



World Justice
Project

Measuring the Justice Gap

A People-Centered Assessment
of Unmet Justice Needs
Around the World

2019



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Introduction

The United Nations Sustainable Development Goals lay out ambitious targets to guide global and national development policies to 2030, including target 16.3's promise to "ensure equal access to justice for all." However, as the availability of data on people's experience of justice grows, it is becoming increasingly clear that the world is not on track to meet this target. The data presented in this report demonstrate that many people face justice problems, and too few get the justice they need. This "justice gap" undermines human development, reinforces the poverty trap, and imposes high societal costs. Closing the justice gap is therefore vital to realizing the broader development agenda and its vision of a "just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met."¹

Understanding the scale and nature of injustice is vital for designing appropriate government policy, targeting investment, and mobilizing civil society to close the justice gap. In 2008, the Commission on Legal Empowerment of the Poor found that "at least four billion people are excluded from the rule of law."² While this figure has been widely cited, it uses a limited conceptualization of justice and is based primarily on extrapolations from a few country case studies. We now have a considerable amount of new data to assess the extent to which the demand for justice is fulfilled in a more multifaceted manner. The justice gap assessment and global estimates presented in this report are a first effort to categorize and compile data on unmet justice needs in a format that increases understanding among decision makers of priorities for the effective implementation of Sustainable Development Goal (SDG) target 16.3.

The assessment presented here adopts a comprehensive view of justice from the standpoint of individuals rather than institutions. Because there are a multitude of ways to conceptualize and measure justice, the justice gap assessment follows a practical approach and categorizes people around three broad types of unmet needs that arise when people cannot defend or enforce their rights, or obtain a just resolution of their justiciable problems: 1) people who cannot obtain justice for everyday civil, administrative, or criminal justice problems; 2) people who are excluded from the opportunities the law provides; and 3) people who live in extreme conditions of injustice. Having established these key categories, the justice gap can be understood as the number of people who have at least one unmet justice need. These are people who are ultimately not getting the justice they need for both everyday problems and severe injustices.

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The World Justice Project (WJP) undertook a yearlong process to design and operationalize the justice gap, with expert input from the Justice Gap Working Group³ of the Pathfinders Task Force on Justice. This entailed translating the conceptual framework into categories of unmet justice need, reviewing more than 600 global and country-specific data sources, and identifying a core set of measurement questions and corresponding data sources, selected based on their country coverage and methodological rigor. Despite the considerable amount of global data on justice issues that have been produced over the course of the last decade, this assessment nonetheless required extrapolations for some components of the justice gap with limited country coverage, highlighting an important data gap. The WJP also devoted particular effort

to estimating the extent of double counting across dimensions of the justice gap framework, and to developing measures for unmet civil and criminal justice need. The resulting justice gap estimates presented in this report represent the first-ever effort to integrate survey data with other sources of people-centered data on the nature and scale of injustice.

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As a result of this assessment, the WJP estimates that:

- **1.5 billion people cannot obtain justice for civil, administrative, or criminal justice problems.** These are victims of crime and people with civil and administrative justice needs who may live in contexts with functioning institutions and justice systems, but who face obstacles to resolving their everyday justice issues.
- **4.5 billion people are excluded from the opportunities the law provides.** These are people who lack legal tools – including identity documents, land or housing tenure, and formal work arrangements – that allow them to protect their assets and access economic opportunities or public services to which they have a right.
- **253 million people live in extreme conditions of injustice.** This includes people who are stateless, victims of modern slavery, and people who live in fragile states with high levels of insecurity.

When viewed in the aggregate, these figures amount to 5.1 billion people – or approximately two thirds of the world’s population – who face at least one of these justice issues, with many confronted by multiple injustices. While this aggregate estimate certainly demonstrates unacceptable levels of exclusion from justice, the justice gap assessment aims to go beyond this high-level figure and serve as the first step in an effort to better understand the multifaceted and overlapping forms of injustice that people face. For this reason, the justice gap assessment presents information about the underlying measurement questions and data sources that comprise the justice gap framework as a means of better understanding what the data can tell us about the state of justice and injustice in the world.

The justice gap assessment serves as a starting point for identifying and measuring these justice issues at the global level, but it also illuminates the need for deeper analysis of the distribution, drivers, and impact of the justice gap among and within countries. Indeed, in all countries and contexts, people fall along a continuum of access to and exclusion from justice and are confronted with varying justice needs. There is more work to be done to study these issues within countries, understand their implications for human and economic development, and assess their impact on vulnerable populations in order to realize the SDGs commitment to leave no one behind.

This report is organized into three sections. The first section describes the principles and conceptual framework underlying the justice gap assessment. The subsequent section details the process followed to operationalize this framework. The third section describes key findings for each of the ten underlying measurement questions of the justice gap framework, and from there, measures taken to account for double counting across the justice gap framework as well as a preliminary analysis of trends within the justice gap findings. The appendices provide more in-depth information on the process to produce

measures for access to civil justice, methods for producing estimates for unmet criminal justice need, and additional information on people's most common justice problems.



Designing the Justice Gap Framework

Determining the scale and nature of injustice requires first and foremost developing a framework to guide such an assessment, including a clear unit of analysis, a theoretical basis for determining which issues fall within the realm of justice, and a common understanding of how this translates to a gap measurement.

People as the Unit of Analysis

Justice and injustice can be examined from a number of perspectives, such as the quality of legal frameworks, the procedural fairness of justice institutions, or the rights of communities. However, the guiding framework for this assessment builds on the principle that people and their justice problems should be the focus of efforts to realize justice for all. It therefore relies on people as the unit of analysis, specifically the number of people with unmet justice needs.

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Conceptualizing the Justice Gap through a Comprehensive View of Justice

While there are many definitions of justice – encompassing issues of equity, fairness in decision-making, the functioning of justice institutions, the quality of outcomes – this assessment is grounded in a conceptualization of justice that is concerned with people’s lived experiences.⁴ More specifically, it evaluates whether people’s justice needs have been met or not (hence the term “justice gap”) by focusing on three types of unmet justice needs that arise when people cannot defend or enforce their rights or obtain just resolution of their justiciable problems. These needs form the basis of three groups of people in the justice gap:

1. **People who cannot obtain justice for everyday civil, administrative or criminal problems.** These are victims of crime and people with civil and administrative justice needs who may live in contexts with functioning institutions and justice systems, but who face obstacles to resolving their everyday justice issues. This category of the justice gap focuses on whether people can obtain just remedies for everyday problems.

The ability to resolve civil and criminal justice problems – whether through formal or informal means – is both a mechanism for realizing rights and foundational to human development. Regardless of the functioning of justice institutions, people can face barriers to obtaining just remedies for their everyday problems due to low levels of legal capability, problems accessing appropriate help, and poor dispute resolution processes, among other issues.⁵ These barriers are also inextricably linked with issues of geographical distance from courts or other resolution mechanisms, the cost of legal fees, language barriers, as well as other drivers of exclusion from justice.⁶ It should be no surprise then that, while justice problems are ubiquitous for both rich and poor alike, it is vulnerable populations that are most likely to experience legal problems and their

negative impacts – be they social, health-related, or financial impacts.⁷ In this respect, the ability to resolve everyday justice problems is both a driver and outcome of inclusive growth.

2. **People who are excluded from the opportunities the law provides.** These are people who lack legal tools – including identity documents, land or housing tenure, and formal work arrangements – that allow them to protect their assets and access economic opportunities or public services to which they have a right. This group was the focus of the 2008 work of the Commission on Legal Empowerment of the Poor. In that research and in the context of the justice gap, this category focuses on whether people have access to the basic legal infrastructure that increases populations' control over their lives and underpins poverty reduction.^{8,9}

Underlying people's ability to resolve problems are legal tools and protections, which are in and of themselves another vital justice need. Legal rights and documentation pertaining to an individual's identity, employment, and property provide basic legal guarantees, as well as opportunities for people to fully participate in social, political, and economic life. In the broader context of development, legal protections pertaining to people's property and labor are particularly crucial to protecting the livelihoods of the poor.¹⁰ Conversely, lacking these legal protections limits people's ability to access justice mechanisms and enforce their social, economic, and political rights.¹¹ People whose lives and livelihoods fall outside the purview of legal frameworks and protections are particularly vulnerable to abuse and exploitation and face obstacles to accessing key services, such as healthcare, education, financial services, and public benefits. This dynamic ultimately entrenches poverty, inequality, and other forms of injustice, making legal tools a vital justice need.

3. **People who live in extreme conditions of injustice.** This includes people who are stateless, victims of modern slavery, and people who live in fragile states with high levels of insecurity. These people are denied their most basic human rights such as the right to freedom, movement, and security of the person, or they may live in contexts where the systematic failures of institutions makes it nearly impossible for them to access justice mechanisms and redress grievances.

Article 1 of the Universal Declaration of Human Rights designates all humans free and equal in dignity and rights.¹² By extension, all humans should have equal access to justice when their dignity or their rights are violated.¹³ People who lack freedom of movement, dignity, or security of persons are denied their most basic rights, are the most vulnerable to serious injustices, and face the greatest obstacles to obtaining just remedies for these grievances as well as for everyday civil and criminal problems.^{14,15}

When viewed as a whole, these categories of unmet justice need provide a framework that is people-centered, putting people, not institutions, at the heart of the research and policy agenda for peaceful, just, and inclusive societies. Importantly, it provides a framework that can be applied at the individual level. This understanding of unmet justice needs also provides a framework that is comprehensive. Rather than focusing solely on issues that are already widely understood as justice issues – such as the need to resolve civil disputes or see crimes brought to a just conclusion – it adopts a more holistic view of justice. This framework encompasses foundational issues that affect people's lives, such as the absence of peace and personal security and the lack of respect for human rights, as well as the inability to access to legal protections or obtain a just resolution for everyday problems.

A Gap Defined by Unmet Justice Needs

Building on the unit of analysis and conceptual framework described above, the justice gap can be understood as the number of people who have at least one unmet justice need. These unmet justice needs will vary in severity and, for a given individual or population, may overlap following systemic patterns of exclusion from justice. Nonetheless, this guiding framework allows for an assessment of the number of people who are ultimately not getting the justice they need.

Operationalizing the Justice Gap

From Concepts to Measurement Questions

The quantitative nature of the justice gap assessment requires translating the theoretical framework discussed in the previous section into measurable research questions that align with the stated objectives and principles of this assessment. The measurement framework for the justice gap assessment was therefore designed to measure the number of people with unmet justice needs; adopt a holistic view of justice that includes prevention, protections, and problem resolution; and present data on justice needs in a format that increases understanding among decision makers of priorities for the effective implementation of SDG target 16.3.

