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Evaluation

Management response to the evaluation of UNDP support to access to justice

I. Introduction

1. In 2022, the Independent Evaluation Office carried out an evaluation of UNDP support to access to justice, covering the period 2014 to late 2022 (DP/2022/6). The evaluation was framed around the UNDP definition of access to justice as “the ability of people to seek and obtain a remedy, through the formal or informal justice system, and in accordance with human rights principles and standards”.
2. At the heart of the UNDP mandate is a focus on transforming the conditions of people living in poverty and those who are excluded and marginalized. Because of the importance to UNDP work, those who drafted the Strategic Plan, 2022-2025, made “leaving no one behind” one of its three overarching directions of change. One year into implementation of the Strategic Plan, findings and recommendations of this forward-looking evaluation on access to justice are both timely and valuable.
3. Findings and recommendations will help guide strategic direction of the organization and inform a theory and practice for UNDP to integrate and operationalize access to justice within the wider context of rule of law, human rights, governance, and resilience. They will also assist UNDP in improving its collective contribution to the gender equality strategy, UNDP crisis offer, digital strategy and contributions to broader United Nations system support to justice, human rights and the rule of law.
4. The evaluation was designed to be formative, focused on organizational learning with a view to: (a) generating lessons, conclusions and recommendations that contribute to decision-making and learning that improve UNDP contributions to the 2030 Agenda for Sustainable Development and Sustainable Development Goals (SDGs); and (b) supporting corporate accountability by assessing UNDP performance and contributions to date in delivering on the stated objective to integrate and operationalize access to justice by identifying contextual, strategic and operational factors that may influence progress.

II. Access to justice in the global development context

5. According to *2022 Human Development Report*, the world is experiencing a “polycrisis” where “people have faced diseases, wars and environmental disruptions before, but the

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confluence of destabilizing planetary pressures with growing inequalities, sweeping societal transformations to ease those pressures and widespread polarization present new, complex, interacting sources of uncertainty.”¹ Multiple, compounded crises threatened global SDG progress and caused the value of the global Human Development Index to decline for the second year in a row, “erasing the gains of the preceding five years,”² as well as those made in effective, accountable and inclusive governance.³ This includes growing risk of economic crises, inequalities, conflict and violence, polarity, rule of law,⁴ and threat to human rights.⁵ Freedom of expression deteriorated in 35 countries in 2022 compared to seven countries 10 years ago, while government censorship of the media has worsened in 47 countries and government repression of civil society organizations has declined in 37 countries.⁶

6. These developments affect government capacities to meet justice needs in ways consistent with human rights standards and at a scale that meets expanding needs. The estimated justice gap in 2019 shows 5.1 billion people (a third of the global population) has a minimum of one unmet legal need, no ability to resolve justice challenges, and/or are deprived of opportunities the law provides—and an estimated 243 million people live in extreme conditions of injustice.⁷ This situation has been further aggravated by the COVID-19 pandemic and subsequent crises.⁸ As the evaluation notes, effective and responsive justice systems are critical for securing an enabling environment for socioeconomic development, social protection and ensuring integrity and anticorruption measures are in place that promote a healthy financing environment for development and progress towards the SDGs.

7. The COVID-19 pandemic not only created a justice emergency but revealed deep-rooted inequalities and injustices worldwide, calling into question conceptions of justice, fairness, and accountability, and demonstrating the need to address, eradicate persisting structures of inequality and adopt broader definitions of justice.⁹ The multiple crisis inspired a greater intensity in social movements and protests of people demanding justice be it from more fair and just legal systems to improved social, economic, gender, racial, and environmental justice.¹⁰ In most countries, governments responded by cracking down on rights and leaning into authoritarianism, jeopardizing already fragile social contracts.¹¹ A worrying trend has been seen in the decline of funding for the justice sector: A decrease of 36 per cent since the peak in 2015 and disengagement of donor countries.¹²

8. The justice needs of ordinary people are a crucial development need. This is particularly acute for excluded populations and people in crisis living in fragile contexts where needs are unmet despite the urgent need for justice services to support economic activity and development protection. This inequality and lack of access to justice compromises trust in the state which can trigger risk or drive conflict.¹³ Crisis and fragile contexts struggle to meet civil

¹ Human Development Report 2021/2022, foreword.

² *Ibid*, Figure 2, p. 4.

³ *Ibid*, Figure 4.5, p. 15.1.

⁴ World Justice Project. Rule of Law Index 2022. Available at <https://worldjusticeproject.org/rule-of-law-index/> and World Justice Project Rule of Law Index, 2022 Insights, WJP, 2022.

⁵ UNDP Administrator’s statement on 10 Dec 2022. Available at <https://www.undp.org/speeches/draft-statement-undp-administrator-human-rights-day-2022-10-december>.

⁶ Defiance in the Face of Authorization, V-Dem Institute, 2023.

⁷ Measuring the Justice Gap: A People-Centered Assessment of Unmet Justice Needs Around the World, World Justice Project, 2019.

