be aware of the bribe (quite likely in a large company) or may not want to reveal the bribe (again quite likely).

Comment: In addition to considerations already voiced under 16.5.1, the inputs provided signal the difficulties of defining and measuring business corruption (bribery) under different regulatory environments and distinct structural conditions (e.g. the “typical” business will vary strongly across regions”).

Proposals for regional indicators by the UN Programme Network Institutes (PNI)

In addition to the above assessments, PNI experts have been asked to specifically suggest 2-3 additional indicators for the same targets that could be useful for regional monitoring; explain why they would be particularly useful in their regional context and provide possible sources of data for these indicators. The questionnaire included the list of potential regional indicators distilled from the SDG consultative process on indicators (Table 16) and a reference to relevant criteria for indicator selection.²¹⁷ The following tables summarize the answers received.

²¹⁷ It was specified that proposed indicators should be clearly specified and have a strong link with the target to be measured. Ideally, they should be SMART indicators (Specific, Measurable, Achievable in a cost-effective way, Relevant for the programme, and Available in a timely manner). It was clearly stated that proposed regional indicators do not have to be limited to these indicators.

Table 21. Regional indicators on target 16.3 suggested by PNI experts (December 2016)			
Target 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all			
Regional context	PNI	Indicator	Comments
Africa	UNAFRI	16.3.1 Ratification of international treaties/conventions	Regional cooperation based on realities of each jurisdiction; provision of shared resources Source: Institutional forum/registry for ratification
		16.3.2 Application/domestication of best practices	Enhanced collaboration based on institutional/expert interventions Source: Institutional registry
		16.3.3 Harmonisation of practices	Establishment of common benchmarks and shared value systems Source: Ministerial registry
Americas	ICCLR	16.3.1 Proportion of those who have experienced a dispute in the past 12 months and who have accessed a fair formal, informal, alternative or traditional dispute mechanism ²¹⁸	
		16.3.6 Percentage of all detainees who have been held in detention for more than 12 months while awaiting sentencing or a final disposition of their case (ROL Indicator #54)	
		16.3.8 Availability of free legal assistance for indigent defendants, ROL Indicator #49	Availability of free legal aid is an important indicator, but it has to go beyond formal eligibility and attempt to measure actual access to legal aid. That is a possible indicator for many regions.
	ILANUD	16.3.1 Number of trans female victims of homicide in the past year	The situation of violence of trans people in the region has been revealed by different national and international instances. ²¹⁹

²¹⁸ Indicators suggested by the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) had been suggested in an earlier proposal to which ICCLR contributed, see: United Nations Department of Peacekeeping Operations, Rule of Law and Security Indicators to Measure Progress towards Sustainable Development Goal 16 in Conflict-affected Societies, Discussion paper commissioned by UNDPKO, October 2015. The additional priority indicators for regional monitoring reproduced here were identified by Prof. Dr. Yvon Dandurand, the lead researcher of the report.

²¹⁹ In this regard, see the Report of the Inter-American Commission on Human Rights "Violence against LGBTI persons in the Americas", available at: <http://www.oas.org/es/cidh/informes/pdfs/violenciapersonaslgbti.pdf> (last accessed on 23 December 2016).

			Sources: Public Ministry. Gender observatories. Judicial investigation organizations. Gender units created specifically for the investigation of crimes motivated by reasons of sexual orientation or gender identity. Civil society organizations.
		16.3.2 Number of women victims of homicide on the basis of gender	Although specific types of criminal offences such as femicide have been created in some countries to punish gender-based violence affecting women, the indicator should be broader in order to be able to collect comparable data from countries where this crime has not been criminalized. ²²⁰ Sources: Public ministry. Gender observatories. Judicial investigation organizations. Gender units created specifically for the investigation of crimes motivated by gender. Civil society organizations dedicated to the defence of women's rights.
		16.3.3 Rate of public defenders per 100,000 inhabitants.	Different studies reveal that a significant number of people deprived of liberty in prisons in the region belong to economically and socially marginalized sectors that are not in a position to assume the costs of private legal defence. Due to the above, the technical defence of these people falls to public defenders who sometimes find themselves with excessive workloads that limit their ability to legally assist the imputed persons, to the detriment of their procedural rights. ²²¹ Sources: The judiciary or institutions in charge of public defence in each country.

