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Evaluation

Evaluation of UNDP support to access to justice

Executive summary

Summary

The evaluation assesses the relevance, coherence, effectiveness and sustainability of UNDP support to access to justice. It illustrates the UNDP contribution to enhancing the ability of people to seek and obtain justice, with a focus on individuals most at risk of being left behind. The evaluation identifies opportunities to strengthen the UNDP approach, particularly regarding justice institutions' development and engagement with alternative dispute resolution mechanisms. The report includes seven recommendations to this end.

Elements of a decision

The Executive Board may wish to: (a) take note of the evaluation; and (b) request UNDP management to address the issues raised in the report and its recommendations.

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I. Introduction

1. The evaluation of UNDP support to access to justice is the first dedicated global assessment by the Independent Evaluation Office in this area. It was conducted as part of the office's multi-year programme of work 2022-2025, as approved by the Executive Board (DP/2022/6).
2. The evaluation maintains a twofold goal of accountability and learning, providing UNDP management, the Executive Board and other stakeholders with an assessment of results achieved by UNDP in this area and lessons learned around factors affecting performance. The evaluation will contribute to the evolving UNDP strategy on access to justice, as formulated in the UNDP Strategic Plan, 2022-2025 and phase IV of the Global Programme on Strengthening the Rule of Law and Human Rights for Sustaining Peace and Fostering Development (hereinafter the Global Programme).

II. Background

3. Despite the commitment of the international community and national development plans to ensure equal access to justice for all by 2030,¹ 5.1 billion people – two thirds of the world's population – still live without access to justice. The great majority of them (4.5 billion) are excluded from the opportunities that law provides because they lack legal tools to protect their assets and access services to which they have a right. Another 1.5 billion cannot obtain justice because of malfunctioning institutions and/or other obstacles to resolving their issues. Some 253 million people experience extreme conditions of injustice because they are stateless, victims of modern slavery and/or live in fragile States with high levels of insecurity and systems which contribute to impunity.² Place of birth, income, educational level, age, ethnic affiliation, disability status, sexual orientation and gender remain statistically independent predictors of reduced access to justice.
4. The coronavirus disease (COVID-19) pandemic had a severe impact on rule of law and the functioning of justice institutions, with almost two thirds of countries experiencing a more limited respect of fundamental rights and a decline in the quality of civil justice systems.³ While digital tools and virtual platforms overall helped to improve access to justice, the pandemic highlighted the challenge of digital inclusion, with 2.9 billion people worldwide still offline and with data protection concerns raised in the absence of heightened security systems.
5. Closing the justice gap requires more sustained investments at national and international level. Governments in low- and middle-income countries allocate, on average, a maximum of 4 per cent of their budgets to cover justice needs. Apart from a few countries which have importantly benefited from external resources in the mid-2010s, official development assistance to justice represents 1 per cent of bilateral aid, compared to 7 per cent allocated to education and 13 per cent to health.⁴
6. The international community has advocated for a more evidence-based, people-centred approach to justice which calls for better coordination of plural justice systems, driven by consideration around accessibility and legitimacy.⁵ While non-State and informal justice systems can present further challenges in terms of respect of human rights for all, because of unchecked power relationships and social pressure

¹ Sustainable Development Goal 16.3

² The World Justice Project. (2019). Measuring the justice gap: a people-centered assessment of unmet justice needs around the world.

³ The World Justice Project. (2022). Rule of Law Index; United Nations (2022). The Sustainable Development Goals Report.

⁴ Independent Evaluation Office analysis of official development assistance data; Manuel, Marcus, Manuel, Clare and Desa, Harsh. (2019). Universal access to basic justice: costing Sustainable Development Goal 16.3. Overseas Development Institute Working Paper 554.

⁵ On average, less than 4 per cent of individuals' legal problems are resolved by a court decision. Source: The Hague Institute for Innovation of Law. (2020). Charging for Justice: SDG 16.3 Trend Report 2020.