⁸ The COVID-19 Pandemic and Global Justice Gap, World Justice Project, Oct 2020.

⁹ Beyond the Pandemic: The Justice Emergency, UNDP Leanne McKay, April 2021.

¹⁰ Carnegie Endowment for International Peace, Global Protest Tracker, available at <https://carnegieendowment.org/publications/interactive/protest-tracker>, and Press, B., & Carothers, T., Worldwide Protests in 2020: A Year in Review (Carnegie Endowment for International Peace: December 2020). Available at <https://carnegieendowment.org/2020/12/21/worldwide-protests-in-2020-year-in-review-pub-83445>; Isabel Ortiz and others, World Protests: A Study of Key Protest Issues in the 21st Century (New York, Palgrave MacMillan, Columbia University, Friedrich-Ebert-Stiftung, 2022). Available at <https://link.springer.com/book/10.1007/978-3-030-88513-7>.

¹¹ Beyond the Pandemic, see above.

¹² Manuel, M., and Manuel, C. April 2021. People-Centred Justice For All: A route to scaling up access to justice advice and assistance in low-income countries. OECD Development Assistance Committee figures 2019.

¹³ Beyond the Pandemic, UNDP 2022, available at <https://www.undp.org/publications/beyond-pandemic-justice-emergency>.

and criminal justice needs while humanitarian actors focus on supporting justice services provided by international actors as a part of immediate crisis support with little lasting impact on national capacities. United Nations Security Council mandated political, peacebuilding and peacekeeping operations often have critical mandates to support and strengthen rule of law, state authority and stabilization; however, it is only by working closely with development stakeholders that institutional support can be incentivized to meet the justice needs of people, especially those at risk of being left furthest behind.

9. Since 2004, UNDP has focused concretely on promoting access to justice as an enabler of development unlike the majority operating in international rule of law.¹⁴ In the run up to the finalization of the 2030 Agenda, UNDP played an important technical and advocacy role in demonstrating a compelling case for justice service provision and access to justice principles to be embedded as an integral part of SDG 16 on peace, for justice and strong institutions. UNDP promoted dialogue at global and regional levels on access to justice and rule of law as critical for achieving sustainable development and worked with stakeholders to promote a holistic understanding of access to justice, strongly advocating for the inclusion of a civil justice indicator as a measure of target 16.3.3 on rule of law and access to justice. This milestone, agreed upon by United Nations Member States, confirmed the UNDP approach that access to justice is a development objective and enabler for the SDGs. Despite the clear articulation of Goal 16, justice spending (as a proportion of overseas development assistance) has not increased.¹⁵

III. UNDP support to access to justice

10. As acknowledged in the evaluation, UNDP is widely recognized as a key provider of international development assistance in the justice sector. In the UNDP strategic plans for 2018-2022 and 2022-2025, access to justice has been embedded and measured as part of the integrated results framework. The recent plan articulates a response to access to justice as a development goal and enabler within the context of complex, multidimensional challenges. It is focused on strengthening people's participation and agency, and respect for human rights for effective governance.¹⁶ In terms of specific programming responses, UNDP supports institutions and civil society to develop efficiently, responsively and with integrity to support the access to justice needs of communities.¹⁷

11. In its Strategic Plan, 2022-2025, UNDP reiterates its commitment to support Member States in their efforts to respect and fulfil their human rights obligations and commitments under international law, as an operational activity for development, and a critical tool to operationalize the pledge to leave no one behind, which is pursuant to the 2020 quadrennial comprehensive policy review. This work supports rule of law and access to justice. Building national human rights systems responsive to rights-holders and assisting duty-bearers to meet their obligations, strengthens accountability, supports non-discrimination and strengthens remedies for redress in the context of human rights violations, thereby promoting access to justice.¹⁸

¹⁴ UNDP 2004 guidance note on access to justice.

¹⁵ People-Centred Justice for All, 2021.

¹⁶ See paragraphs 10 and 32-37 of the UNDP Strategic Plan, Sept 2021 DP/2021/28 (undocs.org).

¹⁷ For more details see the Global Programme annual report 2021, <https://undprolhr2021.org/index.html>. In Somalia, to enhance a community-driven approach to justice, UNDP and partners facilitated community-led discussions to find integrative justice solutions for more than 6,300 Somalis. In Burkina Faso, Burundi, the Democratic Republic of the Congo, South Sudan and Central African Republic, UNDP-supported mobile courts and legal aid services that offered access to justice tools and services to more than 21,000 people in 2021. In Bangladesh, to respond to the severe impact of the COVID-19 pandemic in prisons, UNDP launched a platform for virtual courts, facilitating 42,894 bail applications and 14,911 virtual hearings. This UNDP-led initiative led to novel thinking and the state to transform the courts, making use of information technology.