²²⁰ The high levels of violence against women in the region have been revealed by different instances of the United Nations System and the Inter-American System for the Protection of Human Rights, specifically through the Rapporteur on Women's Rights and the Inter-American Commission of Women, see <http://www.oas.org/en/cim/> (last accessed on 23 December 2016).

²²¹ See, among others, Carranza, E., 2012, op. cit.

Asia	UNAFEI	16.3.1 Number of pretrial detainees per 100,000 of the general population, by country	Source: UNODC
	KIC	16.3.1 Whether legal systems (the police, the prosecution, or the court) in support of crime victims exist, and national crime victim compensation programs are established	
Europe	HEUNI	16.3.1 Proportion of victims of crime who, having reported the offence, are satisfied with the response of the police	Source: International Crime Victim Survey
		16.3.2 Percentage of the population who express confidence in police and justice institutions	Source: This question is often asked in international surveys (although with significant differences in wording)
		Number of deaths in custody over the last 12 months per 100,000 persons detained	Source: Prison administrations

Comment: The proposed regional indicators vary widely. If anything, they demonstrate a certain preoccupation of different regions with various aspects of justice: For example, with the performance of justice systems (Europe), the institutional environment of dispensing justice (Africa) and the experience of specific groups of victims and those who defend themselves in court (Americas).

Table 22. Regional indicators on target 16.5 suggested by PNI experts (December 2016)			
Target 16.5 Substantially reduce corruption and bribery in all their forms			
Regional context	PNI	Indicator	Comments
Europe	HEUNI		
Africa	UNAFRI	16.5.1 Name and shame	Reduction of impunity Source: National Ombudsmen registry
		16.5.2 Recovery of proceeds of corruption/bribery	Enhanced transparency Source: Commercial Courts registry
		16.5.3 Increased surveillance	Increased deterrence Source: Border posts and national law enforcement agencies
Americas	ICCLR	16.5.1 Public perception of whether it is possible to avoid arrest by offering a bribe to a police officer, ROLi #12	

		16.5.2 Public perception of whether it is possible to avoid a conviction or receive a more lenient sentence by paying a bribe to a judge, a prosecutor or other court personnel, ROLi #59	
		16.5.3 Public perception of whether corruption of prison officials is a serious problem in the prison system, ROLi #28	I would caution that public perception of what is happening in prisons is a fairly weak indicator.
	ILANUD	16.5.1 Number of public officials prosecuted for acts of corruption	One of the reasons that has undermined confidence in public institutions and political power in the countries of the region are the numerous scandals of corruption that are exposed to public light, and the lack of sanctions for those responsible for these events. Sources: Control bodies of civil service. Public Ministry.
		16.5.2 Number of public institutions that have standardized processes for the selection of civil servants on the basis of merit	The public administration in Latin America faces significant challenges in the selection of personnel, because the appointment of some staff members is conditioned in certain cases for political reasons and not necessarily because of the technical capacities of the contracted person. Sources: The executive power
Asia	KIC	16.5.1 Number of corruption cases reported and prosecuted in the past 12 months	Sources: Official crime statistics

Comment: The regional comments reflect various regional concerns on fairness in public recruitment, the impunity of civil servants for corruption, as well as on the perception of what is expected and possible when confronted with demands or offers of bribes in various contexts.

PART IV: Statistical Analysis

This final part of the research report on selected indicators for SDG 16 looks at available data for the SDG indicators on rule of law, access to justice and corruption and asks the question of whether the indicators chosen by the UNSC in March 2016 actually represent the underlying concepts that they are supposed to measure. To test the hypothesis that the indicators actually do represent the underlying concepts of rule of law, access to justice or corruption requires the bold assumption that we have a baseline indicator against which we can measure the SDG indicators. The following section assumes that such baseline indicators, which represent the degree to which countries conform with the broader concept of rule of law, access to justice and corruption, actually exist in the form of two comprehensive (but complex) composite indicators with a well-developed methodology.²²²