The first step of operationalizing the justice gap framework entailed further expanding the three broad categories of unmet justice need into specific measurement questions. The Justice Gap Working Group identified more than 25 potential research questions, which were ultimately refined to ten measurement questions that rely on people – as opposed to countries, laws, institutions, etc. – as the unit of analysis and that are tied to the SDG framework, either conceptually or as part of the official indicators endorsed by the UN's Inter-Agency and Expert Group (IAEG). This process to conceptualize and operationalize the justice gap resulted in the measurement framework presented in Table 1, developed in collaboration and consultation with the Justice Gap Working Group of the Task Force on Justice.

Table 1. Justice Gap Measurement Framework

Category of Unmet Justice Need	Measurement Question
People who cannot obtain justice for civil, administrative, or criminal justice problems	How many people have <u>unmet civil or administrative</u> justice needs?
	How many <u>victims of non-violent crime</u> have not reported their victimization to a competent authority?
	How many <u>victims of violence</u> have not reported their victimization to a competent authority?
	How many people are <u>victims of lethal violence</u> ?
People who are excluded from the opportunities the law provides	How many people lack <u>legal identity</u> ?
	How many people are employed in the <u>informal economy</u> ?
	How many people lack proof of <u>housing or land tenure</u> ?
People who live in extreme conditions of injustice	How many people are <u>stateless</u> ?
	How many people are living in <u>modern slavery</u> ?
	How many people live in countries with high levels of <u>insecurity and no rule of law</u> ?

Data Source Selection

In order to identify the best data sources for each measurement question, the WJP led an audit of more than 600 potential data sources suggested by the Justice Gap Working Group. This audit took inventory of global and national-level datasets as well as administrative, survey-based, and qualitative sources of data. Data sources were ultimately chosen based on three considerations:

1. **Country coverage.** Using as many global data sources as possible, providing they had adequate country-level coverage, ensured comparable data collection methodologies and justice gap figures across countries.
2. **Official recognition.** Using official data sources, such as those produced by UNODC, the ILO and the World Bank, garnered broader acceptance of selected data sources and ensured consistency with methodologies for justice gap indicators that are already incorporated into the official SDG indicator framework.
3. **Public data and measurement methodology.** To produce assessments at the country level, impute estimates for countries with missing data, and characterize the distribution of injustice for vulnerable populations, the justice gap assessment relied almost exclusively on publicly available data.

The “Justice Gap Estimates” section of this report provides more in-depth information on each measurement question and corresponding data source, including the definition, rationale for inclusion, and methodological considerations for each.

Scope & Limitations

The measurement framework that underlies the justice gap reflects the stated goals of this assessment in that it is people-centered and presents estimates in a manner that both clarifies priorities for the effective implementation of SDG16 at the global level and illuminates the multifaceted and overlapping forms of injustice that people face. This measurement framework also reflects the conceptualization of justice discussed previously in this section, in that it adopts a comprehensive view of justice that is concerned with people’s ability to obtain a resolution for justice problems, assert their legal rights, and protect themselves from serious grievances.

Despite this people-centered and comprehensive approach, there are nonetheless limitations to this assessment. First, because this assessment uses people as the unit of analysis, it is not explicitly designed to measure institutional response. Formal institutions are undoubtedly important for creating laws and mechanisms for resolving conflicts, and ensuring accountability.¹⁶ What’s more, their functioning or lack thereof can certainly be a driver of many components of the justice gap, such as whether individuals report crime to a competent authority or whether they enjoy the guarantees of high levels of security and rule of law. However, there is already wide consensus on this view and a number of existing measurement tools and global datasets that are designed assess the functioning of justice institutions as well as the extent to which these formal systems respect the rights of the accused, such as the *WJP Rule of Law Index®* and UNODC’s datasets on a variety of crime and criminal justice issues.¹⁷ The value of the justice gap assessment is not in its ability to evaluate the functioning of justice institutions, but instead in its ability to explore people’s lived experience of justice as a means of designing justice solutions that are centered on people and their needs.

Second, while the conceptual and measurement framework for the justice gap assessment is designed to be holistic, it does not explicitly capture key human development issues that can also be understood to fall within an even broader conceptualization of justice. These include issues such as literacy, education, income, and health or disability status that are foundational to – and in some cases an outcome of – people’s capability to pursue justice.¹⁸ These issues are indeed important and are explored more explicitly in other research on people-centered justice.¹⁹

The value of the justice gap assessment is in its ability to explore people’s lived experience of justice as a means of designing justice solutions that are centered on people and their needs.

Third, while the availability and quality of people-centered justice data has improved a great deal since the Commission on Legal Empowerment of the Poor released its groundbreaking work in 2008, there are still gaps in the availability of people-centered justice data produced over the course of the last decade. This means that this assessment relies on extrapolations for countries where data is not available, or on the use of the best possible proxy indicators where data does not exist at all for particular concepts. For example, in the case of homicide, justice can be delivered to the families of homicide victims, but there is no global dataset that would allow us to assess justice for homicide survivors as part of the justice gap assessment. These limitations and how they apply to each measurement question is discussed in more detail in the sections that follow.

Fourth, because the justice gap assessment uses people as the unit of analysis – specifically the number of people with unmet justice needs – it does not explicitly account for the severity of varying injustices. That is, a victim of non-violent crime factors equally into the aggregate justice gap estimate as would a person living in modern slavery. Nonetheless, by discussing the conceptual and measurement framework on which this exercise is based and examining each of the justice gap indicators in the section that follows, this report aims to illuminate the varying and overlapping forms of injustice that people face rather than asserting that people simply fall into a dichotomy of “included” versus “excluded” from justice.

Lastly, while this assessment adopts a global view of the justice gap, it the WJP’s hope that this assessment serves a starting point for deeper analysis of the distribution and drivers of the justice gap within countries, as well as additional research on its implications for human and economic development.

Justice Gap Estimates

Findings by Measurement Question

The section that follows provides an overview of key findings for each of the measurement questions and corresponding data sources used to produce justice gap estimates. Estimates were calculated using the most recent UN DESA population statistics for 218 countries.²⁰ Some data sources with limited country coverage relied on extrapolations, which were calculated using imputed estimates for regional and income peer countries. The WJP used the UN's geographic classifications and the World Bank's income classifications to establish regional and income peer groupings on which to base these extrapolations.²¹ This is described in greater detail within each of the findings that follow, as is additional information on the data sources used to produce justice gap estimates by measurement question, the definition of key concepts, rationale for inclusion, and methodological considerations for each.

I. 1.4 Billion People Have Unmet Civil or Administrative Justice Needs

Sources: World Justice Project *Global Insights on Access to Justice 2019*; Hague Institute for Innovation of Law (Hiil), *Justice Needs & Satisfaction Surveys*.

Definition: The number of people whose legal need was not met for at least one justiciable civil or administrative problem experienced in the last two years.

The WJP adopted the OSJI and OECD definition of unmet legal need outlined in *Legal Needs Surveys and Access to Justice* as the basis for designing a measure that estimates the number of people with unmet civil or administrative justice needs. Based on this definition, “legal need arises whenever a deficit of legal capability necessitates legal support to enable a justiciable issue to be appropriately dealt with.”²² A legal need is unmet if “a justiciable issue is inappropriately dealt with as a consequence of effective legal support not having been available when necessary to make good a deficit of legal capability.” To operationalize this definition, the WJP developed a multidimensional, survey-based measure. Through a series of 7 questions this measure assesses a) the legal capability, b) access to appropriate assistance, c) resolution process, and d) outcome for people who have experienced a justiciable civil or administrative legal problem, and sets a threshold to gauge whether or not they were able to meet their legal need. A detailed explanation of the methodology for calculating this measure is presented in Appendix I.

Rationale for Inclusion: Legal needs studies reveal that a majority of people's everyday justice problems are civil rather than criminal in nature,²³ and that the inability to resolve everyday civil and administrative problems diminishes individuals' participation in the economy, undermines their social and physical wellbeing, and reinforces the poverty trap.²⁴ Even in a country with functioning institutions and where citizens have access to fundamental legal protections, people can face significant barriers to meeting legal needs and endure substantial hardship as a result. This is particularly true for vulnerable populations.²⁵ Obstacles to addressing legal needs may include poor legal capability and knowledge, insufficient help or assistance, or resolution processes that are slow, expensive, or biased.²⁶

Country Coverage and Extrapolations: Estimates were produced using legal needs survey data collected by the WJP in 102 countries (representing 90.6% of the world's population), data gathered by Hiil in two countries, and extrapolations for 114 countries without legal needs survey data. For these countries, the

proportion of the population with unmet legal needs was imputed based on the average of countries in the same region and income group.

Additional Findings: People in all countries experience legal problems. On average, 36% of people around the world reported having experienced at least one justiciable problem²⁷ in the past two years. These problems are distributed across various categories, including problems related to money, debt, or consumer issues (30%); housing, land, or neighbors (22%); accessing public services (21%); family (9%); and employment (8%). On average, 49% of people who experience a civil or administrative justiciable problem cannot meet their legal needs, adding in the aggregate to approximately 1.4 billion people.

In addition to the estimates produced using WJP data in 102 countries and HiiL data in two countries, HiiL produced additional analysis of country-level justice gap estimates in six countries where they have administered their JNS survey to larger samples of 6,000 to 8,400 people: Bangladesh, Lebanon, Mali, Morocco, Nigeria, and Uganda. This resulted in civil justice gap estimates that were 65% higher on average than estimates produced by the WJP using a comparable methodology for those countries, suggesting that the estimates presented in this report may be conservative.

Methodological Considerations: Producing a single indicator for civil justice is uniquely challenging, as access to justice is a multidimensional concept and a widely recognized indicator does not yet exist. To address this, the WJP has developed a multidimensional measure to assess access to civil justice. Developing such an indicator required choosing certain dimensions within a conceptual framework and establishing thresholds to determine whether people have met their legal needs or not, which could impact the estimated figures. In addition, the WJP relied primarily on standardized surveys to produce comparable estimates across countries for this exercise. However, other data sources exist at the national and international levels that rely on different definitional frameworks and that could result in different estimations.

II. 1.1 Billion Victims of Non-Violent Crime Have Not Reported their Victimization

Sources: National statistical office (NSO) crime victimization survey data, available on the *UNODC-INEGI Center of Excellence Atlas of Crime Victimization Surveys* and in UNICRI's *Criminal Victimization in International Perspective*; United Nations Office on Drugs and Crime (UNODC), *Statistics and Data*

Definition: The number of victims of burglary or theft in the previous 12 months who have not reported their victimization to a competent authority.