¹⁸ Examples include working with over 100 national human rights institutions to promote and protect human rights, strengthen national human rights systems and work to support follow-up to recommendations from United Nations human rights mechanisms and processes such as the Universal Periodic Review (UPR). Albania, as an example, used the process to support women facing discrimination while, in Sierra Leone, the UPR was used to help abolish the death penalty.

12. Since 2008, UNDP headquarters has evolved its capacities on rule of law and access to justice from a disparate group of technical experts to a consolidated headquarters and regional networked team focussed on integrated programming for rule of law, security and human rights that is situated within the UNDP Crisis Bureau and works closely with related policy and programme units across the UNDP Global Policy Network.¹⁹

13. Simultaneously, UNDP headquarters developed a programmatic vehicle that provides financial, technical, and strategic support to UNDP country offices to improve engagement in access to justice programming. The Global Programme for Rule of Law and Human Rights is now in its fourth phase and is committed to advancing learning, programme design and advocacy opportunities for UNDP projects and programmes that support access to justice under relevant country programme documents (CPDs).²⁰ Between 2015 and 2022, 102 countries received catalytic financial support with \$183 million provided to country offices. The global programme also funds and augments policies and thought leadership across access to justice areas, contributes to governance communities of practice,²¹ and relevant global knowledge networks.

14. At the outset of the COVID-19 pandemic UNDP used the global programme to quickly respond to immediate needs created by the interruption of justice services, developing a guidance note to support country office interventions.²² A UNDP commissioned a paper “Beyond the Pandemic – The Justice Emergency” in support of a pivot towards more effective, systemic, integrated and people-centred approaches to tackle the root causes of inequality and support a new social contract, as per recommendations from the United Nations Secretary-General in his Common Agenda and forthcoming Rule of Law Vision.²³

15. Since 2012, UNDP has consistently focused on support to the United Nations development system (UNDS) for coordinated rule of law assistance (including access to justice) in crisis and fragile settings. Through the United Nations Global Focal Point for Rule of Law that UNDP co-chairs with United Nations Department of Peace Operations Office of Rule of Law and Security Institutions, UNDP supported joint rule of law programmes with missions in the Central African Republic, the Democratic Republic of the Congo, Mali, Sudan, Somalia and South Sudan. Since its establishment, the United Nations Global Focal Point arrangement significantly increased the level of cooperation and joint work under different modalities between UNDP, United Nations missions and other peacekeeping and special political missions. As a result of the decrease in United Nations peacekeeping operations and increase in special political missions with a justice and corrections mandate, the Global Focal Point Rule of Law arrangement has allowed UNDP to increase coordination efforts in Somalia, Sudan and the Gambia.

16. In 2019 and 2020, UNDP, the Organisation for Economic Co-operation and Development (OECD) and United Nations Office for Drugs and Crime (UNODC) in partnership with civil society partners, spearheaded efforts to introduce a ‘people-centred’ indicator, 16.3.3 to the SDG framework. UNDP, OECD and UNODC prepared the submission for the 2020 comprehensive review of the global SDG indicator framework by the Inter-Agency and Expert Group on Sustainable Development Goal Indicators and developed metadata. Since its inclusion in the framework, UNDP led the methodological development of the indicator as

¹⁹ Related capacities for support to access to justice are located within the Oslo Governance Centre (data and research). UNDP governance, health, gender and digital teams all make important contributions to enable legal frameworks for access to justice.

²⁰ More information can be accessed in UNDP Global Programme annual reports for 2017 (<https://www.undp.org/publications/rule-law-annual-report-2017>), 2018 (<https://rolhr.undp.org/content/ruleoflaw/en/home/2018.html>), 2019 (<https://www.undp.org/rolhr/publications/2019-annual-report-rule-law-and-human-rights>), 2020 (<https://www.undp.org/rolhr/publications/2020-annual-report-rule-law-and-human-rights>) and 2021 (<https://undprolhr2021.org/index.html>).

²¹ See <https://www.sparkblue.org/cops-public>.

²² Ensuring Access to Justice in the Context of COVID-19, guidance note, UNDP and UNODC, May 2020.

²³ See <https://www.undp.org/publications/beyond-pandemic-justice-emergency>, June 2022.

featured in the SDG 16 survey, supporting countries to build their understanding and awareness of the indicator and develop a reporting platform for countries. UNDP leads on data collection and has standing relationships with 100 national statistics offices to progress this aim.