(particularly when it comes to women and minorities), they are often preferred as being closer to local values, focused on settlement by mediation and compensation as less adversarial solutions.⁶

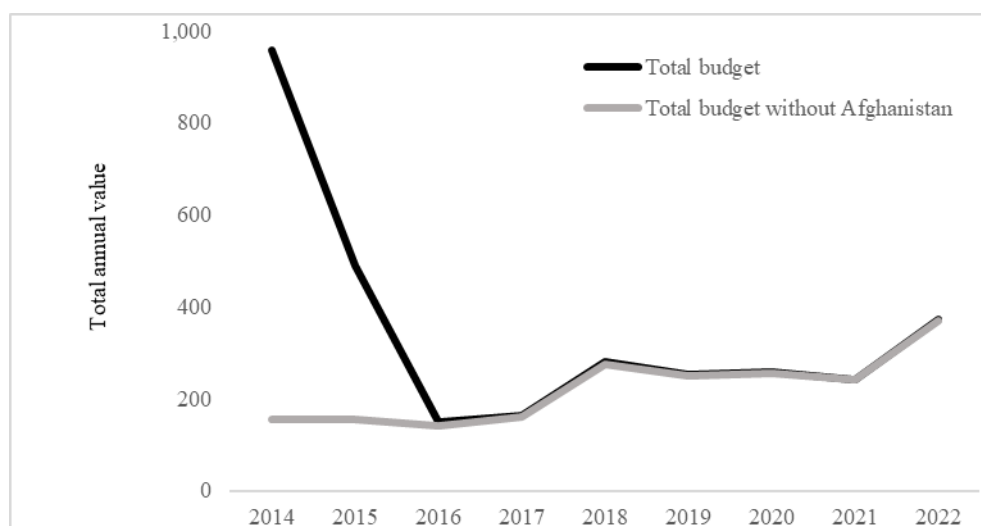
The UNDP portfolio

7. UNDP defines access to justice as “the ability of people to seek and obtain a remedy, through the formal or informal justice system, and in accordance with human rights principles and standards”.⁷ The provision of legal aid and counsel to those most at risk of being left behind remains the core focus of UNDP work, while supporting institutional development and the strengthening of legal and judicial proceedings to ensure that due process is respected. Guaranteeing legal protection and promoting oversight of the justice sector complement the UNDP approach to access to justice.

8. The UNDP justice portfolio for the period 2014-2022 comprised 423 projects for a total budget of \$3.2 billion, including initiatives financed through the Global Programme. As support to the rule of law sector in Afghanistan largely diminished after 2014-2015, the UNDP budget oscillated between \$150 million and \$81 million per year, reaching its highest point of \$373 million in 2022. Half of the resources for justice programming benefited the top 10 fragile countries, with a focus on Africa and the Arab States region. The great majority of funds (86 per cent) came from externally mobilized funding.⁸

The UNDP justice portfolio, 2014-2022

(In millions of United States dollars)



III. About this evaluation

9. The evaluation was framed around the UNDP definition of access to justice and covered the period 2014-2022. It paid dedicated attention to UNDP support to e-justice; gender issues including in response to

⁶ UNDP, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and United Nations Children’s Fund (UNICEF) (2013). Informal justice systems: charting a course for human rights-based engagement.

⁷ UNDP. (2017). Guidance Note on Assessing the Rule of Law Using Institutional and Context Analysis.

⁸ Independent Evaluation Office analysis of UNDP budgetary data.

sexual and gender-based violence; and matters of environmental justice, the latter through a formative lens given that stronger engagement by UNDP in this area was only framed in the 2022-2025 Global Programme.

10. The evaluation was guided by six evaluation questions aligned to standard international evaluation criteria of relevance, coherence, effectiveness and sustainability:⁹

- (a) To what extent has UNDP support addressed the most critical judicable needs of populations of concern, with particular attention paid to communities most at risk of being left behind, especially women and girls?
- (b) How relevant has UNDP support to access to justice remained after the outbreak of the COVID-19 pandemic, addressing emerging institutional and community-level needs?
- (c) To what extent has UNDP work on access to justice created, and relied on, synergies with other interventions by Governments, United Nations partners, non-governmental organizations and other stakeholders?
- (d) To what extent has UNDP been able to timely implement its work at programme level as planned, within the allocated budgetary resources?
- (e) To what extent has UNDP effectively supported communities most at risk of being left behind in seeking and obtaining proper treatment of their grievances, especially girls and women?
- (f) To what extent has UNDP support to access to justice contributed to developing institutional capacities and mechanisms that are likely to be sustained in the medium to long term?