The first data set to be used for testing the SDG indicators is the Rule of Law Indicator data set produced by Daniel Kaufmann, Natural Resource Governance Institute (NRGI) and Brookings Institution and Aart Kraay, World Bank Development Research Group as part of the Worldwide Governance Indicators (WGI) project financed by the World Bank.²²³ The WGI project compiles governance indicators for over 200 countries and territories. The indicators combine the views of a large number of enterprise, citizen and expert survey respondents in industrial and developing countries. They are based on over 30 individual data sources produced by a variety of survey institutes, think tanks, non-governmental organizations, international organizations, and private sector firms. The Rule of Law Indicator captures perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence. Country scores are provided in units of a standard normal distribution, ranging from approximately -2.5 to 2.5.

The second data set used as a comparator is provided by the World Justice Project (WJP), an independent, multidisciplinary organization working to advance the rule of law. The WJP provides a large annual data set on its Rule of Law Index. The Index is compiled by using data on eight dimensions of the rule of law: limited government powers; absence of corruption; order and security; fundamental rights; open government; regulatory enforcement; civil justice; and criminal justice. Based on the results obtained for the (normalized) indicators, each dimension receives a score. The index is calculated as the arithmetic average of the eight scores. The scores are further disaggregated into forty-four indicators which in turn are built up from over 400 variables drawn from two data sources, namely a general population survey of around 1,000 respondents conducted in the three largest cities of each

²²² It should be remembered that one early decision in the process of SDG indicator selection was not to use composite measures as SDG indicators, due to their complexity and the problem of agreeing and assigning (arbitrary) weights to the set of underlying sub-indicators.

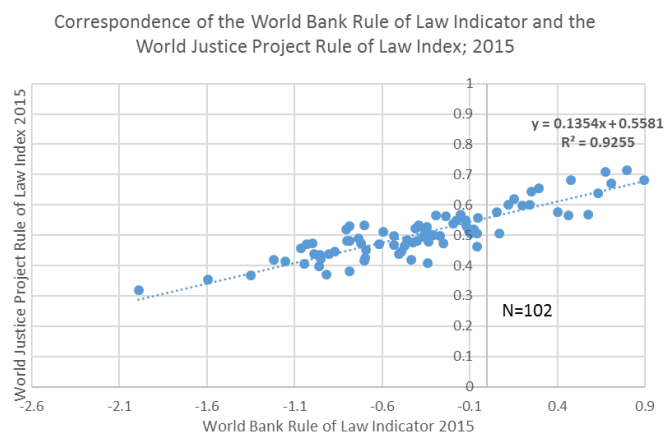
²²³ See <http://data.worldbank.org/data-catalog/worldwide-governance-indicators> (last accessed 29 November 2016)

country and expert surveys (qualified respondents' survey) of in-country experts in civil and commercial law, criminal law, labour law, and public health. The conceptual framework for the index was drawn up in consultation with academics, practitioners, and community leaders from around the world and the index today receives much attention from researchers. The 2015 WJP Rule of Law Index contains data for 102 countries.

The following analysis will test whether available data on the SDG indicators for targets 16.3 and 16.5 have any explanatory power with regard to the underlying concepts being measured, i.e. a statistical analysis is made whether data on the selected SDG indicators correlate with the WGI and WJP indicators on rule of law and control of corruption. The basic premise is that the degree of correlation illustrates the extent to which the SDG indicators contribute to the measurement of the overall concept of the targets. However, it should be kept in mind that the WGI and WJP indicators also make certain choices regarding what (and how) they measure the concepts of rule of law and control of corruption, and thus no perfect correlation can or should be expected - nor would a negative correlation, on the other hand, indicate that the indicator does not correspond well to the overall target.

Before proceeding with the analysis, it may be worthwhile to consider that the two chosen comparators (WGI and WJP indicators) are themselves only imperfect measures of the concepts of rule of law and control of corruption. This can be seen most easily when comparing the two indices against each other (Figure 1). The two data sets share 102 common data points (countries) and have a very high, but not perfect, degree of correlation ($R^2 = 0.93$).