17. UNDP supports Member States on ‘people-centred justice’ and is an active participant in the Justice Task Force that was established following the publication of the *Justice for All* report and associated ministerial declarations. UNDP has contributed to the discussions led by the Justice Task Force (and related efforts of the Pathfinders for SDG 16) and contributed to the work that led to the creation of the Justice Action Coalition. UNDP is currently co-leading the development of people-centred justice messaging under the Justice Action Coalition action plan. UNDP is also a member of the Ibero-American Alliance for Access to Justice to accelerate the implementation of SDG 16.3 with a special emphasis on data and innovation, and promotion of a regional normative framework for access to justice based on people-centred justice models.²⁴

18. UNDP has supported transitional justice processes in countries for more than a decade with a strong focus on promoting people-centred and development-oriented approaches. UNDP has worked in complex contexts and protracted crises, developing strategic partnerships (Peacebuilding Fund, United Nations Office for Human Rights (OHCHR), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), International Center for Transitional Justice, and engaging donors and international cooperation actors. UNDP is a strategic collaborator in the development of the United Nations Secretary-General Guidance Note on Transitional Justice for United Nations to promote the preventive role of transitional justice. UNDP engagement on transitional justice secured support to broader access to justice projects based on the need for complementarity between national judicial, non-judicial, state and non-state actors, and national and international systems in the fight against impunity in places like Colombia, the Central African Republic, and the Gambia.²⁵

19. UNDP positively supports expanded access to justice through digitalization efforts, work that has accelerated during the COVID-19 pandemic through the global mapping of e-justice and a report establishing a framework for UNDP “e-justice” that is aligned with the corporate digital strategy and principle of leave no one behind. Demand and direct support to countries increased in many places such as in the State of Palestine.²⁶

20. UNDP, OHCHR and the United Nations Environment Programme (UNEP) advocated jointly for global policy agendas related to the right to a clean, healthy and sustainable environment, and the United Nations Secretary-General’s Call to Action on Human Rights where UNDP co-leads the thematic work in this area for the United Nations development system. With partners, UNDP has unpacked the right to building clean, healthy and sustainable environments in an Information Note. Based on increasing demand from UNDP country

²⁴ See <https://www.justice.sdg16.plus/ibero-american-alliance>.

²⁵ In Colombia, following the Peace Accords in 2016 between the Government and the Revolutionary Armed Forces of Colombia (FARC), UNDP has strategically supported the three components of the transitional justice system (the Truth Commission, the Special Jurisdiction for Peace and the Missing Persons Search Unit) which has allowed the coordination of the process with the ongoing national and local development strategies and facilitated access to justice and truth for more than 306 000 Colombians. In the Central African Republic, through the rule of law project portfolio, UNDP is connecting all national and international partners and donors for coordinated assistance and funding for comprehensive transitional justice support, facilitating partnerships and complementarity between the Special Criminal Court, Truth Commission, ordinary courts, civil society legal aid providers and security institutions. Similarly in The Gambia, UNDP, in collaboration with OHCHR and the Peace Building Fund, has supported the Truth, Reconciliation and Reparations Commission (TRRC), the National Human Rights Commission (NHRC) and survivors of human rights violations to collaborate in establishing national transitional justice and human rights mechanisms in a participatory and inclusive manner. This partnership was instrumental in allowing civil society organizations - particularly victims’ associations, women and youth groups - to participate in the national transitional justice process.

²⁶ ROLSHR has been providing technical support to more recent endeavours in this area (in 2021, five e-justice trainings engaged over 40 UNDP country offices) and is working closely with the Chief Digital Office to develop guidance for rule of law and digitization as well as to identify capacities for support to effective and sustainable programming. For example, in the State of Palestine, UNDP has supported the development of Mizan II, a court management system that has not only improved efficiency but increased access to justice for people involved in criminal and civil cases, accelerated the speed and reduced the costs of litigation, and increased the transparency of court decisions while offering further opportunities for system improvement and law reform to better meet people’s needs in this particular political and legal context.

offices. and the recognition of the right to healthy environment, UNDP also finalized a global strategy for environmental justice and guidance note to support country office programming, with increasing access to justice and legal empowerment in environment and climate change as core components of this strategic approach.

21. UNDP implements an integral approach to support access to justice for women and girls, particularly survivors of violence in crisis and fragile contexts. Acknowledging that women—especially women politicians, human rights defenders, activists, feminist groups, lesbian, gay, bisexual, transgender, queer and intersex people (LGBTQI+) and young women—face widespread and increasing forms of violence, UNDP works in 90 countries to end gender-based violence through the collaborative Spotlight Initiative and Gender Justice Platform. UNDP, UN-Women and 20 partners provide integral, intersectional and inter-agency people-centred justice responses for women while UNDP supports women’s leadership in the justice, security and parliament sectors alongside UNFPA and Economic and Social Commission Western Asia (ESCWA) to address discriminatory frameworks. Support to the Team of Experts on the Rule of Law and Sexual Violence in Conflict, has contributed to efforts of the United Nations Special Representative on Conflict Related Sexual Violence and included support to accountability and specific prosecution efforts in countries such as the Central African Republic, the Democratic Republic of the Congo and Guinea.