11. The evaluation employed mixed methods (quantitative and qualitative) to answer the evaluation questions and test some of the hypotheses formulated in the reconstructed theory of change. These included: (a) a review of UNDP strategic and programmatic documents and global studies on access to justice; (b) correlation analysis of budgetary data; (c) 12 deep-dive country-level case studies,¹⁰ including a qualitative comparative analysis of project performance information; (d) a meta-analysis of 140 evaluations; (e) a survey of UNDP chief technical advisers and staff responsible for the management of justice programmes at country level;¹¹ and (f) more than 600 interviews at headquarters, regional and country levels.¹²

IV. Key findings

Relevance

12. Across development settings, UNDP remains the main international development actor operating with a long-term perspective in supporting access to justice. UNDP has maintained strong relationships of trust with national justice institutions, which allowed the organization to continue delivering in highly challenging contexts. UNDP has played an important role in promoting access to justice, particularly in fragile contexts where the justice needs are higher in the absence of well-functioning institutions.

13. UNDP has demonstrated a good capacity to adapt its programming to emerging government priorities. UNDP promptly responded to the justice sector's needs for business continuity after the outbreak of the

⁹ Organisation for Economic Co-operation and Development, Development Assistance Committee, Network on Development Evaluation.

¹⁰ Democratic Republic of the Congo, Liberia, Mali (Africa); Lebanon, Tunisia (Arab States); Myanmar, Pakistan (Asia and the Pacific); Albania, Kyrgyzstan (Europe and Central Asia); Colombia, Guatemala, Paraguay (Latin America and the Caribbean).

¹¹ The survey registered 56 responses. Thirty-six per cent of respondents were based in Africa; 18 per cent each in the Arab States, Asia and the Pacific and Europe and Central Asia regions; 7 per cent in Latin America and the Caribbean.

¹² The evaluation team interviewed more than 600 individuals at headquarters, regional and country levels. These comprised 221 UNDP staff; 119 representatives of national Governments; 36 United Nations partners; and 231 members of civil society and/or beneficiaries of UNDP assistance.

COVID-19 pandemic, supporting virtual modalities and e-justice services. The UNDP response valuably focused on sexual and gender-based violence issues and enhancing the monitoring capacities of national human rights institutions, with less attention paid to civil justice concerns related to unemployment, labour or housing disputes.

14. Insufficient consideration paid to the political nature of justice work and justice oversight challenged the UNDP contribution. As numerous stakeholders identified the UNDP comparative advantage as its ability to embed technical support in a fuller understanding of the political/institutional context, they yet considered that UNDP has often given insufficient consideration to political economy analyses in its interventions, with the risk of reinforcing societal power imbalances, particularly in countries that limit individual rights and/or have high rates of corruption.

Effectiveness and sustainability

Legal aid and institutional support

15. UNDP support to legal counsel and aid contributed to enhancing the ability of people to seek remedies from justice institutions, effectively addressing knowledge- and financial-related barriers to access to justice for communities most at risk of being left behind. UNDP effectively promoted legal aid infrastructures, with positive examples of enhanced ownership by national institutions in middle-income countries and overall satisfaction around the quality of support. Evidence collected for this evaluation highlighted some positive outcomes in terms of enhanced ability to claim pensions or secure payment of alimony. At times, the enhanced demand created through UNDP support could not be met through the limited capacities of the formal justice sector. Legal aid support was more effective when implemented in partnerships with civil society organizations (CSOs), local leaders and municipalities with whom people regularly engage for the solution of their problems.

16. UNDP importantly supported the development of justice sector capacity. Mobile and/or specialized courts for the resolution of minor offences or crimes affecting marginalized populations facilitated case management and promoted faster resolution of cases, with some questions raised on the sustainability of the interventions. Support to local infrastructure development – which was justified as the most urgent priority of the justice sector in crisis contexts – rarely brought the expected results because of insecurity, lack of resources and reluctance of justice personnel to work from remote and unsafe areas.

17. UNDP support to justice institutions had limited focus on improving the fairness and quality of decision-making. Although capacity development efforts may have contributed to these efforts, there is limited evidence to this end. Observation and monitoring of trials – following the introduction of standards – occurred only in a few countries and for a short time. Some stakeholders engaged in this evaluation advocated for a stronger application of benchmarks when delivering institutional support, with more attentive monitoring of outcomes.