This definition focuses on burglary and theft due to the larger availability of victimization and reporting data on these two types of crimes as well as more consistent records of these crimes in administrative sources of data. While some countries collect and report victimization survey data on other forms of non-violent crime – such as motor vehicle theft, cybercrime, and identity theft – the definition and availability of data on these types of non-violent crime is not consistent across countries. “Competent authorities” includes the police, prosecutors, and any other authorities with the ability to investigate relevant crimes, including informal justice institutions that are officially recognized by state authorities. However, most national crime victimization surveys measure reporting rates based on reporting to police, rather than reporting to all competent authorities or officially recognized mechanisms. The proportion of victims who did not report their victimization was calculated for each type of crime separately, and then added together.

Rationale for Inclusion: Modeled after the methodology for SDG indicator 16.3.1 for violent crime, this category is designed to serve as a proxy measure for whether victims of non-violent crime can identify and report crime, and are able to obtain just outcomes through fair and inclusive processes in response to legal grievances.²⁸ Victims of non-violent crime suffer the loss of property, are likely to experience financial hardship as a result, and their victimization may impact their perception of security.²⁹ In serious cases, non-violent crime can negatively impact an individual or family's quality of life. Nonetheless, many victims do not report these crimes to competent authorities, and therefore cannot obtain remedies or see these crimes brought to a just resolution.³⁰ Victims may not seek help due to fear of retaliation or stigma after suffering a crime, access barriers such as cost or distance, or an inherent lack of confidence in the justice system.³¹ Additionally, victims may be unaware that their experience was a crime for which they could seek legal recourse. Appropriate interventions to improve access to criminal justice, reduce non-violent crime, and improve the reporting rate can range from addressing drivers of non-violent crime such as inequality,³² strengthening the relationship between the police and the communities they serve,³³ or interventions that are more focused on improving the functioning of the criminal justice system.³⁴

Country Coverage and Extrapolations: Estimates were produced using available NSO survey data on burglary for 50 countries (representing 41% of the world's population) and theft for 50 countries (representing 47% of the world's population). For the four countries with victimization data on burglary and six countries with victimization data on theft but no reporting data, the proportion of people who did not report their victimization was imputed based on the average rates of countries with survey data in the same region and income group. The proportion of victims who did not report their victimization was estimated using administrative data on the number of police-recorded burglary and theft offences, counts, or rates at the national level per 100,000 population provided by countries to UNODC for 92 and 67 countries respectively. For the remaining countries for which no survey or administrative data were available – 72 countries for burglary and 95 countries for theft – figures for police-recorded offenses and reporting rates were imputed based on the average of countries in the same region and income group. A detailed explanation of the methodology is presented in Appendix II.

Methodological Considerations: The figures presented here rely exclusively on data supplied by countries to UNODC and on extrapolations. Although other data sources, such as the Regional Barometers, are accessible for some jurisdictions, these data sources do not always follow the same definitional framework and methodologies as those used by national statistical offices, making comparisons across different sources difficult. The presented estimates, however, will not always match the actual (but unknown) figures for at least three reasons: first, reliable data on victimization and reporting are available for a relatively small

number of countries; second, the figures presented here are based solely on two forms of non-violent crime and may therefore underestimate the true extent of crime victimization; and third, the estimates for these two forms of crime were not adjusted to account for double accounting of individuals who were victims of both burglary and theft, and as a result, may overestimate the true rates for these two crimes. Despite these limitations, these figures are valuable approximations for trying to reach a global figure.

III. 235 Million Victims of Violence Have Not Reported Their Victimization

Sources: National statistical office (NSO) crime victimization survey data, available on the *UNODC-INEGI Center of Excellence Atlas of Crime Victimization Surveys* and in UNICRI's *Criminal Victimization in International Perspective*; United Nations Office on Drugs and Crime (UNODC), *Statistics and Data*.

Definition: The number of victims of assault in the previous 12 months who did not report their victimization to competent authorities or other officially recognized conflict resolution mechanisms.

While some countries collect and report victimization survey data on other forms of violent crime – such as robbery, spousal abuse, rape, and sexual assault – the definition and availability of data on other types of violent crime is not consistent across countries. “Competent authorities” includes the police, prosecutors, and any other authorities with the ability to investigate relevant crimes, including informal justice institutions that are officially recognized by state authorities. However, most national crime victimization surveys measure reporting rates based on reporting to police, rather than reporting to all competent authorities or officially recognized mechanisms.

Rationale for Inclusion: Based on the methodology SDG indicator 16.3.1 for violent crime, this component of the justice gap is designed to serve as a proxy measure for whether victims of violence can identify and report crime, and are able to obtain just outcomes through fair and inclusive processes in response to legal grievances.³⁵ Victims of violence suffer physically, emotionally, and psychologically, are more likely to experience financial hardship, and their victimization may impact their perception of security.³⁶ Violent crime can also impact the families, friends, and communities of victims. When viewed even more broadly, high levels of violence can negatively affect a country's investment climate and economic development.³⁷ Nonetheless, the majority of victims do not report violent crimes to competent authorities, rendering violent crime less visible in the criminal justice system than non-violent crime.³⁸ Victims may not seek help due to fear of retaliation or stigma, access barriers such as cost, distance, and language; they may be unaware that they have a justice problem for which they could seek legal recourse; or they may have an inherent lack of confidence in the justice system.³⁹

Country Coverage and Extrapolations: For 45 countries (representing 41% of the world's population), estimates were produced using NSO survey data on the prevalence of assault and reporting rates. For 13 countries with victimization data on assault but no reporting data, the proportion of people who did not report their victimization was imputed based on the average rates of countries with survey data in the same region and income group. For 65 countries, the proportion of victims who did not report their victimization was estimated using administrative data on the number of police-recorded assault offenses, counts, or rates at the national level per 100,000 population provided by countries to UNODC. For the remaining 95 countries for which no survey or administrative data were available, figures for police-recorded offences and reporting rates were imputed based on the average of countries in the same region and income group. A detailed explanation of the methodology is presented in Appendix II.

Methodological Considerations: The figures presented here rely exclusively on data provided by countries to UNODC and on extrapolations. Although other data sources are accessible for some jurisdictions, these sources do not always use the same definitional framework and methodologies as those used by national statistical offices, making comparisons across different sources difficult. The presented estimates, however, will not always match actual figures for at least two reasons: first, reliable data on victimization and reporting are available for a relatively small number of countries; and second, the figures presented here are based solely on one form of violent crime and may therefore underestimate the true extent of crime victimization. Despite these limitations, these figures are valuable approximations for trying to reach a global figure.

IV. 560 Thousand People are Victims of Lethal Violence

Sources: Small Arms Survey, *Global Violent Deaths 2017*.

Definition: Lethal violence in both conflict and non-conflict situations, measured by homicides, direct conflict deaths, and other violent deaths such as unintentional homicides and killings due to legal interventions.

Rationale for Inclusion: Small Arms Survey's methodology for measuring violent deaths is broadly consistent with the SDG framework for monitoring trends of lethal violence. Indeed, security and freedom from fear of violence are important prerequisites of Goal 16's objective of building peaceful and inclusive societies. This indicator captures the levels of insecurity and violence in a country, both of which prevent people from engaging in public life and contributing to economic development. Lethal violence is detrimental to individuals as well as communities. Victims of lethal violence are deprived of their right to life, and the impacted families and communities also suffer emotional and economic hardship and live in fear of violence. Due to low resolution rates for homicide cases around the world, many families of victims never obtain justice for their losses.⁴⁰

Country Coverage and Extrapolations: *Global Violent Deaths 2017* data on violent deaths from 204 countries and territories (99.9% of the world's population). Estimates were calculated from national and cross-national specialized datasets housed in the Small Arms Survey's Database on Violent Deaths. The cut-off date for the data presented in *Global Violent Deaths 2017* and used for the justice gap estimate was July 1, 2017.

V. 1.1 Billion People Lack Legal Identity

Sources: World Bank, *Identification for Development (ID4D)*

Definition: As the "proof of legal identity" is not defined in a standard way between countries, the World Bank uses datasets on birth registration, voter registration, and national or foundational identification documentation, as well representative surveys from 99 countries to estimate the number of people who lack proof of legal identity.⁴¹

Rationale for Inclusion: Legal identity is a fundamental right that allows individuals to access economic opportunities, public services, or benefit from the protection of the law.⁴² People without legal identity face difficulties accessing healthcare and education, obtaining a marriage license, buying property, securing employment, and establishing businesses, among many other challenges.⁴³ These services and opportunities are fundamental to human and economic development. In the context of justice, lack of legal identity can impede access to institutions and legal services – such as courts and the police – that provide protection and help people enforce their rights. What's more, it is vulnerable populations – such as disabled persons, the elderly, indigenous persons, and children – that are the most likely to lack legal identity and suffer further exclusion as a result.⁴⁴ Efforts to close the identity gap have focused on incentivizing registration, minimizing barriers and costs to doing so, and building efficient civil registration systems that can easily record life events and are linked to other social services or traditional practices.⁴⁵

Country Coverage and Extrapolations: For legal identification, the WJP used estimates from the World Bank's Identification for Development (ID4D) 2018 report. Of the 198 countries in the study, 171 countries had information on the unregistered population. The dataset is available for download online on the ID4D website.

VI. 2.1 Billion People are Employed in the Informal Economy

Sources: ILO, *Women and Men in the Informal Economy: A Statistical Picture 2018*

Definition: The International Labour Organization (ILO) defines the informal economy as a composition of two distinct concepts in international standards: employment in the informal sector and informal employment.⁴⁶ Employment in the informal sector is an enterprise-based concept and it is defined in terms of the characteristics of the place of work of the worker. The ILO uses four primary criteria to define employment in the informal sector based on 1) the institutional sector of employment; 2) the final destination of production; 3) registration of the economic unit under national legislation; and 4) bookkeeping. By contrast, informal employment is a job-based concept and it is defined in terms of the employment relationship and protections associated with the job of the worker. The ILO uses four primary criteria to define informal employment, which are based on 1) the employment status of an individual; 2) contributions to social security; 3) entitlement to and benefit from annual leave; and 4) entitlement to and benefit (when need) from paid sick leave.

Rationale for Inclusion: A majority of the global workforce exists within the informal employment sector, where a lack of access to formal contracts results in workers operating outside the domain of labor laws that serve to protect basic legal rights.⁴⁷ In addition to lacking the right to decent working hours, conditions, and benefits, informal sector workers experience higher rates of poverty than their counterparts.⁴⁸ When viewed in the context of justice specifically, informal employment does not offer the fundamental legal tools required for rectifying everyday justice issues that occur within the workplace, leaving workers ill-equipped and vulnerable to exploitation and abuse.⁴⁹

Country Coverage and Extrapolations: The ILO's *Women and Men in the Informal Economy 2018* report has its own methodology for producing global estimates and extrapolating figures for countries with missing data when necessary. The report includes information for 112 countries (85.8% of the world's population) and estimates that 61.2% of the world's employed population of 3.45 billion are in the informal economy. Accordingly, an estimated 2,113,236,000 people are in the informal economy.⁵⁰ For the remaining countries, no extrapolation was performed.

