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The United Nations Global Goals & the Access to Justice Index™

The UN “Global Goals” are a list of 17 identified ends that need to be achieved in order to create a situation of “Sustainable Growth” in the twin contexts of developed and low income countries. In the context of a legal system, these goals have brought to light a previously untouched aspect of the legal world – that of the access to justice. While trying to expand the developmental narrative to include all those areas previously untouched by the UN’s Millennium Development Goals (MDG) approach, the focus on providing access to justice has become one that looks not just at the content of laws, but focusses on the practical utilization of those by individuals at varying levels of society. This orientation in favour of accessing justice is of particular importance in light of the relative lack of traction-attempts to highlight it in the past, resulting in a situation where the public debate focusses solely on the content of laws and ignores the average citizen’s ability to utilize them. Among these goals, Goal 16.3 deals specifically with the need to “[P]romote the rule of law at the national and international levels, and ensure equal access to justice for all.”

This goal encapsulates the need for the legal backing for any effort at reforming societal developmental practices that have an impact on the environment and on sustainable development. Within the ambit of Goal 16, which looks at the role of peace, justice and strong (“effective, accountable and inclusive”) institutions in achieving sustainable development, the rule of law would ensure accountability for institutions responsible for the kinds of actions that have a negative impact on sustainable development today.

Actualizing the situation envisaged in Goal 16.3 primarily requires infrastructural developments that will allow the common man in any part of the world to freely and easily seek legal remedies for various actions. This infrastructural development includes physical access to authorities that can facilitate the justice-rendering process as well as capacity-building for those working within these institutions in different parts of the world. The challenges to the creation of this situation, while context-specific in certain jurisdictions, stem from a largely common set of circumstances.

Poorly trained judges who lack expertise in niche areas of the law, inability to physically create enough courtrooms and other such justice-rendering mechanisms, etc., are circumstances that plague large parts of the developing world.

Consequently, one of the greatest challenges to the access to justice movement is one of an information deficit/ information-asymmetry with respect to the kinds of problems faced by similarly placed countries, and the different approaches taken by those to deal with them. The result has been that these countries are not being able to learn from the similar experiences of those placed in circumstances akin to theirs.

Thus, ensuring that countries placed similarly from a developmental standpoint have access to information about one another could go a long way in helping to actualize these goals and this is a necessary first step to help realize Goal 16.3 in practice.

It is in this light that the current Access to Justice Index™, brought forth by the *Global Initiative for Access to Justice*, finds its core utility i.e., to render fruition and meaningful energy to worldwide endeavors by various stakeholders (the government, the judiciary, the legal profession and the legal education) to ensure, promote and facilitate the equal access to justice to all.

Goal 16 of the new Sustainable Development Goals seeks to carry on the momentum created by the Millennium Development Goals in order to promote inclusive and just societies across the world. In furtherance of Goal 16 and Goal 16.3 in particular, the inaugural version of the Access to Justice Index 2016, is an attempt to capture certain indicators across the five BRICS countries- Brazil, Russia, India, China and South Africa, in order to evolve a comprehensive methodology for assessing the inclusiveness of the legal system within these countries.

The current 2016 Index has analyzed the existence and accessibility of the legal institutions and other justice-rendering mechanisms in a country through a set of questions/indicators broadly pertaining to the government, the judiciary, the legal profession and legal education. The proposed Global Access to Justice Index 2018 also seeks to include the efficacy of these respective institutions/ mechanisms in achieving their goal, that of providing equal access to justice to all within their jurisdiction.

With such a harmonious merger of both quantitative indicators (those providing an objective assessment of the existence/availability of laws, policies, institutional mechanisms, etc., providing, ensuring and facilitating access to justice in various jurisdictions, as on paper) and qualitative parameters (these delve into a qualitative assessment of the efficacy of such mechanisms and how their utility in assuring access to justice is perceived by the target-beneficiaries), among a wide base of stakeholders, the Access to Justice Index attempts to contribute holistically

to the lacunae in the epistemology surrounding the access-to-justice movement. These broad indicators are used for assessing the infrastructure, policy, technology and several other factors which can be reformulated to meet other pressing interests and concerns of the state. These indicators provide an overview of the accessibility movement in these five countries (proposed to include 80 countries in the 2018 Global Index) and the information repository created through this report can be utilized by institutions such as the Government in improving their judicial outreach and in developing their judicial infrastructure and lastly in furthering the cause of making access to justice a reality for the common man.

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and South Africa, in order to evolve a comprehensive methodology for assessing the inclusiveness of the legal system within these countries. The Access to Justice Index works towards building a resilient judicial infrastructure. It has been created in order to facilitate the governments of the world to introspect on their shortcomings by highlighting their performances in each of the five aforementioned areas and thereupon formulate policies that are best suited to bridging their individual implementation deficits accordingly.

The importance of formulating comprehensive metrics for evaluating access to justice cannot be emphasized enough, especially in light of the impending deadline for attaining the Sustainable Development Goals in 2030. Accessibility to justice in a country can be broadly understood by looking at the performance in individual areas which determine the overall performance of the legal institution. Moreover, the absence of such a metric makes it difficult for the country to identify best practices across countries and implement them accordingly. This report can also be viewed as an attempt to narrow down policy objectives for countries which are seeking to

strengthen the effectiveness of their legal institutions and fall short of the same because of the magnitude of areas which require boosting and the difficulty in identifying specific areas where the state is underperforming.

It would be apt to say that this index seeks to collaborate with various organizations and institutions such as the United Nations Development Programme (UNDP), the World Bank, and the United Nations Human Rights Council (UNHRC), etc., in order to aid them in generating development-indices for countries across the world and emulating similar studies across several nations.

Ensuring the rule of law in every country is a pressing international concern and generating similar indices will bolster the efforts of nations in order to achieve this goal along with Goal 17 which mentions promoting global partnership, based on a set of shared principles and values for sustainable development across the world.