18. The extent to which UNDP programming ultimately contributed to providing remedies and solving people's justiciable issues remains uncaptured in most cases. Challenges in accessing justice among target populations persist, linked to lack of trust in the system, length of legal processes contributing to case attrition, limited availability of pro-bono lawyers, technological barriers, factors associated with poverty and cultural beliefs, and stigma.

Transitional justice

19. UNDP has played an important role in enabling the operationalization of mandated transitional justice mechanisms, facilitating the participation of civil society and representation of victims. The flexibility and operational capacity of UNDP have been critical to initiating complex normative and consultation processes, whose duration is often underestimated in peace agreements and laws for transitional justice. The support provided by UNDP empowered victims and contributed to enhancing their confidence in the process.

20. The vast scope of the UNDP engagement in transitional justice has diminished over time. While UNDP has shown adaptability in adjusting to evolving and complex contexts, its ability to effectively support the fight against impunity is highly contingent on sustained national political will and interest by donors, which appear to be diminishing.

Alternative dispute resolution mechanisms

21. In a few countries, support to government-recognized alternative dispute resolution mechanisms, whose functioning is regulated by national or local laws, provided faster solutions to individuals' justiciable problems, improving their well-being and increasing trust in the justice system. The long-term engagement and sustained resources of UNDP were key drivers in increasing the use and legitimacy of the supported institutions.

22. Justice programmes explored to a limited extent the use of traditional and community mechanisms. This reportedly occur because of political resistance and higher perceived risks of human rights violations for women. Examples of UNDP support showed, however, that these mechanisms could be effective for the timely resolution of cases, if community mediators are properly trained, the respect of human rights is monitored and referral mechanisms from/to the formal justice systems are established, particularly for serious crimes.

23. While UNDP was acknowledged for its role as provider of technical assistance in supporting alternative dispute resolution mechanisms, its propensity to advocate for more expansive partnerships and scaled programming was questioned. Despite such mechanisms being often the only accessible instrument for large segments of populations, UNDP had divergent views on where resources should be allocated among the competing demands of the justice sector. The need to move beyond dichotomous views of justice and invest in a plurality of justice processes to ease access to justice was emphasized.

E-justice

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

25. The e-justice solutions proposed by UNDP for the digitization of information and the digitalization of processes have the potential to promote efficiency and transparency. Case management systems allowed citizens to directly track progress of cases, minimize undue interferences and fast-track court cases. The provision of data and statistics favoured using technology allowed some ministries to detect shortcomings and improve justice service delivery.

26. UNDP interventions have been primarily aimed at promoting efficiency and business continuity, without applying best practices (recently embodied in the UNDP digital standards) to address the digital divide at the design stage. Concern remains that e-justice interventions might be pushing further behind certain populations, including people without access to the Internet, people with disabilities, linguistic minorities and the elderly. Digitalization of legal processes also raises concerns related to data protection, data control and security as well as privacy that must be addressed. UNDP developed a dedicated manual in 2022 to address digital security gaps.

Environmental justice

27. While defined as an emerging issue in the Strategic Plan, 2014-2017, UNDP did not integrate environmental justice in its narrow sense in its programming until 2021. UNDP instead promoted environmental justice largely from a good governance perspective, mostly through the development of environmental laws and the integration of environmental considerations in constitutional efforts. Support

to courts and justice institutions on environmental issues has been limited, with more advocacy and capacity development efforts in support of national human rights institutions undertaken since 2019, in partnership with the United Nations Environment Programme (UNEP), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Global Alliance of National Human Rights Institutions.

28. UNDP support to dispute resolution around environment and natural resource management issues, particularly in indigenous communities, has occurred mostly through alternative dispute resolution mechanisms and consultations, which have proved helpful in promoting mediation but whose contribution to the protection of rights of affected communities is insufficiently documented. While UNDP efforts strengthened transparency and access to information, tension remained between protecting the rights to a safe and healthy environment for the most vulnerable and much stronger economic interests. When resources allowed, UNDP strategically used its social and environmental standards to reinforce national grievance mechanisms for furthering accountability.