VII. 2.3 Billion People Lack Proof of Housing or Land Tenure

Sources: WJP, *General Population Poll 2018*

Definition: The number of people without secure tenure rights to housing or land, or without legally recognized documentation. This figure was calculated by multiplying the proportion of people responding "No" to the question "Does your household have any of the following documents for your current dwelling: a title, deed, certificate of ownership, rental contract, or lease?" by the population of each country.

Rationale for Inclusion: Proof of housing or land tenure is essential for ensuring access to adequate shelter, economic opportunities, and public services. People without housing documents lack control over their living situation, with many living in inadequate and unsafe conditions or unable to protect themselves from eviction.⁵¹ Tenure rights also impact people's livelihoods and economic opportunities, making it harder to secure loans or protect themselves against land grabbers, environmental degradation, and other abuses. What's more, marginalized groups tend to be disproportionately affected, which in turn further fuels poverty and inequality.⁵² When viewed in the context of justice specifically, tenure rights are vital legal tools for navigating everyday justice problems relating to housing, neighbor disputes, and community issues. They also provide important protections against more severe injustices that impact communities' access to natural resources and food security.⁵³

Country Coverage and Extrapolations: Estimates were produced using data gathered by the WJP from representative samples of 1,000 citizens in 73 countries (71.3% of the world's population) in the fall of 2018, and extrapolated to other countries based on the average of countries in the same region and income group.

Methodological Considerations: These data provide a global estimate and proxy measure for housing and land tenure, but do not take into account the perceived security of land tenure nor what documentation is counted as legally recognized in each country as per guidelines for SDG target 1.4.2,⁵⁴ which falls beyond the scope of the justice gap assessment.

VIII. 12 Million People are Stateless

Sources: United Nations High Commissioner for Refugees, “UNHCR Population Statistics, The World in Numbers.”

Definition: The number of people who are not considered as nationals by any state under the operation of its law. Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new states and transfers of territory between existing states; and gaps in nationality laws.⁵⁵ UNHCR statistics refer to persons who fall under the agency's statelessness mandate because they are stateless according to this international definition, but data from some countries may also include persons with undetermined nationality.

Rationale for Inclusion: Stateless people do not have the legal protections provided by statehood, making it difficult for them to enjoy basic rights such as education, healthcare, employment, and freedom of movement.⁵⁶ The impact of statelessness can be severe, leading to the physical separation of families, new generations of stateless children, and administrative problems that can last for generations.⁵⁷ Stateless people also have few rights in their social and professional lives, are often politically voiceless in their communities, and are more likely to be subjected to cycles of repeated imprisonment and detainment for lacking identity documents. While nationality is a fundamental human right that cannot be arbitrarily revoked, in recent years states have stripped citizens of this status, especially among citizens who belong to ethnic and racial minorities.⁵⁸

Country Coverage and Extrapolations: Information on statelessness was collected from UNHCR Population Statistics for 101 countries (39.3% of the world's population). Before extrapolations, the number of stateless people totaled 2.8 million, with UNHCR estimating that the true number of stateless people ranges between 10 and 12 million after extrapolations.⁵⁹ Figures for the remaining 117 countries were estimated based on region and income group to arrive at the total global stateless population of 12 million.⁶⁰

Methodological Considerations: It is worth noting that many of the injustices faced by stateless people are faced by other populations, such as refugees, asylum seekers, and internally displaced people (IDPs). Refugees, asylum-seekers and IDPs are displaced as a result of persecution, conflict, generalized violence, or other events seriously disrupting public order, in their places or countries of origin. They have unmet justice needs inherent to the reasons for their displacement and have further justice needs in their receiving places or countries, where they may have limited access to the justice system and opportunities to integrate into host communities. In other words, they are likely to have unmet justice needs up until they have found a permanent and durable solution to their displacement status. The current exercise does not cover refugees, asylum seekers and IDPs due to the difficulties in assigning them to particular categories of unmet justice need within the justice gap framework, and to inherent limitations in obtaining data on their specific justice needs. If these groups are included, the number of people lacking meaningful access to justice could increase by as much as 70 million.⁶¹

IX. 40 Million People are living in Modern Slavery

Sources: Walk Free Foundation, *Global Slavery Index 2018*.

Definition: The number of people who are in forced labor conditions, debt bondage, forced marriage, slavery and slavery-like practices, and human trafficking.⁶² Modern slavery is not defined by law, but it is understood to refer to situations of exploitation that a person cannot leave due to threats, violence, coercion, deception, or abuse of power.

Rationale for Inclusion: People living in modern slavery are deprived of their most basic right to freedom, and fall prey to a wide spectrum of abuses including physical and sexual violence.⁶³ These people lack the freedom to seek justice for some of the most severe personal crimes. Of the 40 million people living in modern slavery, more than 70 percent are women and girls, and in many instances, modern slavery can be an inter-generational phenomenon in which children trapped in forced labor conditions are born to mothers forced into the same predicament.⁶⁴ The drivers of slavery are incredibly complex and challenging to address and include highly repressive regimes, conflict situations, social structures, and existing systems of protection for perpetrators.⁶⁵

Country Coverage and Extrapolations: Information on slavery was collected from the Global Slavery Index 2018 for 166 countries (99.7% of the world's population). For the remaining 52 countries, no extrapolation was performed.

X. 203 Million People Live in Countries with High Levels of Insecurity and No Rule of Law

Source: *States of Fragility 2018*. Organization for Economic Co-operation and Development, Paris: OECD Publishing, 2018.

Definition: People living in countries classified as “severely fragile” on the security dimension in the OECD’s *States of Fragility 2018* report. This dimension of fragility measures the vulnerability of citizen security as a result of social and political violence, using 13 indicators of security and the state’s ability to cope with these risks.⁶⁶ The entire population of Afghanistan, Iraq, Libya, Somalia, South Sudan, Sudan, Syria, and Yemen is classified as severely fragile on the security dimension of fragility.

Rationale for Inclusion: States that are severely fragile face a high number of risks of social and political violence and have insufficient coping capacity to manage, absorb, or mitigate the risks. The governments of such states have minimal control over their territory and are unable to fulfil their basic duty to maintain the rule of law.⁶⁷ Individuals living in countries with high levels of insecurity and no rule of law face the highest risks of violence, are often denied their most basic human rights, and lack access to functioning justice institutions. Without the guarantees of these fundamental rights and protections, individuals in severely fragile countries often lack avenues to address justice grievances. Addressing this dimension of the justice gap requires minimizing conflict and strengthening core justice functions.⁶⁸ This often entails designing strategies to de-incentivize violence, reforming institutions to foster inclusion and build credibility, and addressing structural factors that contribute to grievances and conflict.⁶⁹ Interventions may also build upon solutions that communities have already implemented to manage conflicts and address their justice problems in the absence or failure of state systems.⁷⁰

Country Coverage and Extrapolations: OECD’s *States of Fragility 2018* contains data for the 218 countries and territories. Out of these, eight countries are classified as severely fragile on the security dimension.

Each of these findings by measurement question and corresponding data source are summarized in Table 2. The section that follows describes the methods used to estimate an aggregate, global justice gap figure, as well as estimates by category of justice need.

Table 2. Summary of Estimates by Measurement Question

Measurement Question	Data Source	Estimate
Number of people who cannot obtain justice for civil, administrative, or criminal justice problems		
How many people have unmet civil or administrative justice needs?	WJP, <i>Global Insights on Access to Justice</i> ; Hiil, <i>Justice Needs and Satisfaction</i>	1.4 billion people
How many victims of non-violent crime have not reported their victimization to a competent authority?	NSO crime victimization survey data available on UNODC-INEGI's <i>Atlas on Victimization Surveys</i> and in UNICRI's <i>Criminal Victimization in International Perspective</i> ; UNODC crime data	1.1 billion people
How many victims of violence have not reported their victimization to a competent authority?	NSO crime victimization survey data available on UNODC-INEGI's <i>Atlas on Victimization Surveys</i> and in UNICRI's <i>Criminal Victimization in International Perspective</i> ; UNODC crime data	235 million people
How many people are victims of lethal violence?	Small Arms Survey, <i>Global Violent Deaths 2017</i>	560 thousand people
Number of people who are excluded from the opportunities the law provides		
How many people lack legal identity?	World Bank, <i>Identification for Development (ID4D)</i>	1.1 billion people
How many people are employed in the informal economy?	ILO, <i>Women and Men in the Informal Economy: A Statistical Picture 2018</i>	2.1 billion people
How many people lack proof of housing or land tenure?	WJP, <i>General Population Poll 2018</i>	2.3 billion people
Number of people who live in extreme conditions of injustice		
How many people are stateless?	UNHCR Population Statistics	12 million people
How many people are living in modern slavery?	Walk Free Foundation, <i>Global Slavery Index 2018</i>	40 million people
How many people live in countries with high levels of insecurity and no rule of law?	OECD, <i>States of Fragility 2018</i>	203 million people

Building Global Figures

Estimates on the size of the justice gap were produced by synthesizing the 11 sources of data outlined in Table 2, which include both administrative and survey data. Figures were calculated using the most recent UN DESA population statistics.⁷¹

Double Counting Adjustments

Across the Justice Gap Framework

From the outset of this assessment, the Justice Gap Working Group acknowledged that double counting would be an important issue to address, as there are individuals who, for example, are both victims of crimes and who experience legal problems, or who lack housing tenure and are in the informal economy. Indeed, simply adding the totals by data source produces a total justice gap of 8.5 billion people. The WJP took a number of steps to account for double counting within the justice gap framework and to produce an adjusted aggregate figure of 5.1 billion people and estimates by category of unmet justice need.

First, the WJP assumed that two figures in the justice gap framework would not need adjustments for double counting: victims of lethal violence and people living in states with high levels of insecurity and no

rule of law. The WJP made the assumption that the 559,590 victims of lethal violence were not captured in the other data sources included in the framework. The figure of 203,488,542 people estimated to be living in countries with high levels of insecurity and no rule of law assumes that the entire population of the eight countries classified as “severely fragile” on the security dimension in the OECD’s *States of Fragility 2018* report are in the justice gap.⁷²

Second, the WJP subtracted people from the eight severely fragile states from the totals for the other dimensions of the justice gap framework in order to produce overall justice gap estimates and estimates for people living in extreme conditions of injustice.