22. Given the importance of civil justice, as reflected in the new SDG indicator 16.3.3, and the cross-cutting nature of civil justice as a foundation for the rights and entitlements that underpin all SDGs, UNDP supports systems, institutions and mechanisms for delivering civil justice on employment, family relationships, health care, housing, land and property, legal identity, economic opportunities and social protection. In line with the UNDP 2022 crisis offer, the organization is strengthening civil justice as a preventive strategy to avoid and de-escalate crises and fragility. A mapping exercise conducted in 2022 identified more than 30 country offices undertaking 70 projects with a civil justice focus. Lessons and emerging good practices will be published in 2023. A policy brief articulating UNDP commitment to civil justice is under development and will support global advocacy efforts within the Justice Action Coalition to elevate civil justice as central to a people-centred approach to justice.

23. As part of its efforts to strengthen rule of law, UNDP invests in the use of digital technologies for developing and transforming state and formal justice systems, and institutions to improve accessibility, efficiency, transparency and accountability. UNDP recognizes the importance of customary and informal justice systems, including alternative dispute resolution mechanisms such as mediation and restorative justice, and their potential to advance access to justice for all—especially the most disadvantaged. UNDP supported national customary and informal systems with a clear commitment to develop fair justice outcomes and processes that are context-specific and compliant with international human rights standards, and that have placed due attention on women’s rights.²⁷

24. The UNDP Justice Futures CoLab, launched in June 2022, is a mechanism for advancing learning in support of integrated, innovative and adaptive programming and policy support. The CoLab enables strategic conversations across country, regional and global teams, as well as multiple disciplines, on civil justice programming, rule of law and human rights dimensions of development for internal displacement, engaging non-state justice and security actors in contexts of hybridity, and supporting environmental human rights defenders. The CoLab works

²⁷ For specific country examples see (i) Somalia alternative dispute resolution mechanisms: Nonviolent Communication in alternative dispute resolution centres (undp.org) and community conversations to discuss justice and security problems: Community conversations for justice (undp.org); (ii) Mali: support to land commissions to solve disputes at community level: Le PNUD appuie la redynamisation des commissions foncières pour contribuer à une gestion apaisée et durable du foncier agricole (undp.org); (iii) Malawi - work with traditional leaders on gender justice: In Malawi, Traditional Authorities are helping to eliminate child marriage and get girls back to school (undp.org); (iv) Bolivia: support to indigenous justice system: El Fortalecimiento de la Justicia Indígena Originario Campesina, Programa De Las Naciones Unidas Para El Desarrollo (undp.org), and (v) Bangladesh Village Courts: Home - Activating Village Courts in Bangladesh Project.

closely with the UNDP Global Knowledge Hub, Strategic Innovation Unit, and Accelerator Labs for systematic evidence-based and innovative justice programming.

25. Access to justice for displaced populations has been a key area of collaboration between UNDP and the United Nations High Commissioner for Refugees (UNHCR) since 2017. Joint initiatives in over 25 countries support legal aid for refugees and members of host communities, as well as mobile courts in refugee camps. Efforts to reinforce partnerships at the strategic level increased in 2022.

26. UNDP support to national human rights institutions through a tripartite partnership to support such institutions that UNDP enjoys with the United Nations Human Rights Office and the Global Alliance of National Human Rights Institutions has been scaled up since 2017 and the global programme is the operational vehicle for the partnership that provides a platform for United Nations system wide support to national human rights institutions that are key bodies supporting access to justice and accountability at the country level. Moreover, UNDP supports the implementation of the United Nations Guiding Principles on Business and Human Rights, including remedies for victims of abuses and does so by building capacities of national human rights institutions and courts to serve as effective mechanisms for logging and handling grievances. In addition, UNDP invests in supporting and protecting human rights defenders in pursuing justice for victims.²⁸

IV. Recommendations

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

27. UNDP accepts findings from recommendation 1 in that it should enhance investments and strengthen its value proposition in access to justice at the country level based on comprehensive analyses of institutional needs and those relating to justice.

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

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

²⁸ An online toolkit titled “Routes to Remedies” containing detailed, step-by-step guidance on where to find national and international protection from harassment was made available for this purpose in seven countries in Asia and will be compiled for defenders in more countries. UNDP is also providing grants to NGOs providing legal advice to victims of corporate abuses and supporting the drafting of legislation against Strategic Litigation Against Public Participation (SLAPP) which is often used to discourage whistle-blowers from informing the public about breaches of human rights standards by businesses.

Recommendation 2. UNDP accepts the need to articulate people-centred justice approaches, when it comes to institutional development.

30. UNDP accepts the recommendation. UNDP acknowledges the need to articulate people-centred justice approaches, especially when it comes to institutional development – through a dedicated policy note on “people centred approaches,” and work to be done by the Knowledge Hub and Justice CoLab in promoting portfolio and systems-approaches to the justice sector, as well as strategic use of e-justice and digital technologies for meaningful justice transformation to respond to the justice needs of all. The Global Programme for Rule of Law will establish a strengthened monitoring, evaluation and learning system for improving the tracking of people-centred approaches across UNDP programmes. With support from key stakeholders, UNDP is scaling up the joint United Nations system tripartite partnership to support to national human rights institutions in all existing regions.