Gender and inclusive justice

29. UNDP has put communities most at risk of being left behind – particularly women, indigenous people and individuals living in rural areas – at the forefront of its support to access to justice. In several countries, UNDP also extended its legal awareness and counsel services to people with disabilities, being most effective when working with CSOs in establishing referral pathways and promoting redressal actions in the provision of social services. Legal aid support to displaced populations has been an area of increased focus for UNDP, partnering with the Office of the United Nations High Commissioner for Refugees on lack of identity documents, rights awareness, stigma and language barriers as recurring challenges to access to justice. UNDP paid limited attention to people excluded from the opportunities that the law provides because of their lack of legal tools (e.g., job contracts, housing or land tenure certificates) and who represent the majority of those affected by the justice gap.

30. UNDP used multiple entry points to support access to justice for women and girls, with more attention paid to gender issues in fragile contexts. UNDP support to access to justice for women and girls remained focused on the highly important issue of sexual and gender-based violence, with significant contributions to the enactment of laws and policies. UNDP enhanced women’s awareness of their rights and empowerment, although resolution of cases remained limited, with persistently high attrition rates linked to entrenched social norms and insufficient attention paid to women’s economic empowerment as a driver of choices. One-stop shops promoted integrated approaches and helped overcome some stigma-related barriers to access to justice, but questions on their effectiveness and sustainability stand. In conflict settings, UNDP support to the prosecution of conflict-related sexual violence, in partnership with the team of experts and peacekeeping operations, has been praised for the consistency and inclusivity of the process, although constraints in ensuring convictions need greater attention. Resources for reparations, prioritization of cases, investments in quality legal aid for fair trials and potential engagement with alternative types of courts (e.g., military and mobile courts) emerged as areas for improvement.

31. UNDP efforts to promote the legal protection of often-discriminated groups delivered some important results over time, although it was often met with resistance. UNDP support, including through the Global Commission on HIV and the Law, contributed to the decriminalization of HIV exposure, nondisclosure and/or transmission and sex between men in the law of half a dozen countries since 2017. UNDP played an important role as soft advocate for change in promoting legal protection of members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, through capacity development of national institutions and CSOs, particularly in Asia and the Pacific. UNDP engagement has shown the importance of providing safer spaces for dialogue and promoting a whole-of-society approach as the most effective path to change.

Design and management

32. The UNDP approach to access to justice has been, to a good extent, people-centred, given the importance attached by UNDP programmes to inclusion and outreach to communities most at risk of being

left behind. A close alignment between the UNDP strategic focus and later definitions of people-centred approaches was already found in the 2004 guidance note.¹³

33. UNDP has however not fully made the pivot to putting people at the centre of all its interventions in the justice sector. Initiatives that narrowly focused on institutional capacities were not always people-centred and responded mainly to issues of concern for people who find it hardest to access justice. Reliance on legal needs surveys and community-level focus groups to inform programmes improved but remained limited. A reflection on how resources allocated to institutional development would ultimately benefit service provision in favour of those most at risk of being left behind has been in most cases missing, compounded by short-term project dynamics and the absence of comprehensive theories of change that would link the different axes of interventions. Stakeholders also noted insufficient consideration paid by UNDP programming to corruption in the justice sector, even when acknowledged as a key challenge to its effective functioning.

34. The UNDP vision of access to justice remains sectoral. While UNDP support did aid ministries of justice and formal justice systems, political sensitivities and operational constraints challenged the broader engagement of other institutions and stakeholders in supporting dispute resolutions. While other rule of law actors, national human rights institutions and Ombudsperson offices have been largely involved in UNDP justice programmes, parliaments and national councils of justice have been significantly less engaged, as have local governments, religious or customary courts/tribunals and providers of social services/public services. Cooperation with other ministries was mostly limited to interaction with the national gender machinery on issues related to sexual and gender-based violence.