Figure 1



Another question that should be considered is how stable the single measurements of the indicators are over time. The WGI is the larger set of indicators and has been carried out annually since 1995. Comparing indicator values for 214 countries for

2013 and 2015 shows that the two data sets provide stable results with a very high degree of correlation (Figure 2; $R^2 = 0.95$).²²⁴

Figure 2

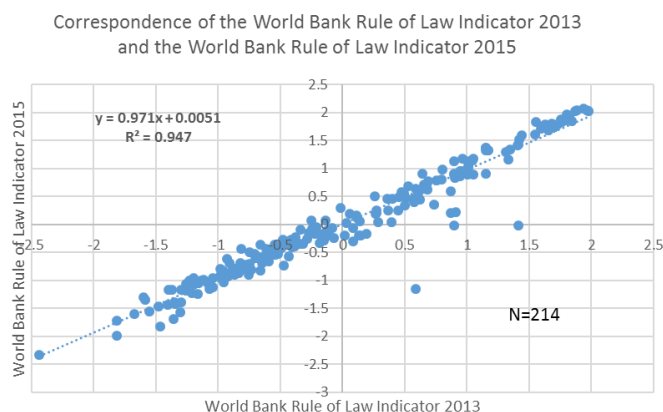


Figure 2 thus suggests that the rule of law indicators do not vary much over time and can be applied (tentatively) even to data sets of slightly different years.

Indicators for 16.3

Indicator 16.3.1

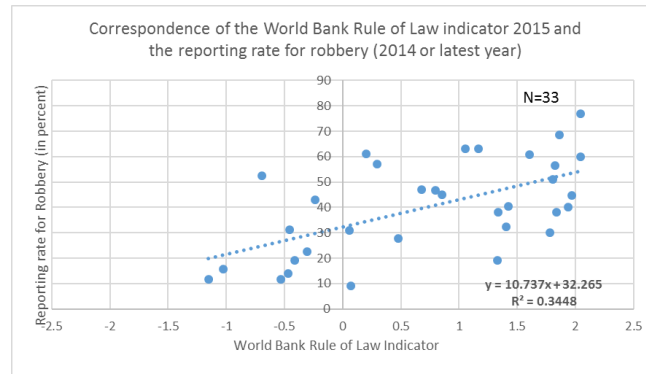
The first indicator to be tested is indicator 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms. In principle, this indicator would require data on the reporting of various forms of violent crime (assault, robbery, sexual violence) to a number of authorities or conflict resolution mechanisms. In practice, recent cross-national data are available for crime reporting to the police for a limited number of crimes only. A reasonable approximation of indicator 16.3.1 can be constructed with data collected by UNODC on the reporting rate for robbery. Data are available for 37 countries for the period 2004-2014.²²⁵ Once the data have been cleaned of outliers and data older than 2009, a total of 33 countries could be matched with the WGI Rule of Law indicator. The analysis shows a reasonable degree of correlation of the indicator with the overall concept of the rule of law (Figure 3; $R^2 = 0.34$, which can be interpreted to mean that the indicator can explain around a third of the variation in the WGI indicator).²²⁶

²²⁴ If the scores of the 5 outliers with the largest variation are excluded (Anguilla, Antigua and Barbuda, Martinique, Nauru and Palau - all small island states with relatively small populations and poor data), R^2 rises to 0.98.

²²⁵ See <http://www.unodc.org/unodc/en/data-and-analysis/crime-and-criminal-justice.html> (last accessed 30 November 2016)

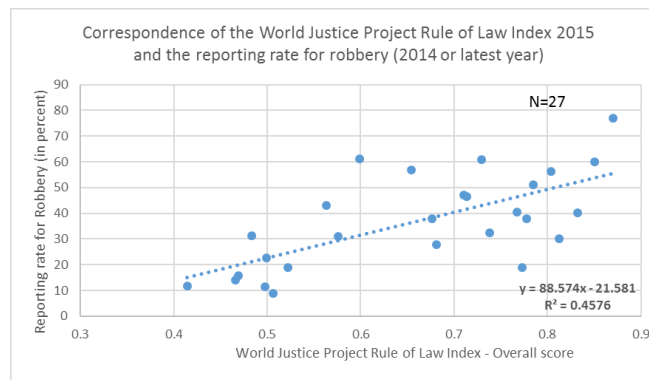
²²⁶ Changing the base year of the WGI indicator to 2013 does not affect the result of the analysis ($R^2 = 0.342$, $N=33$).