Recommendation 3. UNDP accepts the recommendation to enhance the breadth and depth of its work, including alternative dispute resolution mechanisms where non-state judiciary mechanisms offer trusted responses to the issues of people.

31. UNDP has long recognized the importance of customary and informal justice systems, including alternative dispute resolution mechanisms such as mediation and restorative justice, and their potential to advance access to justice for all, especially the most disadvantaged. Highlighting that sometimes, there are reasons for not engaging with customary and informal justice, guided by human rights principles, the political landscape and the need to adopt a do-no-harm approach. A people centred focus will be embedded within the access to justice guidance note under Recommendation 1 and promoted through the Justice CoLab, Knowledge Hub, and UNDP Global Programme on Rule of Law and Human Rights.

32. Since 2021, UNDP has actively contributed to the Working Group on Customary and Informal Justice (CIJ), a global alliance that promotes engagement with customary and informal justice systems to support SDG 16 achievement, which was recently endorsed by the Justice Action Coalition. This concerted advocacy effort includes important research and learning exercises that will provide an overview of good practices and models, contributing to an improved policy environment for engaging with customary and informal justice and, at the programmatic level, encourage and increase engagement with non-state justice systems and alternative mechanisms.

Recommendation 4. UNDP accepts the proposal to promote integration between justice programming and other areas of work, including support to security and peacebuilding, public service delivery, social protection, and environment and climate change.

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

Recommendation 5. UNDP accepts the need to invest in improved justice data, monitoring and evaluation systems for its justice programmes.

34. UNDP is establishing a monitoring, evaluation and learning unit hosted by the rule of law, security and human rights team. This new unit will support country offices, regional hubs,

and partners in developing and applying monitoring, evaluation and learning methods and tools to strengthen knowledge sharing and results-based management of justice programmes. Good practices and lessons learned will be captured and shared with UNDP staff, partners and practitioners, including through collaborations with UNDP global knowledge hub, communities of practice and innovation teams.

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

35. UNDP should invest in more and better justice data and strengthen monitoring and evaluation systems for its justice programme and rule of law, security and human rights team will take active steps to raise awareness on the new human rights project marker and systematic implementation of leave no one behind approaches (see evaluation) within policy and programme support. A specific focus on access to justice for women and internally displaced people will be added to the guidance noted that will be disseminated across learning networks and active strategic partnerships. UNDP will also take steps to embed an anti-racism and discrimination focus on all initiatives and take steps to leverage the recommendations of the Senior Adviser on Anti-Racism.

Recommendation 7. UNDP accepts the need to deepen its support to e-justice, enhancing the efficiency and quality of justice processes while paying attention to widening digital gaps and data protection.

36. UNDP developed a series of e-justice knowledge products and a training module to leverage its expertise and support to country offices in advancing developments in rule of law and justice. UNDP will provide strategic and technical support to country office stakeholder that are engaging in the development of e-justice projects and finalize a brief on lessons learned related to case management.

37. The UNDP rule of law, security and human rights team, and Chief Digital Office, are working on inclusive, people-centred access to justice measures, building on UNDP values, results achieved, and demand amongst stakeholders. In-house capacity is being built to enhance the adoption of UNDP digital standards and actively support the planning and design of governance technologies, technical support, evidence, and digital public infrastructure capacities that are inclusive, secure, and inter-operable to enable access to justice.

38. UNDP is consolidating learnings with the Chief Digital Office to identify reusable technology to streamline and scale a product-based approach, offering countries tested and scalable options for inclusive and rights-based digital transformation.

39. Moreover, UNDP is strengthening its roster of consultants working at the intersection of justice and digitalization to develop a pool of experts to support programme implementation and monitoring at the country level.

Future UNDP support for access to justice

40. UNDP will continue to prioritize access to justice within the context of rule of law and human rights while updating and reframing the approach within the context of “people-centred approaches,” politically informed programming and support to country offices to incorporate access to justice as part of their portfolios.

41. UNDP aims to augment capacities to work on environmental justice, gender justice, e-justice/digitization, and identify how to mainstream human rights commitments across policy

and programme areas and evolve a programmatic offer to contribute to anti-racism and anti-discrimination causes.

42. All UNDP work is subject to resource availability and funding constraints are a concrete barrier to expanding technical capacities and investing in access to justice programmes at the country level. Donor commitment and flexibility are critical for UNDP to achieve success.

Annex. Key recommendations and the UNDP management response

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

Management response: UNDP accepts recommendation 1 that it should enhance its investment and strengthen its value proposition in access to justice at country level, based on comprehensive analyses of both institutional and people’s justice needs.