Integration of people-centred approaches in UNDP justice programmes

Effectively integrated

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

Areas for improvement

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

Lack of evidence

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

Source: Independent Evaluation Office analysis

35. Since its establishment, the Global Programme has continuously evolved. Its continuity and capacity to adapt based on lessons learned has been a success factor. The Global Programme played a valuable role in mobilizing several inter-agency partnerships and providing technical assistance and seed funding. These resources allowed country offices to support programme development and review, leverage additional resources by other donors and expand nascent or existing initiatives. Another area of relevance is the publication of several guidance documents to inform the work of UNDP, whose influence on programming

¹³ UNDP. (2004). Access to justice – practice note.

remains unclear. Limited capacities challenge the ability of the Global Programme to provide in-depth and sustained support, creating a gap between its aspirations and results on the ground.

Internal coherence

36. The projectization of activities around relatively short time frames, linked to the reliance of UNDP on external resources, has challenged the internal coherence and effectiveness of the organization's efforts on access to justice. While UNDP justice initiatives have been well coordinated at country level, evidence of synergies with other rule of law, governance and peacebuilding projects has been less consistently available. Cooperation between projects has recently improved, in most instances through the adoption of umbrella initiatives, whose ability to fully overcome transaction costs is yet to be confirmed. There remains room for further synergies across UNDP interventions, to ensure that community-level dispute resolution and grievance mechanisms supported through UNDP peacebuilding, social cohesion and local governance programmes fully integrate rights-based approaches to promote justice pathways.

37. The recent expansion of the Global Programme on Rule of Law to cover new areas of work resulted in a significant strengthening of the UNDP offer, responding to an acknowledged need for enhanced collaboration between justice and other thematic areas (e.g., local governance, informal economy, environment), which so far has been limited. The quest for more integration of justice elements in other areas of UNDP work has yet to translate, however, in more cross-thematic projects at country level.

38. Through its global initiative on business and human rights, UNDP has engaged in the advancement of global standards for responsible practices in business operations, supporting national human rights institutions in promoting accountability. The programme has been highly praised for its capacity to cultivate a broad partnership architecture, enabling linkages with other areas of work, including environment and climate change, labour and migration, children's and women's rights and international trade. The focus has remained on awareness and prevention, with very limited efforts on dispute resolution, mostly due to the un conducive political environment and conflicting interests in this area.

Partnerships

39. Beyond joint programmes, the intent of UNDP to partner with other technical agencies as a multiplier of effectiveness was evident in the numerous agreements and coordinated efforts launched at headquarters. Partnerships with United Nations agencies proved valuable in promoting more coordinated approaches, particularly on issues of access to justice for women and displaced populations. The UNDP partnership with OHCHR contributed to capacitation of national human rights institutions, supported transitional justice mechanisms and promoted advocacy efforts for reduction of discrimination and promotion of human rights in the law.

40. In conflict-affected countries, cooperation with peacekeeping operations remains challenging but is reportedly better in missions established more recently, facilitated by the joint frameworks agreed by the Global Focal Point for Rule of Law network. The dialogue with United Nations special political missions could be further leveraged for enhanced access to justice, anchoring UNDP programmatic work to stronger contextual and political analysis.

41. Coordination with other international partners, including bilateral agencies, was planned to avoid overlapping, but did not result in a harmonization of approaches at country level. While national Governments expressed appreciation for UNDP support and recognized a value in its neutrality, the preference for bilateral partners to continue the direct implementation of projects is acknowledged. Despite consultations, overlaps persist in capacity development efforts and with different models of legal aid diminishing the potential for enhanced effectiveness of combined efforts.

42. At the local level, CSOs have been key partners of UNDP in programme implementation playing an important role in promoting legal awareness and legal aid across contexts. While in some contexts, UNDP enabled CSOs to voice their concerns through the established rule of law and justice platforms and

significantly engaged with them in support of their capacity development, in others the collaboration was perceived as more limited and transactional. The depth of engagement was often dependent on both local capacity and the permissiveness of the political enabling environment.

43. Collaboration with academia and research institutes has been very limited, both at international and country levels. Data-collection efforts, which have been overall highly insufficient to understand the programmes' results and impact, have been managed internally, with untapped potential for collaboration.

Results monitoring

44. Measures of effectiveness and the impact of UNDP work – in terms of enhanced capacity, time efficiency of judicial processes, disputes solved, level of satisfaction with services rendered and a sense of empowerment of the populations – are not regularly available, despite numerous recommendations to this end included in project evaluations. Lack of financial resources, the limited or no access to institutional data (because of security and confidentiality reasons) and security concerns restricting programme monitoring challenged more robust measurement. The rigidity of the current results framework also disincentivizes the collection of information, as qualitative data including in narrative reports appeared often more complete (yet not rigorously or systematically collected).