Figure 3



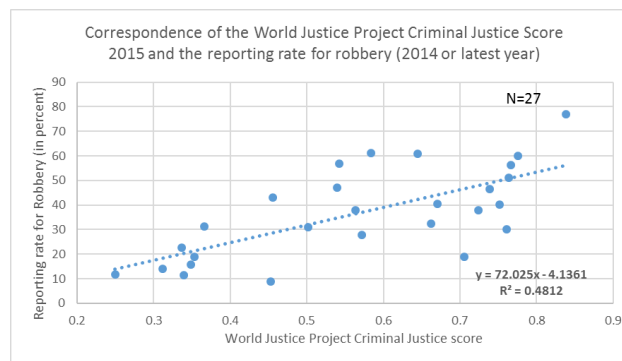
The same analysis can also be carried out with the indicator on the reporting rate for robbery and the WJP Rule of Law Indicator. The number of countries matching in the data set is lower (N=27), but the degree of correlation is substantially higher with the WJP indicator (Figure 4; $R^2 = 0.46$).

Figure 4



This higher correlation should not come as a surprise, since the WJP Rule of Law Index (Overall score) is composed of eight dimensions (listed above), all of which are given equal weight, and several of which should have a high correlation with the reporting rate for crime. One obvious example is the criminal justice dimension of the WJP index, and indeed, the crime reporting rate shows an even higher degree of correlation with the criminal justice score (Figure 5; $R^2 = 0.48$) than with the overall score.

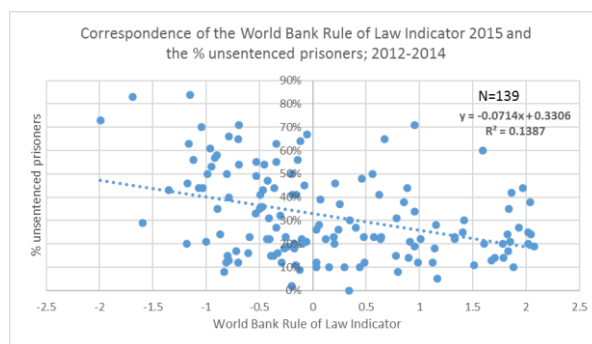
Figure 5



Indicator 16.3.2

The second indicator to be tested is indicator 16.3.2: Unsented detainees as a proportion of the overall prison population. This indicator can be tested with data on unsentenced/pre-trial prisoners collected by UNODC.²²⁷ The data set contains 145 countries and after adjustments 139 countries could be matched with the WGI indicator. The expected correlation is negative (a higher degree of Rule of Law would be associated with a lower share of unsentenced detainees). The data confirm this hypothesis, but the degree of correlation is fairly low (Figure 6; $R^2 = 0.14$)

Figure 6



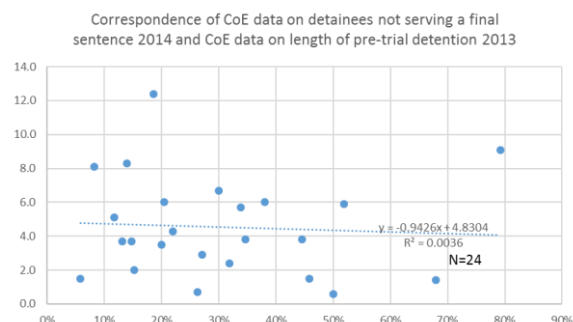
One of the suggestions to refine the indicator 16.3.2 made in this study is to disaggregate the data by length of detention (percentage of unsentenced detainees in excess of 6 or 12 months detention). Data on this indicator have not been collected at the international level up to now and there is also no global dataset on length of detention. However, a reasonable alternative to illustrate the use of length of unsentenced detention data is data collected by the Council of Europe (CoE).²²⁸ While the CoE SPACE data collection does not directly ask for data on the length of unsentenced detention, a proxy indicator on the average length of pre-trial detention (in months) can be constructed for a total of 24 countries.²²⁹ This indicator is not correlated with the CoE data on the percentage of untried detainees (Figure 7; $R^2 = 0.03$), nor with CoE data on the percentage of detainees not serving a final sentence ($R^2 = 0.004$), nor with the UNODC data on the percentage of unsentenced prisoners ($R^2 = 0.0007$), thus indicating that the two concepts are different.