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

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

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

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

Management response: UNDP accepts the recommendation. UNDP acknowledges the need to articulate people-centred justice approaches, especially when it comes to institutional development – through a dedicated policy note on “people centred approaches”, the work of the Knowledge Hub and Justice CoLab in promoting portfolio and systems-approach to the justice sector, and strategic use of e-justice and digital technologies for meaningful justice transformation to respond to the justice needs of all. The Global Programme for Rule of Law will establish a strengthened Monitoring, Evaluation and Learning

system for improved tracking of people centred approaches in UNDP programming. (Note: recommendations 2 and 5 have overlapping points regarding introducing/institutionalizing monitoring/data tools for national justice institutions).				
2.1 Establish a Monitoring, Evaluation and Learning Unit and Strategy to promote learning and knowledge collaboration on justice topics, as part of the monitoring, evaluation and learning strategy of rule of law, security and human rights networks including monitoring, evaluation and learning capacity.	Q4 2023	ROLSHR		
2.2 Through the Justice CoLab and UNDP Knowledge Hub promote learning for systems approaches and portfolio management in access to justice (see 5.3 below on articulating an offer to support national justice institutions for justice process monitoring and data analytics)	Q4 2023-2024	ROLSHR UNDP Knowledge Hub		
2.3 Develop a dedicated policy paper articulating UNDP approach and core principles of a people-centred approach to justice and security.	Q4 2023	ROLSHR UNDP Crisis Bureau		
2.4 Utilize the Justice Futures CoLab role to promote and enable an organizational shift towards people-centred approaches to justice, including more data and evidence-informed programming. The CoLab supports and enables integrated and interdisciplinary ways of thinking and working, facilitates exchange of learning, knowledge and expertise, and the testing and scaling of justice innovations.	Continuous 2023-2026	ROLSHR UNDP Governance Community of Practice (Knowledge Hub)		
Recommendation 3. UNDP should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.				
Management response: UNDP accepts recommendation 3 stating it should enhance the breadth and depth of its work with a wider range of actors, including alternative dispute resolution mechanisms where non-State judiciable mechanisms provide a trusted response to people’s issues.				
UNDP has since long recognized the importance of customary and informal justice systems, including alternative dispute resolution mechanisms such as mediation and restorative justice, and their potential to advance access to justice for all, especially the most disadvantaged groups. Highlighting that sometimes, there are reasons for not engaging with CIJ, guided by human rights principles, the political landscape and the need to adopt a do-no-harm approach. UNDP agrees, however, with the conclusion that the focus of its justice work remains in support to state justice institutions. This focus will be embedded within the access to justice guidance note at recommendation 1.				
Include a dedicated volume in the access to justice guidance note focusing on CIJ and embed learning within the Justice CoLab and Governance Community of Practice. Engage with relevant units on facilitating UNDP operational engagement with and support to informal and customary justice actors, to highlight in the guidance note.	Q2 2024	ROLSHR		

Lead a side event at the SDG Summit in partnership with Working Group on Customary and Informal Justice and Justice Action Coalition to present research efforts, gather political support and encourage policy developments.	Q3	ROLSHR		
Recommendation 4. UNDP should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection, as well as environment and climate change. In all areas of UNDP work, programme design can be improved and access to justice can be increased by including effective recourse options for people affected. UNDP should also increase its support to legal protection of individuals without identity documents, tenure certificates, or job security.				
Management response: UNDP accepts recommendation 4 that it should promote more integration and synergies between its justice programming and other areas of work, including its support to security and peacebuilding, public service delivery, social protection, as well as environment and climate change.				
In all areas of UNDP work, program design can be improved and access to justice can be increased by including effective recourse options for people affected. UNDP will also increase its support to legal protection of individuals without identity documents, tenure certificates, or job security. UNDP will dedicate resources to promoting environmental justice and human rights and ensure capacities to support mainstreaming of justice and human rights across portfolio areas. The new portfolio and systems-approach UNDP is designing and developing at global, regional and country levels will promote and facilitate integrated approaches across justice, security, peacebuilding, public service delivery, social protection, environment and climate change projects and programmes.				
Strengthen efforts to raise awareness within UNDP and its partners and identify entry points to support people without legal identity, by collecting good practices from UNDP country offices and conducting webinars targeting country offices to share lessons learned.	Q4 2024	Governance		
Identify staff capacities and funds to promote and implement the right to healthy environment and access to environmental justice through the environmental justice strategy.	Q4 2023	ROLSHR Nature Climate Energy and Governance team Crisis Bureau		
ROLSHR will contribute to the knowledge hub/governance focus on portfolio approaches to ROLSHR programming and support the Crisis Bureau and Bureau of Policy and Programme Support workstream on “thinking and working politically” coordinated by the Conflict Prevention, Oslo Governance Centre and Knowledge Hub.	2023	ROLSHR Knowledge Hub Conflict Prevention Oslo Governance Centre		
ROLSHR support the Crisis Bureau and the Bureau for Policy and Programme Support (BPPS) management to identify human rights and justice capacities needed for relevant teams within context of human rights strategy (inclusive growth, finance, etc.).	2023	ROLSHR with the Crisis Bureau and BPPS		