Third, the WJP used its 2018 General Population Poll (GPP) data for 72 countries to estimate the extent of double counting between unreported victims of violent and non-violent crime, people with unmet civil or administrative justice needs, and people who lack legal identity, formal work arrangements, and land or housing tenure. While WJP data were not used as the official data source for justice gap estimates on crime, legal ID, and the informal economy, the 2018 GPP contains a number of questions that can serve as proxy measures for understanding the degree of overlap between groups with unmet civil and criminal justice needs and those excluded from the opportunity the law provides (see Table 3). In order to calculate an “adjustment factor” to produce the aggregate justice gap estimate, the WJP:

1. Calculated country-level justice gap figures that do not account for double counting, using WJP proxy measures only. Each individual is counted once for every unmet justice need they have.
2. Extrapolated the estimates produced in step 1 to countries not included in the 2018 GPP dataset.
3. Summed the totals for steps 1 and 2 to produce a total “double counted estimate” based solely on WJP GPP data.
4. Calculated country-level justice gap figures that do account for double counting, using WJP proxy measures only. This figure represents the number of people who have at least one unmet justice need pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, employment in the informal economy, or lack of land or housing tenure. Each individual is only counted once if they have one or more unmet justice needs.

Table 3. Proxy Measures for Estimating Double Counting

Official Data Source	WJP GPP Proxy Measures
NSO victimization survey data; UNODC crime data.	Crime victimization survey module based on the International Crime Victims Survey (ICVS)
WJP, <i>Global Insights on Access to Justice</i> ; HiiL, <i>Justice Needs and Satisfaction</i>	Access to justice survey module*
World Bank, <i>Identification for Development (ID4D)</i>	Possession of a birth certificate or national ID card
ILO, <i>Women and Men in the Informal Economy: A Statistical Picture 2018</i>	Employment on the basis of an oral or written agreement
WJP, <i>General Population Poll 2018</i>	Possession of a title, deed, certificate or ownership, rental contract, or lease for current dwelling.*

* These data are already used for estimating official justice gap figures.

5. Extrapolated the estimates produced in step 4 to countries not included in the 2018 GPP dataset.
6. Summed the totals for steps 4 and 5 and removed people from countries classified as severely fragile on the security dimension of the OECD’s *States of Fragility 2018* report to produce an “adjusted total estimate” based solely on WJP proxy data.

7. Divided the “adjusted total estimate” based on GPP proxy measures by the “double counting estimate” based on GPP proxy measures to calculate an “adjustment factor”.
8. Summed the estimates for unmet justice needs pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, employment in the informal economy, or lack of land or housing tenure calculated using official data sources to produce an “official double counted estimate.”
9. Multiplied the “official double counted estimate” by the “adjustment factor” to produce an “official adjusted total estimate.”
10. Added the “official adjusted total estimate” to the adjusted estimates for lethal violence, statelessness, modern slavery, and fragility to produce the final justice gap estimate of 5.1 billion people.

Please refer to Table 4 for a summary of this process and relevant calculations described above.

Table 4. Estimating Double Counting with WJP Proxy Measures

Step	Description/Calculation	Values
Steps 1-3	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for unreported victims of violent and non-violent crime, people with unmet civil or administrative justice needs, and people who lack legal identity, formal work, and land or housing tenure. Each individual is counted once for every unmet justice need they have.	6,559,107,220 people
Steps 4-6	Calculate the <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, or lack of land or housing tenure based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs. This figure excludes populations from fragile states.	3,872,511,862 people
Step 7	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	3.9 billion ÷ 6.6 billion = 59.04%
Step 8	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to violent or non-violent crime, civil or administrative problems, lack of ID, the informal economy, and lack of land or housing tenure calculated using <u>official data sources</u> .	Violent crime: 235,027,895 Non-violent crime: 1,061,133,776 Civil/admin need: 1,425,382,394 No ID: 1,100,369,677 Informal economy: 2,113,236,000 + Housing/land tenure: 2,339,131,903 <hr/> 8,212,817,916 people
Step 9	<u>Official adjusted total estimate</u> = Official double counted est. x Adjustment Factor	8.2 billion x 59.04% = 4,885,154,755 people
Step 10	<u>Justice Gap</u> = Sum of all totals for lethal violence, the <u>official adjusted total estimate</u> (violent crime, non-violent crime, civil/admin need, no ID, informal work, housing/land tenure), adjusted totals for statelessness, adjusted totals for slavery, and totals for fragile states.	Lethal violence: 559,590 Official Adjust. Total: 4,885,154,755 Statelessness: 11,511,395 Slavery: 38,173,000 + Fragile states: 203,488,542 <hr/> 5,138,887,282 people

Note: Due to rounding, numbers presented in this table may not add up precisely to the totals indicated.

For Categories of Justice Need

Following a similar approach used to estimate double counting across the entire justice gap framework, the WJP also estimated double counting by category of justice need in order to produce figures for a) the number of people who cannot obtain justice for everyday civil, administrative, or criminal justice problems; and b) the number of people who are excluded from the opportunities the law provides.

Using the GPP proxy measures outlined in Table 3, the WJP estimated the degree of overlap between unreported victims of violent crime, unreported victims of non-violent crime, and people who have unmet civil or administrative justice needs in order to produce an “adjustment factor” for the first category of unmet justice need. The WJP also estimated the degree of overlap between people who lack legal identity, formal work arrangements, and land or housing tenure in order to produce an “adjustment factor” for the second category of unmet justice need. Please see Table 5 for an overview of how double counting estimates were produced by category of justice need.

Table 5. Estimating Double Counting by Justice Need Category

Step	Unmet civil, administrative, or criminal justice need		Excluded from the opportunities the law provides	
	Description/Calculation	Values	Description/Calculation	Values
Steps 1-3	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for unreported victims of violent crime, unreported victims of non-violent crime, and people with unmet civil or administrative justice needs. Each individual is counted once for every unmet justice need they have.	2,678,440,937 people	Calculate <u>double counted estimate</u> based solely on WJP <u>GPP proxy measures</u> for people who lack legal identity, people who lack formal work, and people who lack land or housing tenure. Each individual is counted once for every unmet justice need they have.	3,880,666,283 people
Steps 4-6	Calculate <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to violent crime, non-violent crime, or civil or administrative problems, based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs.	1,440,399,764 people	Calculate <u>adjusted total estimate</u> of the number of people who have at least one unmet justice need pertaining to lack of ID, the informal economy, or lack of land or housing tenure, based solely on WJP <u>GPP proxy measures</u> . Each individual is only counted once if they have one or more unmet justice needs.	3,121,037,974 people
Step 7	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	1.4 billion ÷ 2.7 billion = 53.78%	<u>Adjustment Factor</u> = Proxy adjusted total Est. ÷ Proxy double counted est.	3.1 billion ÷ 3.9 billion = 80.43%
Step 8	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to violent crime, non-violent crime, and civil or administrative problems, calculated using official data sources.	Violent: 235,027,895 Non-violent: 1,061,133,776 Civil: 1,425,382,394 <hr/> 2,721,544,065 people	Calculate <u>double counted estimate</u> for unmet justice needs pertaining to lack of ID, the informal economy, and lack of land or housing tenure calculated using official data sources.	No ID: 1,100,369,677 Informal econ.: 2,113,236,000 + House/land: 2,339,131,903 <hr/> 5,552,737,581 people
Step 9	Official adjusted total estimate = Official double counted est. x Adjustment Factor	2.7 billion x 53.78% = 1,463,579,568 people	Official adjusted total estimate = Official double counted est. x Adjustment Factor	5.6 billion x 80.43% = 4,465,806,535 people
Step 10	<u>Unmet civil, administrative, or criminal justice need</u> = Sum of lethal violence and official adjusted total estimate (violent crime, non-violent crime, civil/admin need)	Lethal violence: 559,590 + Official Adj. Total: 1,463,579,568 <hr/> 1,464,139,158 people	<u>Excluded from the opportunities the law provides</u> = Official adjusted total for this category	4,465,806,535 people

Note: Due to rounding, numbers presented in this table may not add up precisely to the totals indicated.

As mentioned previously in this section, for the third category of justice need – people living in extreme conditions of injustice – the populations of severely fragile states were already removed from the figures for stateless people and people living in modern slavery. Therefore, it was not necessary to calculate an adjustment factor for this category in order to produce a figure of 253,172,346 people for this category of justice need.

Table 6 provides a summary of all justice gap figures by data sources, adjusted for double counting across the entire justice gap framework, and adjusted for double counting by category of justice need in columns 3, 4, and 5 respectively.

Table 6. All Justice Gap Double Counting Adjustments

Table 3: All Justice Gap Double Counting Adjustments				
Category of Unmet Justice Need	Measurement Question	Total by Data Source	Adjustments Across Justice Gap	Adjustments for Categories
Number of people who cannot obtain justice for civil, administrative, or criminal justice problems	How many people are victims of lethal violence?	559,590	559,590	1,464,139,158
	How many people have unmet civil or administrative justice needs?	1,425,382,394	4,885,154,755	
	How many victims of non-violent crime have not reported their victimization to a competent authority?	1,061,133,776		
	How many victims of violence have not reported their victimization to a competent authority?	235,027,895		
Number of people who are excluded from the opportunities the law provides	How many people lack legal identity?	1,100,369,677	4,465,806,535	4,465,806,535
	How many people are employed in the informal economy?	2,113,236,000		
	How many people lack proof of housing or land tenure?	2,339,131,903		
Number of people who live in extreme conditions of injustice	How many people are stateless?	12,046,327	11,511,395	253,172,937
	How many people are living in modern slavery?	40,289,000	38,173,000	
	How many people live in countries with high levels of insecurity and no rule of law?	203,488,542	203,488,542	
Note: Due to rounding, numbers presented in this table may not add up precisely to the totals indicated.		Justice Gap:	5,138,887,282	

Note: Due to rounding, numbers presented in this table may not add up precisely to the totals indicated.

When viewed in the aggregate, these figures amount to 5.1 billion people – or approximately two thirds of the world's population – who face at least one of these justice issues, with many confronted by multiple injustices. While these injustices vary in severity and often overlap following systematic patterns of exclusion, this global justice gap reveals that a majority of the world's population do not get the justice they need, either because they face obstacles to resolving justice problems, lack legal protections, or face extreme forms of exclusion from justice.

5.1 billion people – or approximately two thirds of the world's population – face at least one of these justice issues, with many confronted by multiple injustices.

When viewed by category of justice need, there are:

- **1.5 billion people** who cannot obtain justice for **civil, administrative, or criminal** justice problems.
- **4.5 billion people** who are excluded from the **opportunities the law provides**.
- **253 million** number of people who live in **extreme conditions of injustice**.