²²⁷ See <https://data.unodc.org/> (last accessed 02 December 2016).

²²⁸ Aebi, Marcelo, Tiago, Melanie and Burkhardt, Christine, 2015, SPACE I Council of Europe Annual Penal Statistics: Prison populations. Survey 2014, Strasbourg: Council of Europe, 23 December 2015.

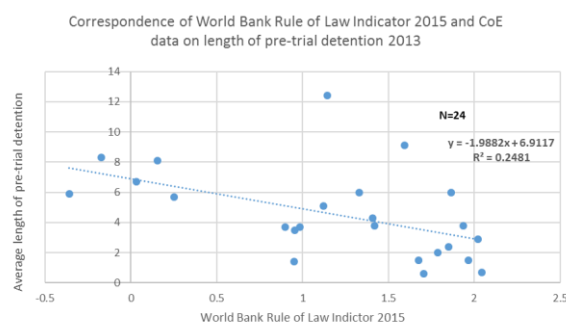
²²⁹ The Council of Europe SPACE prison statistics provide an indicator on the average length of pre-trial detention that is based on a) the total number of days spent in pre-trial detention 2013, b) the average number of detainees in pre-trial detention in 2013 as $a/365$, c) the number of entries before final sentence in 2013. Accordingly, the indicator of the average length of pre-trial imprisonment in months is calculated as $d = 12(b/c)$.

Figure 7



Despite illustrating a concept different from the percentage of unsentenced detainees, the length of unsentenced detention may still have explanatory power with regard to the overall concept of the rule of law. Indeed, there is a moderate degree of correlation of data on the length of pre-trial detention with the WGI Rule of Law Indicator (Figure 8; $R^2 = 0.25$).²³⁰

Figure 8



Indicators for 16.5

Indicator 16.5.1

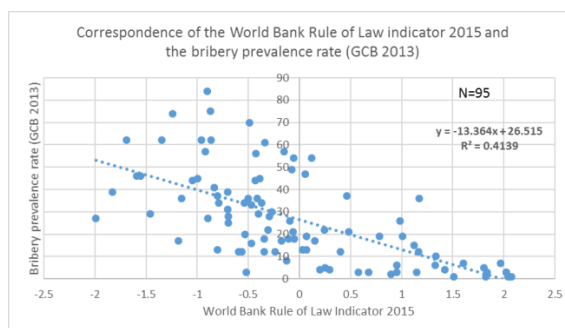
The first indicator referring to target 16.5 is 16.5.1: Proportion of persons who had at least one contact with a public official and who paid a bribe to a public official, or were asked for a bribe by those public officials, during the previous 12 months. Data on this indicator have not been collected in surveys in exactly this formulation, but a close approximation can be provided through data on the prevalence rate of bribery. Global data on bribery are collected by Transparency International in its Global Corruption Barometer (GCB).²³¹ These data do not include persons who were asked only for a bribe by public officials and they refer to households who experienced bribery (and not persons), but the indicator can be considered a reasonably close approximation to the prevalence of bribery and is available for 95

²³⁰ The correlation with the WJP Criminal Justice score is exactly the same, but has a lower number of data points ($R^2 = 0.25$; $N = 15$).

²³¹ See <http://www.transparency.org/gcb2013> (last accessed 30 November 2016).