V. Conclusions

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

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

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

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

47. Understanding the extent to which UNDP support contributed to enhanced access to justice is challenged by the length and type of support provided by the organization, whose projects rarely follow individual cases through the length of judicial proceedings and/or the resolution of problems (apart from those adjudicated through mobile courts). Limited reliable national data hamper the understanding of the extent to which UNDP-supported initiatives led to a decision by the court and delivery of justice. On its side, UNDP has insufficiently invested in the collection of data on the quality and fairness of processes, hampering the possibility to implement corrective and targeted measures. The investments made by a few

UNDP country offices to this end showed the value of stronger monitoring and evaluation for programme management and positive stakeholder engagement.

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

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

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

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

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

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

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

53. Across settings, the UNDP model of institutional support to access to justice has revolved around State courts to ensure due and equal application of national laws for all. Interventions in support of alternative dispute resolution mechanisms, which delivered promising results in terms of faster responses, following at times less adversarial methods closer to community cultures, have been carried out but limited to a few countries. The often-insufficient resources allocated to alternative mechanisms were seen as subtracting from support to the formal State system. This is a false dichotomy of support, given the shared goal of promoting access to justice for the efficient and fair resolution of individuals' justiciable issues. There

remains unexplored potential to work with State-recognized alternative dispute resolution mechanisms, particularly in Africa, where consensus on the value of these mechanisms has been growing.

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

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

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

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

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

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

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

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

60. Current e-justice initiatives have demonstrated their potential to improve the quality and transparency of information recorded, enhancing efficiency and accountability when monitoring and oversight mechanisms are properly established. However, given the cost of e-justice interventions and the resources already committed for digital infrastructure development by other bilateral and regional organizations, UNDP needs to consider where the value added of its offer lies in different country contexts. Lessons

learned from current projects point to the need for the organization to strengthen its focus on the protection of those most at risk of being left behind, both in terms of data privacy and outreach of services that are not reliant on intermittent or limitedly available electricity sources.

VI. Recommendations

61. Based on the above-mentioned conclusions, the evaluation puts forward seven interrelated recommendations.

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

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

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

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

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

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

66. As the United Nations agency with Sustainable Development Goal 16 at the core of its mandate and a member of the Justice Action Coalition, UNDP has a unique opportunity to lead the way in making the pivot to people-centred justice in all its programmes, as called for in the 2023 Justice Appeal.¹⁴ UNDP should ensure that all its justice programmes, including projects that support institutional development, are designed with a clear intent of enhancing not only the availability but also the accessibility and quality of justice provision, as measured by the ability of people to resolve and prevent their justice problems.

¹⁴ See “Justice 2023: Pivoting to People-Centered Justice”, the outcome document of the Ministerial Meeting of the Justice Action Coalition, 30 May 2022.

67. UNDP should strengthen its programmatic efforts to enhance the fairness, quality and oversight of justice. UNDP projects should introduce and institutionalize measures to systematically monitor justice processes, including through the wider adaptation of tools such as the judicial integrity checklist adopted in Asia and the Pacific. UNDP should enhance its engagement with national institutions – parliaments, national human rights institutions, Ombudsperson offices and CSOs – to strengthen the establishment of adequate mechanisms that reduce discrimination and promote transparency, accountability and oversight of the justice sector.

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

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

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

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

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

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

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

73. Access to justice/legal needs assessments, national surveys under Sustainable Development Goal 16.3.3 and other ongoing engagement by UNDP at community level (including participatory local governance mechanisms and community surveys) should be used to gather data and inform more thematic

and intersectoral work on civil justice issues, contributing to the prevention of recurring legal problems, building on lessons learned from one-stop-shop services.

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

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

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

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

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

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

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

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

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

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

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

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

83. In line with the recommendations of the 2022 paper, “e-justice: Digital transformation to close the justice gap”,¹⁵ UNDP should promote the development of in-house expertise in this area and enhance the adoption of the Chief Digital Office digital standards in UNDP country offices.

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

¹⁵ UNDP. (2022). E-justice: Digital transformation to close the justice gap.