Analyzing the Justice Gap

Having determined the nature and scale of unmet justice needs globally, further analysis is needed to understand the prevalence of various unmet justice needs for different countries. Justice is context-specific and initiatives to address unmet justice needs should be tailored to the circumstances of each country. While these types of assessments are beyond the scope of this report, it is possible to identify groups of countries that share common justice challenges. For example, there may be countries that need to most urgently address foundational security and human rights issues, countries that struggle to provide avenues for people to resolve their everyday justice problems, or countries that deal with a combination of these issues in addition to needing to strengthen legal protections for vulnerable populations.

In order to identify patterns in the data, the WJP conducted a cluster analysis of the countries with original data (as opposed to estimates based on extrapolations) of the proportion of people who are captured in each of the ten measurement questions of the justice gap framework. As there are only 21 countries for which original data exists for all measurement questions, this cluster analysis reveals first and foremost that, despite the amount of new data on justice issues that have been collected over the course of the last decade, there is still a considerable gap in the availability of globally comparable data on justice issues. This is an obstacle not only for this analysis, but also for decision makers seeking to design evidence-based policies to improve access to justice.

There is a considerable gap in the availability globally comparable data on justice issues. This is an obstacle not only for this analysis, but also for decision makers seeking to design evidence-based policies to improve access to justice.

Despite this limitation, this analysis was helpful for identifying three clusters of countries that share common challenges pertaining to everyday justice problems and legal protections:

1. **Countries with high levels of unmet civil and administrative justice needs.** These are high-income countries located in Western Europe and North America, where the vast majority of people within the justice gap have unmet civil justice needs pertaining primarily to consumer and housing-related disputes.
2. **Countries with insufficient legal protections pertaining to employment and land/housing tenure.** These are primarily middle-income countries that span all geographic regions, though this cluster also includes a few high income countries in East Asia, Eastern Europe, and South America. Populations in these countries are most likely to fall in the justice gap primarily because they are employed in the informal economy or because they lack land or housing tenure.
3. **Countries with high levels of unmet criminal justice need and insufficient legal protections.** These are low and lower-middle income countries located in Africa and Latin America. Populations in these countries may fall into the justice gap mainly because they are unreported victims of violent or non-violent crime, because they are employed in the informal economy, or because they lack legal identity and land or housing tenure.

This preliminary analysis is helpful for understanding general trends within the justice gap, just as the broader justice gap assessment is helpful for highlighting challenges and priorities for realizing justice for all. But the findings discussed in this assessment are only the starting point. More people-centered justice

data are needed to develop a robust typology of countries that highlights their shared challenges and possible strategies for responding to the most prevalent unmet justice needs.

Further analysis of the justice gap must also go beyond country comparisons, and look at the distribution of the justice gap within countries and its implications for human and economic development. Indeed, there is a growing body of new research on the business case for access to justice, the cost for providing universal justice services, and strategies for meeting the justice needs of women.⁷³ This research provides a promising pathway forward for developing evidence-based strategies to close the justice gap and realize the development agenda's commitment to leave no one behind.



Appendices

Appendix I. Developing Measures for Met and Unmet Civil Justice Need

While there is growing recognition that access to justice is foundational to economic and social development – due in large part to the inclusion of Goal 16 in the SDGs – much of the conversation around policy planning, budgeting, and performance indicators has focused on criminal justice, as demonstrated by the current official indicators endorsed by the IAEG for Target 16.3. However, there is a growing body of literature showing that a majority of people's legal problems are civil, rather than criminal, problems.⁷⁴ What's more, in 2016, UN member states agreed that an indicator focused on access to civil justice should be considered to more meaningfully measure Target 16.3.⁷⁵

Many governments have attempted to understand and address civil legal issues by relying on administrative data within the court system, such as the amount of time required to resolve particular legal disputes.⁷⁶ Such an approach adopts a narrow definition of access to justice, and fails to capture the experience of individuals who seek justice from state administrative processes, civil society organizations, and informal mechanisms, or who choose not to take their legal problems to a third party for mediation or adjudication.

Legal needs surveys, on the other hand, provide policymakers and advocates with a people-centered approach to understanding the frequency and range of legal problems, as well as the diverse ways in which ordinary people navigate their legal problems. For this reason, the WJP has constructed and tested the validity and reliability of survey-based measures of access to civil justice in close coordination with Justice Gap Working Group members – in particular NYU CIC, the OECD, and HiiL – as a component of the justice gap assessment.

Indicator Development Process

The WJP undertook the following process to develop an indicator for measuring met and unmet civil justice need, based on legal needs survey data:

- 1. Inventory of justice dimensions:** In order ensure that the consensus of the justice community is captured in any proposed civil justice indicators, the WJP took inventory of the key dimensions of access to justice according to the literature on the topic and other justice frameworks. These included: 1) the Colombian Departamento Nacional de Planeación's (DNP) *Indice de Acceso Efectivo a la Justicia*,⁷⁷ which includes a large legal needs survey component; 2) HiiL's *Justice Needs and Satisfaction* (JNS) reports and dashboard; 3) our own sub-factors for measuring civil justice as part of our global *Rule of Law Index*® and *Mexico States Rule of Law Index*®; 4) the comprehensive inventory of access to justice dimensions, appropriate data sources, and related legal needs survey questions detailed in chapter 4 of *Legal Needs Surveys & Access to Justice*; and 5) the justice framework developed by the Justice Gap Working Group of the Pathfinders Task Force on Justice.
- 2. Data mapping:** The WJP identified existing cross-country survey data that can be used to measure the justice dimensions identified in Step 1.

3. **Indicator criteria:** In order to further refine the key dimensions and question-level indicators for further analysis, the WJP identified a set of core criteria for any proposed indicators resulting from this exercise. These include:

- a. **Conceptual coherence** with other accepted access to justice frameworks;
- b. **Feasibility of measuring** concepts with existing cross-country survey data;
- c. Ability to create a “**counterfactual**” that can facilitate analyses of the impact of access to justice, and therefore the business case for investment;
- d. Existence of a clear **policy response** that would allow governments to improve their performance; and
- e. Ease of **replication and communication** to ensure that the indicator can be readily understood by non-data producers and replicated by governments, academics, or civil society organizations seeking to collect and analyze legal needs survey data.

4. **Refined framework.** Steps 1 through 3 above resulted in a simplified framework to guide the development of a menu of viable indicators for measuring access to civil justice. That framework is summarized in Box 1, and described in greater detail in the section that follows.

Box 1. Key Indicator Dimensions for Access to Civil Justice

1. **Legal Empowerment & Capability**
2. **Appropriate Assistance** – Availability & Quality
3. **Resolution Process** – Timeliness, Cost & Fairness
4. **Outcome**

5. **Indicator construction:** The WJP considered three main approaches to building survey-based indicators using survey data identified in Step 2 and the justice dimensions summarized in Step 4. Those included simple, composite index approaches (e.g. the *Human Development Index*), multidimensional index approaches (e.g., the *Multidimensional Poverty Index*), and logic tree approaches described in *Legal Needs Surveys & Access to Justice: A Guidance Document*.

It is worth noting that there are a few key dimensions of access to justice that were identified in Step 1, and that are not included in the simplified framework in Box 1. Those include:

- **Substance of the law:** This dimension cannot be measured using legal needs survey data.
- **Incidence of specific legal problems:** This is certainly important for context and for understanding the implications of whether a legal need is met or unmet. For example, the social and economic impacts of and policy response to unmet legal needs pertaining to consumer problems and land disputes will vary greatly.
- **Favorable environment:** This also provides important context for issues that might affect an individual’s level of legal capability and their ability to access appropriate help. However, many of these environmental factors are difficult to capture in a survey-based measure that meets the criteria identified in step 3 above.
- **Inclusivity:** Rather than being a standalone indicator or included as a dimension of access to civil justice, any proposed measure of access to civil justice can be used to examine the extent to which the poor, women, people with disabilities, and other vulnerable groups can meet their legal needs.

Proposed Approach & Survey Questions

Producing a single indicator for civil justice is uniquely challenging given that access to justice is a multidimensional issue that is not as simple as determining whether a legal problem is resolved or unresolved. Indeed, the OECD and OSJI maintain that:

“Efforts to construct measures of access to justice must start from the understanding that access to justice is a multidimensional concept, the breadth of which ‘heavily depends on how society receives the meaning and scope of justice.’⁷⁸ Even narrowly construed to refer only to the administration of the law, the concept of justice extends to many aspects of everyday life and encompasses institutional, procedural and outcome related dimensions. However, the concept is increasingly recognised to extend beyond formal process to informal dispute resolution and ultimately to social justice and the distribution of welfare, resources and opportunity.”⁷⁹

To better understand the multiple dimensions of justice that people encounter when attempting to navigate a justice problem, consider the two hypothetical scenarios described in Box 2.

Box 2. Hypothetical Civil Justice Scenarios

Paul’s Small Business Problem. Paul earns a living selling fruit from a small stand next to a busy intersection. He and his brother run this operation together, and get into a serious argument when Paul suspects that his brother is stealing money from the fruit stand. Paul received very little schooling, and because his business is not formally registered with any government authority, he does not feel that he can pursue any form of arbitration or adjudication to resolve this disagreement. They stop running their business together over this disagreement and, because Paul is struggling financially, he is worried that he cannot pay for any form of help. This problem drags on and begins to affect Paul’s relationship with the rest of his family. After several months of stress and financial hardship, Paul’s brother finally gives in and decides to pay him the money he was accused of stealing, which Paul eventually uses to set up a new fruit stand.

Sally’s Child Custody Dispute. Sally and her husband recently separated on relatively good terms but are involved in an ongoing disagreement over who should have primary custody over their children. Sally has an advanced degree and has done a considerable amount of research to understand her parental rights, options, and available resources. She earns a good salary at a white-collar job and has decided to hire a mediator with legal training to help her and her ex-husband navigate this problem. Despite their amicable relationship and the resources available to Sally, both parties are upset by the prospect of not living with their children full-time and have not been able to come to an agreement for over a year.

Considering these two scenarios, would it be fair to say that Paul’s legal need was met or that he truly accessed justice simply because his problem was ultimately resolved and the outcome was in his favor, despite his low level of legal capability and negative justice journey? Is it accurate to say that Sally did not access justice simply because her custody dispute remains unresolved, despite her having a high degree of legal capability and a relatively smooth justice journey? Furthermore, which person is more likely to struggle to resolve future legal problems? Which should receive the primary focus of policy interventions to improve access to justice?

Addressing this type of dilemma led the WJP to conclude that using a multidimensional indicator would be best suited to accurately measuring access to civil justice. Such an indicator would require establishing a threshold for how many deprivations a person must face across different dimensions of access to justice to be considered as having unmet legal need. For example, one could establish that a person must be deprived

of access to justice in one third (1/3) of the key justice dimensions in Box 2 on average in order to be considered to have unmet legal need. Indeed, this is the threshold used to calculate the estimates for people with unmet civil and administrative justice needs, inspired by the threshold approach of the *Multidimensional Poverty Index* (MPI).⁸⁰ However, this threshold for determining unmet legal need could be lowered to deprivations across one quarter (1/4) of the key justice dimensions or increased to deprivations across one half (1/2) of the key justice dimensions, and so on.