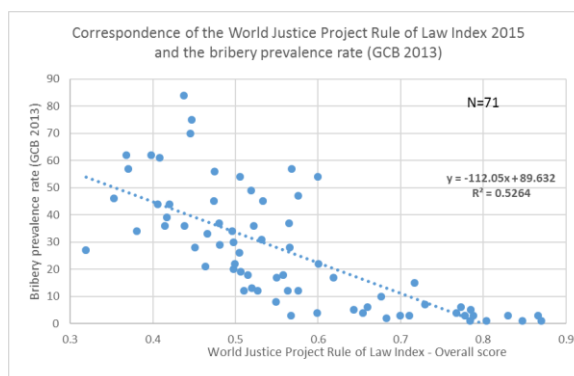
countries worldwide. Figure 9 shows that the GCB bribery indicator has a good correlation with the WGI Rule of Law indicator (Figure 9; $R^2=0.41$).²³²

Figure 9



The GCB bribery indicator has an even better fit to the WJP Rule of Law Index (Overall score) as can be seen from Figure 10, although the number of matching countries is lower ($R^2=0.53$; $N=71$).

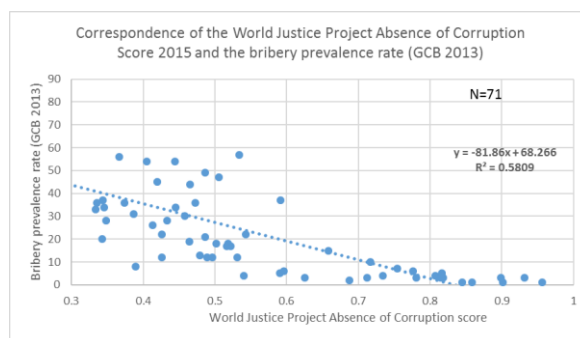
Figure 10



One part of the explanation for why the GCB has a higher correlation to the WJP index than to the WGI Rule of Law Index is that the WJP has several dimensions as components of its indicator that are relevant to the concept of corruption (e.g. absence of corruption, open government). In particular, the Absence of Corruption score makes an important contribution to the WJP index and has a higher correlation to the GCB indicator than the overall score (Figure 11; $R^2=0.58$; $N=71$).

²³² Exchanging the WGI 2015 data for WGI 2013 data does not change the result of the correlation ($R^2=0.42$; $N=95$).

Figure 11

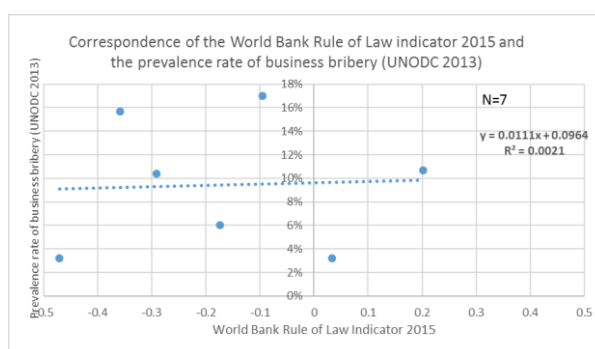


Indicator 16.5.2

The last indicator to be tested is indicator 16.5.2 Proportion of businesses that had at least one contact with a public official and that paid a bribe to a public official, or were asked for a bribe by those public officials during the previous 12 months. Up to date only a few business corruption surveys have been implemented that provide data to test this indicator. The closest approximation of the indicator can be found in a series of business corruption surveys implemented by UNODC in the seven Western Balkan States in 2012-2013.²³³ While the number of countries is too low to make far-ranging conclusions about the validity of the indicator, the results provide at least a first illustration of how the indicator compares with composite governance indicators.