Recommendation 5. UNDP should invest in more and better people-centred justice data, and significantly strengthen the monitoring and evaluation of its justice programmes to understand the extent to which current models of support work for enhanced access to justice for those who find it hardest to access justice, and better adapt courses of action.				
Management response: UNDP accepts of recommendation 5 and should invest in more and better justice data and strengthen monitoring and evaluation systems for its justice programmes. UNDP is in the process of establishing a monitoring, evaluation and learning unit, hosted in the rule of law, security and human rights team. The new unit will support country offices, regional hubs and partners to develop and apply monitoring, evaluation and learning methods and tools to strengthen knowledge sharing and results-based management of justice programmes. Good practices and lessons learned from justice programmes will be captured and shared with UNDP staff, partners and practitioners, including through collaboration with UNDP global knowledge hub, communities of practice and innovation teams.				
5.1 Establish a monitoring, evaluation and learning unit within the UNDP rule of law, security and human rights team (see recommendation 1)	Q4 2023	ROLSHR		
5.2 Develop monitoring, evaluation and learning capacity-building and training strategy for the rule of law, security and human rights team	Q4 2023	ROLSHR		
5.3 Strengthen the partnership between the Justice Futures CoLab and UNDP accelerator labs to advance learning and innovation for people-centred justice, including methods and tools for data collection to inform project design, learning and adaptation, and to identify, test and scale innovative approaches to access to justice activities.	Q4 2024	ROLSHR and UNDP accelerator labs		
5.4 Strengthen data collection and reporting on 16.3.3. with co-custodians OECD and UNODC, including through the implementation of the SDG 16 survey.	Q4 2024	Governance and Oslo Governance Centre		
Recommendation 6. UNDP should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice.				
Management response: UNDP accepts recommendation 6 that it should provide more differentiated access to justice support for individuals and groups most at risk of being left behind, addressing the root causes of exclusion and the reasons behind the persistently high rates of attrition recorded in the pursuit of justice).				
ROLSHR will take active steps to raise awareness on the new human rights project marker and the systematic implementation of leave no one behind approaches (see UNDP evaluation on leave no one behind) within its policy and programme support. A specific focus on access to justice for women for internally displaced persons will be added to the reinvigorated guidance and this will be disseminated across the learning networks and through active strategic partnerships. UNDP will also take active steps to embed a focus on anti-racism and anti-discrimination within its programming and will take steps to action the recommendation of the Senior Adviser on Anti-Racism.				

Resource mobilization for the UNDP and UN-Women Gender Justice Platform to expand strategic and integrated support to country offices complemented by a guidance note on women's access to justice as an annex to the guidance (see recommendation 1).	Q4 2024	ROLSHR/Gender Unit/ Crisis Bureau/Bureau of External Relations and Advocacy		
Completion of a dedicated guidance note on programming as an annex to the guidance (see recommendation 1)	Q2 2024	ROLSHR		
Finalize Action plan for implementation of the findings and recommendations of the Senior Anti Racism Advisor programme review.	Q4 2023	UNDP Crisis Bureau and BPPS management		
Ensure sustainable dedicated capacity at P4 level to support gender justice programming within the UNDP Global Policy Network.	Q4 2024	UNDP Crisis Bureau and BPPS		
Recommendation 7. UNDP should deepen support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.				
<p>Management response: UNDP accepts recommendation 7, identifying that it should deepen its support to e-justice to enhance the efficiency and quality of justice processes, while paying due attention to risks related to widening existing digital gaps and data protection.</p> <p>As indicated above, UNDP has developed a series of e-justice knowledge products and a training module, to leverage UNDP expertise and support its country offices in further developments. UNDP will align specific capacities to provide strategic and technical support to country offices engaging in the development of e-justice projects. UNDP will finalize a Lessons Learned on case management.</p> <p>The rule of law team and the Chief Digital Office (CDO) have started working on inclusive, people-centred access to justice, building on UNDP values, results achieved in this space, and significant demand among countries. We are building in-house capacity not only enhance the adoption of the UNDP digital standards, but also to actively support the planning and design, to ensure countries have access to the technologies, technical support, evidence, and capacities including in governance of technologies to build inclusive, secure, and inter-operable digital public infrastructure to enable access to justice.</p> <p>We are consolidating lessons learned in the Chief Digital Office to identifying reusable technology building blocks to streamline and scale a product-based approach, offering countries with tested and scalable options for inclusive and rights-based digital transformation. We are also strengthening the roster of consultants in the intersection between justice and digital to develop an ecosystem of experts to support implementation and monitoring in countries.</p>				
Identify sustainable P4 level capacity to strengthen and systematize the country support to e-justice and digitalization in partnership with CDO.	Q4 2023	UNDP Crisis Bureau ROLSHR, CDO		
Development of specific guidance on programming to support digital court/case management initiatives to support country offices and mitigate the risks.	Q4 2023	ROLSHR		

* Implementation status is tracked in the Evaluation Resource Centre.