Table 7 below provides an overview of the key indicator dimensions and corresponding survey questions that form the basis of the WJP's measure for unmet legal need, and how the hypothetical scenarios in Box 2 would be coded for Paul and Sally. Following this approach will result in a score on a scale of 0 to 1 for any individual who experienced a justiciable problem, calculated by averaging scores for each of the four primary dimensions of access to justice: 1) legal empowerment and capability; 2) appropriate assistance; 3) resolution process, comprised of three sub-dimensions on timeliness, cost, and fairness; and 4) outcome. Applying the threshold of one third (1/3) to this score means that individuals with an average score .67 or higher are considered to have met legal need, and individuals with a score of .66 or lower are considered to have unmet legal need.

Depending on where the threshold for justice deprivations is set, following the measurement approach outlined in Table 7, the WJP estimates that the number of people with unmet civil and administrative justice needs could range from 600 million to 2.3 billion people globally.

This method for measuring met and unmet civil justice need is based on the legal needs and access to justice module of the WJP's General Population Poll (GPP). As mentioned in the "Estimates by Measurement Question" section of this report, the WJP and HiiL also identified a similar method for producing estimates for met and unmet civil and administrative justice need using their JNS survey instrument. Please see Table 8 for information on the calculation used to produce estimates using the JNS survey.

Table 7. WJP Survey Questions for Measuring Met and Unmet Civil Justice Need

Legal Needs Survey Question	Coding (1=met need, 0=unmet need)	Paul	Sally
Access to Justice Score [Average of Legal Capability, Appropriate Assistance, Resolution Process, Outcome]		.33	1
1. Legal Empowerment & Capability			
I knew where to get good information and advice about resolving the problem.	<ul style="list-style-type: none"> - Strongly agree/Agree: 1 - Strongly disagree/ Disagree: 0 	0	1
2. Appropriate Assistance			
<p>Did you, or someone acting on your behalf, obtain information, advice or representation from any person or organization to help you better understand or resolve the problem?</p> <p>[IF YES] Which advisers did you contact?</p> <p>[IF NO] What was the main reason why you did not consider getting information, advice, or representation from anyone?</p>	<p>[IF YES]</p> <ul style="list-style-type: none"> - A relative, friend, or acquaintance: 0 - A lawyer, professional advisor or advice service: 1 - A government legal aid office: 1 - A court, government body, or the police: 1 - A health or welfare professional: 1 - A trade union or employer: 1 - A religious or community leader or organization: 0 - A civil society organization or charity: 1 - Other organization: 0 <p>[IF NO]</p> <ul style="list-style-type: none"> - I thought the issues was not important or not difficult to resolve: 1 - Thought the other side was right: 0 - I did not think I needed advice: 1 - I was concerned about the financial cost: 0 - I had received help with a problem before and did not find it useful: 0 - I did not know who to call or where to get advice: 0 - I did not know I could get advice for this problem: 0 - Was scared to get advice: 0 - Advisers were too far away or it would take too much time: 0 - Other: 0 	0	1
3. Resolution Process [Average of 3.1, 2.3, and 3.3]			
3.1. Timeliness			
How many months did it take to resolve the problem, from the moment you turned to a court, government office, or third party?	<ul style="list-style-type: none"> - <1 year: 1 - >1 year: 0 - Unresolved: • (missing value) 	1	•
3.2. Cost			
<p>Did you, personally, incur costs (other than your time) in order to solve the problem?</p> <p>[IF YES] How difficult was it to find the money to meet these costs?</p>	<p>[IF YES]</p> <ul style="list-style-type: none"> - Very easy/Somewhat easy: 1 - Nearly impossible/difficult: 0 <p>[IF NO]</p> <ul style="list-style-type: none"> - No: 1 	0	1
3.3. Fairness			
Regardless of the outcome, do you think that the process followed to solve the problem was: Fair?	<ul style="list-style-type: none"> - Yes: 1 - No: 0 	0	1
4. Outcome			
Is the problem ongoing or done with? By 'done with' I mean that the problem is either completely resolved or that it persists, but that you and everybody else have given up all actions to resolve it further.	<ul style="list-style-type: none"> - Ongoing: • (missing value) - Too early to say: • (missing value) - Done with, problem persists: 0 - Done with, problem fully resolved: 1 	1	•

Note: Responses are coded only for respondents who experienced at least one legal problem with a severity of 4 or more on a scale of 0-10. Problems with a severity of 3 or less are not considered to be non-justiciable (i.e. trivial problems).

Calculation

In order to arrive at the estimate that 1.4 billion people have unmet civil or administrative justice needs, the WJP used the method described above and summarized in Table 7 to produce estimates for 102 countries with data on legal needs and access to justice from the GPP. This entailed:

1. Identifying respondents who experienced at least one legal problem in the last 2 years with a severity of 4 or more on a scale of 0 to 10. Problems with a severity of 0 to 3 or where respondents responding “Don’t know/ no answer” when asked about their legal problem are considered non-justiciable, or not severe enough to be considered a “legal need.”
2. Of respondents with at least one justiciable legal problem, coding individual-level responses to the questions outlined in Table 7. Responses were coded on a scale of 0 to 1, where 0 indicates unmet legal need and 1 indicates met legal need.
3. Averaging scores for the four dimensions in Table 7 – 1) legal empowerment and capability; 2) appropriate assistance; 3) resolution process, comprised of three sub-dimensions on timeliness, cost, and fairness; and 4) outcome – to produce a total score for each respondent on a scale of 0 to 1. Respondents who experience deprivations of $\frac{1}{3}$ – that is, their average score was below .67 – were considered to have unmet legal need.
4. Calculated the proportion of people with unmet justice need by country. This figure was multiplied by each country’s population.
5. For countries without legal needs survey data, the proportion of people with unmet legal need was imputed based on the averages of regional and income peer countries in the WJP’s dataset, and multiplied by each country’s population.

Because the WJP’s General Population Poll and HiiL’s Justice Needs and Satisfaction surveys are not identical, the WJP and HiiL identified a similar methodology for estimating the number of people with unmet civil and administrative justice needs using HiiL’s dataset (see Table 8). This methodology was used for calculating estimates using JNS survey data for Kenya and Ukraine in order to ensure the most consistent measurement approaches possible. Nonetheless, it’s worth noting that the “timeliness” dimension of both approaches varies, as the WJP measures the time required to resolve the problem through a resolution mechanism, whereas HiiL measures the total amount of time that has passed from the moment the respondent experiences a problem. What’s more, were this exercise to be replicated relying solely on HiiL’s JNS, it would be possible to design a measure of access to civil justice that incorporates other additional dimensions or indicators, such as procedural clarity, voice and neutrality, and damage restoration, among many others.

Table 8. Comparison of WJP & HiIL Survey Questions

WJP Legal Needs & Access to Justice Survey Module (1=met need, 0=unmet need)	HiIL Justice Needs & Satisfaction Survey (1=met need, 0=unmet need)
Access to Justice Score [Average of Legal Capability, Appropriate Assistance, Resolution Process, Outcome]	
1. Legal Empowerment & Capability	
<p>I knew where to get good information and advice about resolving the problem.</p> <ul style="list-style-type: none"> - Strongly agree/Agree: 1 - Strongly disagree/ Disagree: 0 	<p>To solve, this problem did you look for information on/in:</p> <ul style="list-style-type: none"> - The internet: 1 - Radio: 1 - Books: 1 - Brochures: 1 - Newspapers: 1 - TV: 1 - Other: 1 - Did not need information: 1 - Did not where to look: 0 <p>[IF NO TO ALL OF THE ABOVE] What were the reasons for not seeking legal advice to solve this problem?</p> <ul style="list-style-type: none"> - Did not know what to do to receive legal advice: 0
2. Appropriate Assistance	
<p>Did you, or someone acting on your behalf, obtain information, advice or representation from any person or organization to help you better understand or resolve the problem?</p> <p>[IF YES] Which advisers did you contact?</p> <ul style="list-style-type: none"> - A relative, friend, or acquaintance: 0 - A lawyer, professional advisor or advice service: 1 - A government legal aid office: 1 - A court, government body, or the police: 1 - A health or welfare professional: 1 - A trade union or employer: 1 - A religious or community leader or organization: 0 - A civil society organization or charity: 1 - Other organization: 0 <p>[IF NO] What was the main reason why you did not consider getting information, advice, or representation from anyone?</p> <ul style="list-style-type: none"> - I thought the issues was not important or not difficult to resolve: 1 - Thought the other side was right: 0 - I did not think I needed advice: 1 - I was concerned about the financial cost: 0 - I had received help with a problem before and did not find it useful: 0 - I did not know who to call or where to get advice: 0 - I did not know I could get advice for this problem: 0 - Was scared to get advice: 0 	<p>Did you look for legal advice from professional sources such as:</p> <ul style="list-style-type: none"> - Court of law: 1 - An administrative tribunal: 1 - Central government organization: 1 - Police: 1 - Lawyer: 1 - Employer: 1 - County government: 1 - [Other advisors professional, customized by country]: 1 - Other: 1 - None of the above: 0

<ul style="list-style-type: none"> - Advisers were too far away or it would take too much time: 0 - Other: 0 	
3. Resolution Process <i>[Average of 3.1, 2.3, and 3.3]</i>	
3.1. Timeliness	
<p>How many months did it take to resolve the problem, from the moment you turned to a court, government office, or third party?</p> <ul style="list-style-type: none"> - <1 year: 1 - >1 year: 0 - Unresolved: • (missing value) 	<p>Please tell us how much time in days you spent attempting to solve the problem. [Converted days into months dividing by 30]</p> <ul style="list-style-type: none"> - <1 year: 1 - >1 year: 0
3.2. Cost	
<p>Did you, personally, incur costs (other than your time) in order to solve the problem?</p> <p>[IF YES]</p> <ul style="list-style-type: none"> - Very easy/Somewhat easy: 1 - Nearly impossible/difficult: 0 <p>[IF NO]</p> <ul style="list-style-type: none"> - No: 1 	<p>[N/A. There is not a comparable perception-based question on cost in HiiL's JNS.]</p>
3.3. Fairness	
<p>Regardless of the outcome, do you think that the process followed to solve the problem was: Fair?</p> <ul style="list-style-type: none"> - Yes: 1 - No: 0 	<p>Please indicate to what extent: Did you find the process fair?</p> <ul style="list-style-type: none"> - To a very small/small/moderate extent: 0 - To a very large/large extent: 1
4. Outcome	
<p>Is the problem ongoing or done with? By 'done with' I mean that the problem is either completely resolved or that it persists, but that you and everybody else have given up all actions to resolve it further.</p> <ul style="list-style-type: none"> - Ongoing: • (missing value) - Too early to say: • (missing value) - Done with, problem persists: 0 - Done with, problem fully resolved: 1 	<p>Has your problem been resolved?"</p> <ul style="list-style-type: none"> - Yes, completely: 1 - Yes, partially: 0 - No, the problem is on-going and is still in process of being resolved: • (missing value) - No, and I am no longer taking any action to resolve it (I accepted that it will not be solved): 0

Note: Responses are coded only for respondents who experienced at least one legal problem with a severity of 4 or more on a scale of 0-10 in WJP's survey. In HiiL's JNS, each respondent is asked about his or her most severe problem.