Comparing the UNODC business bribery prevalence of the seven states with the WGI Rule of Law indicator 2015 shows no correlation (Figure 12; $R^2 = 0.0021$; $N=7$), which may be a result of a random error due to the low number of cases or the result of a discrepancy between what the WGI and the prevalence rate of business bribery measures.²³⁴

Figure 12

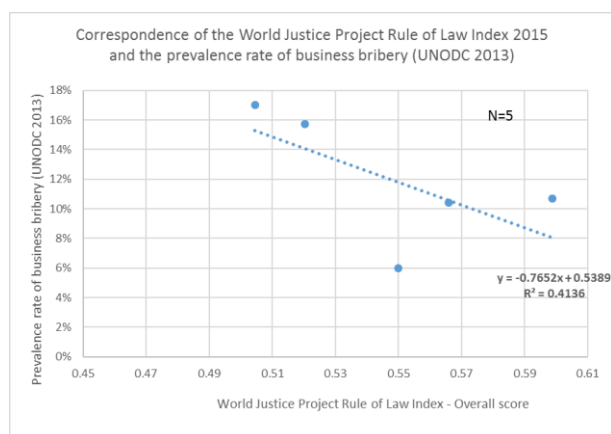


²³³ UNODC, Business, Corruption and Crime in the Western Balkans, op. cit., 2013.

²³⁴ Exchanging the WGI 2015 data for WGI 2013 data does not change the result of the correlation, either ($R^2=0.03$; $N=7$).

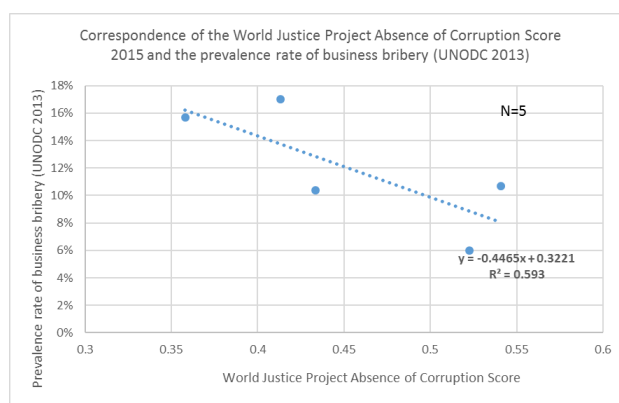
On the other hand, a comparison of the WJP Rule of Law Index with the UNODC business bribery prevalence (results match for only five countries), shows a reasonable amount of correlation (Figure 13; $R^2=0.41$, $N=5$), though the results need to be treated with caution due to the low number of cases.

Figure 13



As is the case for indicator 16.5.1, the correlation of the business bribery rate with the indicator for 16.5.2 is improved if compared to the sub-indicator of the WJP, i.e. the Absence of Corruption score (Figure 14; $R^2=0.59$; $N=5$).

Figure 14



Discussion

The quantitative analysis of available data on selected targets under SDG 16 attempts to test the hypothesis that the chosen indicators actually cover the underlying concepts they are supposed to measure. This is done by examining the degree of correlation of the selected indicators at the national level with several composite indicators developed by the World Bank and the World Justice Project, under the assumption that these composite indicators are able to measure the broader concept of rule of law, access to justice and corruption.

As shown in the preceding sections, all of the selected indicators have a certain degree of correlation with the baseline indicators used as comparators. This means

that the selected SDG indicators, even though they are single-dimensional and necessarily restricted to a certain aspect of the target (e.g. criminal justice rather than justice as a whole; bribery rather than corruption as a whole) do correlate with and contribute to the measurement of the wider target.

For most of the examined indicators, the degree of correlation is not very high, which can mean that the indicators only capture a certain part of the underlying concept of the target, that the composite indicators used as comparators are not measuring the target well or that either of the data sources needs further improvement. On the latter point, there is some evidence that the data sets used for measuring the SDG indicators are in need of further improvement. First, for those cases where only proxy indicators with data coming from similar, non-official sources were used, the full data set needs to be defined and generated according to the state-of-the-art methodology actually proposed for the measurement of the indicators (e.g. rather than taking data from the Global Corruption Barometer, comparable corruption surveys need to be carried out that are able to produce data corresponding to the exact definition of the relevant SDG indicators). Second, even where data are taken from official national sources using comparable definitions and methodologies, the data sets need to be reviewed to ensure that countries are actually complying with the required definitions (e.g. data on unsentenced detainees should only include persons who have not yet received a sentence and exclude detainees who are appealing a first sentence, a major disturbance in the current data set). Improving the data according to international standards will increase their value for monitoring national progress towards the targets, enhance international comparability and increase their correlation with the underlying concepts.

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