Appendix II. Methods for Non-Violent and Violent Crime Estimates

Measuring the extent to which people can obtain a just resolution for criminal justice problems is an important component of the conceptual and measurement framework of the justice gap assessment. When evaluating measurement questions and appropriate data sources for the justice gap, the Justice Gap Working Group gave preference to methods and data sources that are used for official SDG indicators. When applied to unmet justice needs pertaining to violent and non-violent crime, the decision was therefore made to base this measure on the indicator SDG 16.3.1: the 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 measure is designed to serve as a proxy measure for whether victims of crime can identify and report crime, and are able to obtain just outcomes through fair and inclusive processes in response to legal grievances.⁸¹

In terms of data sources, preference was given to crime victimization survey data gathered by national statistical offices (NSOs). These data are available to the public via the *Atlas of Victimization Surveys*⁸² of the UNODC-INEGI Center of Excellence for Statistical Information on Government, Crime, Victimization and Justice. For countries that do not have up-to-date data on the UNODC-INEGI Atlas, the WJP referred to UNICRI's *Criminal Victimization in International Perspective*. Between these two sources, however, NSO victimization survey data were only publicly available for 63 countries at the time that justice gap estimates were produced. In order to address this data gap and anchor estimates in other official sources of data, the WJP developed a method for adjusting crime victimization rates and calculating the “dark figure” (i.e. unreported or undiscovered crime) using administrative data⁸³. Due to the varying types and definitions of crimes included in different countries' victimization surveys, the justice gap assessment relies on survey and administrative data on burglary and theft for producing non-violent crime estimates, and on data survey and administrative data on assault for producing violent crime estimates.

Depending on the availability of data for a given country, one of four calculations was used to produce country-level estimates on the number of victims of violent and non-violent crime who have not reported their victimization to a competent authority.

1. **Countries with UNODC Atlas victimization survey data on the prevalence of crime and reporting rates** (50 countries for burglary; 50 countries for theft; 45 countries for assault): The WJP multiplied the prevalence of crime by the percentage of respondents who did not report their victimization to a competent authority. This was then multiplied by the population of each country.
2. **Countries with victimization survey data on the prevalence of crime but no data on whether the crime was reported** (4 countries for burglary; 6 countries for theft; 13 countries for assault): The proportion of people who did not report their victimization was imputed based on the average rates of regional and income peer countries with survey data. This was then multiplied by the victimization rate and the population of each country.
3. **Countries with administrative data only** (92 countries for burglary; 67 countries for theft; 65 countries for assault): The WJP adjusted the available administrative data to reflect victimization and reporting rates according to surveys on the UNODC's Atlas of Victimization surveys as follows:
 - a. Divided crime rates by 100,000 to calculate the number of cases per person. This figure was then divided by the average imputed reporting rate according to survey data from regional and income peer countries. This adjusts for the fact that administrative

figures are, by nature, already reported figures. This results in a figure for the full prevalence of each crime according to administrative data.

- b. Calculated an adjustment factor to adjust for the low prevalence of crimes in administrative data as compared to survey data. This was done by:
 - i. Comparing the prevalence of each crime for countries that have both administrative and survey data (i.e. the countries group 1) to determine the factor by which administrative data would need to be multiplied to reach the survey-based prevalence of each crime. To address outliers (i.e. cases where administrative data severely underestimates victimization rates) adjustment factors were capped at 100. The average adjustment factor across countries was 41.67 for burglary, 38.21 for theft, and 42.08 for assault.
 - ii. Calculating average adjustment factors for regional and income groupings.
 - iii. Multiplying the full prevalence of each crime (derived from Step 3a) by the adjustment factor to get an adjusted prevalence of each crime.
- c. Multiplied the adjusted prevalence of each crime (derived from Step 3b) by the imputed proportion of people who did not report their crime to a competent authority. This was then multiplied by the population of each country.

- 4. **Countries with no available survey or administrative data** (72 countries for burglary; 95 countries for theft; and 95 countries for assault): The WJP imputed adjusted police-recorded offences and non-reporting rates based on the average of regional and income peer countries. This was then multiplied by the population of each country.

The WJP was only able to calculate justice gap estimates for two forms of non-violent crime and the figures presented here may therefore underestimate the true extent of crime victimization. For this reason, the WJP did not adjust the non-violent crime figures presented in Table 2 to account for double accounting of individuals who were victims of both burglary and theft.

This methodology is designed only to calculate a component of the justice gap figure – the estimated number of people with unmet justice needs pertaining to violent and non-violent crime globally. This report describes this methodology in detail so that the WJP's results can be replicated, but it is not intended to be used to produce country-level figures on crime victimization and reporting for states that have not conducted and published a crime victimization survey.

The estimates presented in this report were calculated based on NSO victimization survey data and UNODC administrative data that were available as of January 2019. As additional data become available for more countries through UNODC-INEGI's Atlas of Victimization Surveys and UNODC's crime database, replicating this methodology in the future will require fewer imputations and may yield a different global estimate.

Appendix III. Classification of Most Common Problems

The “Findings by Measurement Question” section of this report and the *Justice for All* report of the Task Force on Justice identify six areas that account for most people’s justice problems. This provides helpful context regarding the everyday justice issues that people face as well as priorities for the effective implementation of SDG16.

The WJP analyzed its global survey data from more than 101 countries presented in its *Global Insights on Access to Justice 2019* study as well as crime victimization survey data produced by national statistical offices to identify six areas that account for the majority of justice problems faced by ordinary people:

- **30% of people have legal problems related to money and debt, or consumer issues.** These people may have difficulties paying money owed or recovering money lent, face trouble receiving payment for services, struggle with disruptions to key utilities and services, or seek remedies for the provision of poor or faulty services.
- **22% of people are involved in disputes over housing, land, or neighbors.** This includes disputes over boundaries or land use; conflicts with neighbors over noise, litter, parking spots or livestock; or landlord-tenant disputes.
- **21% of people have problems related to violence and crime.** This may range from highly visible abuses – such as organized crime – to hidden forms of violence against women and children. This figure also includes less severe crimes, such as burglary and theft.
- **19% of people have problems accessing public services.** This includes people who are denied healthcare, education, water, sanitation, electricity, and benefit payments. This estimate also includes those who cannot obtain birth certificates for their children, identity cards for themselves, or other documentation needed to prove citizenship, residency or immigration status.
- **9% of people are involved in family disputes.** These include problems related to divorce and separation, child support payments, conflicts over wills, and domestic violence.
- **8% of people have legal needs related to employment or their businesses.** This includes people who are denied wages or benefits, unfairly dismissed, harassed in the workplace.

Estimates on violence and crime are derived from national statistical offices’ (NSO) victimization survey data published on the UNODC-INEGI Center of Excellence *Atlas of Crime Victimization Surveys*. This figure was calculated by averaging the proportion of people who experience any crime, for countries who report this figure.

All other estimates on the incidence of civil and administrative problems are derived from data collected through the legal needs and access to justice module of the WJP’s General Population Poll (GPP) in 101 countries. Table 9 shows how specific types of problems included in the GPP were grouped to produce the estimates above, as well as the incidence of each particular problem type.⁸⁴

Table 9. Grouping of Civil Justice Problems from WJP's Access to Justice Survey Module

Incidence by problem sub-category	Global Average
Consumer, Money and Debt	
Problems related to poor or incomplete professional services (e.g. services from a lawyer, builder, mechanic, etc.)	10%
Problems related to obtaining a refund for faulty or damaged goods	8%
Major disruptions in the supply of utilities (e.g. water, electricity, phone) or incorrect billing	13%
Difficulties collecting money owed to you	8%
Insurance claims being denied	3%
Being behind on and unable to pay credit cards, utility bills (e.g. water, electricity, gas), or a loan	6%
Being threatened by debt collectors over unpaid loans or bills	3%
Being threatened, harassed, or extorted by a mob, a gang or another criminal organization	1%
Housing, Land and Neighbor	
Problems with a landlord about rental agreements, payments, repairs, deposits, or eviction	4%
Problems with a tenant about rental agreements, or property damage	3%
Problems with your neighbors over noise, litter, parking spots, or pets	13%
Becoming homeless	2%
Problems obtaining land titles, property titles, or permission for building projects for your own home	4%
Problems related to squatting and land grabbing	3%
Problems with your neighbors over boundaries or the right to pass through property, fences, or trees	5%
Problems with co-owners or community members over selling property	2%
Public Services	
Difficulties obtaining public benefits or government assistance, such as cash transfers, pensions, or disability benefits	4%
Difficulties accessing care in public clinics or hospitals	7%
Lack of access to water, sanitation, and/or electricity	6%
Difficulties obtaining birth certificates for you or your children	2%
Difficulties obtaining a government-issued ID card	4%
Problems with you or your children's citizenship, residency, or immigration status	1%
Tax disputes or disputes with other government bodies	3%
Difficulties obtaining a place at a school or other educational institution that you or your children are eligible to attend	3%
You or your children being bullied or harassed at school or another educational institution	3%
Family	
Divorce or separation	3%
Difficulties obtaining child support payments	2%
Difficulties paying child support	2%
Dispute over child custody or visitation arrangements	2%
Threats or physical violence from a current partner, ex-partner or other household member	2%
Disagreement over the content of a will or the division of property after the death of a family member	2%
Employment & Business	
Being dismissed from a job unfairly	3%
Difficulties obtaining wages or employment benefits that were agreed on in advance	4%
Harassment at work	3%

Endnotes

- ¹ United Nations. "Transforming our world: The 2030 agenda for sustainable development." *Resolution adopted by the General Assembly* (2015).
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⁸⁴ Within a given grouping, an individual might experience more than one problem. So an individual might experience both problems with a landlord and becoming homeless, and they would be reflected in two of the specific problem types below in Table 9. The estimates above account for the double counting that results from these types of situations, so incidence by specific problem type cannot be simply summed to produce the overall estimates for the five broad civil and administrative problem groupings described above.