

# **Manual to Support National Data Collection on SDG Indicator 16.3.3:**

*Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism*

UNDP Oslo Governance Centre

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This Manual will be periodically reviewed as the indicator is further refined, building from methodological discussions, possible new recommended standards and national experiences in measuring SDG 16.3.3.

For assistance in data collecting, processing and computing data for this indicator, or if you have questions around the inputting of SDG 16.3.3 data through the [UNDP SDG 16 Reporting Platform](#), please contact either [SDG16indicators@undp.org](mailto:SDG16indicators@undp.org) at the [UNDP Oslo Governance Centre](#); Maurice Dumaiski, [Maurice.dumaiski@un.org](mailto:Maurice.dumaiski@un.org), at the [UNODC](#); or, Chloé Lelievre, [chloe.lelievre@oecd.org](mailto:chloe.lelievre@oecd.org), at the [OECD](#).

## 1. Introduction

Indicator 16.3.3 measures the proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism, by type of mechanism. This indicator complements the other two indicators of 16.3. These indicators are: 16.3.1 – Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms; and, 16.3.2 – Unsentenced detainees as a proportion of the overall prison population. The indicator combination of SDG 16.3 provides a holistic picture of people’s ability to access justice mechanisms across a wide range of crimes and disputes.

The custodian agencies have translated the methodology for measuring this indicator into a set of questions, which can be found in the **Access to Justice** Module (access to dispute resolution mechanism) of the SDG 16 Survey Initiative Implementation [Manual](#) and [Questionnaire](#). Additional information on this indicator can be found in its [Metadata](#) and [Indicator Brief](#) documents.

## 2. Custodianship

The indicator is under the custodianship of three agencies, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime (UNODC) and the Organisation for Economic Cooperation and Development (OECD).

## 3. Rationale

While there is no standard definition of access to justice, it is broadly concerned with “the ability of people to defend and enforce their rights and obtain just resolution of justiciable problems in compliance with human rights standards; if necessary, through impartial formal or informal institutions of justice and with appropriate legal support.”<sup>1</sup>

For citizens in need of justice, several conditions should be met for their rights to be recognized, such as access to adequate information, access to justice services and legal advice, and access to institutions of justice that provide fair and impartial treatment.

The rationale of this indicator is to focus on one step of the process and in particular on the accessibility of justice institutions and mechanisms (both formal and informal) to those who have experienced a justiciable problem.

The indicator can provide important information about the overall accessibility of civil justice institutions and processes and barriers to this, as well as the reasons for the exclusion of some people. The disaggregation by type of dispute resolution mechanism provides additional information about the channels used by citizens in need of enforcing or defending their rights. The indicator can also capture an important dimension of unmet legal need and access to justice that is measurable, actionable, and policy relevant. Providing information on the several barriers to the access that might disproportionately affect certain vulnerable groups.

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<sup>1</sup> Praia City Group (2015). [Praia Group Handbook on Governance Statistics](#).

#### 4. Related Indicators

Indicator 16.3.3 complements the other indicators of 16.3 which focus on rates of pretrial detention<sup>2</sup> and reporting of victimization<sup>3</sup> and thereby provides a more holistic picture of people’s ability to access justice mechanisms across a wide range of disputes. This indicator also relates to several other targets under SDG 16 on issues that may require access to justice. For instance, people need to access justice institutions and mechanisms when they are subject to (or a witness of) corruption (target 16.5), when they have problems in accessing government payments (such as social safety net assistance) or public services (target 16.6), when they have difficulty in obtaining legal identify, such as birth registration (target 16.9), or when they experience discrimination (target 16.B).

In addition, the indicator relates to other Goals that have targets conveying aspirations for more just and fair societies. For instance, people may need to access justice institutions and mechanisms when faced with discrimination in education (target 4.5), when subject to discrimination against women and girls (target 5.1), when seeking ‘equal pay for work of equal value’ (target 8.5), when wanting their labor rights to be upheld (target 8.8), or when demanding that equal opportunity laws be respected (target 10.3)

#### 5. Key Concepts and Definitions

A **dispute** can be understood as a *justiciable problem* between individuals or between individual(s) and an entity. Justiciable problems can be seen as the problems giving rise to legal issues, whether they are perceived as being “legal” by those who face them, and whether any legal action was taken because of the problem.

Categories of disputes can vary between countries depending on social, economic, political, legal, institutional, and cultural factors. There are, however, several categories that have broad applicability across countries; these are used in the SDG 16 Survey Access to Justice (AJ) module.

**Dispute resolution mechanisms** also vary across countries. While in many countries courts represent the main institution dealing with disputes of a civil nature, the same may not be true in countries or societies where the first points of reference in such cases are informal systems, including traditional or religious leaders. The formulation of the indicator, and the formulation of the questions in the survey, must account for these differences and make sure to include all relevant institutions or mechanisms that are generally recognized and used.

To improve the accuracy of the indicator, it is important to define the denominator precisely by identifying the “demand” for dispute resolution mechanisms. This demand is composed of those who use dispute resolution mechanisms (users) and those who – despite needing them – do not. Not using existing justice mechanisms may be due to various reasons such as lack of awareness of their existence or of how to access them, lack of trust in institutions, lack of legal advice/assistance, or geographical distance or financial costs, to mention a few. It is important to exclude from the demand those who experience disputes and do not turn to dispute resolution mechanisms because they do not need them (*voluntarily self-excluded*). This refers to cases where the dispute is simple or when respondents solve the issue with the other party through direct negotiation.

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<sup>2</sup> SDG Indicator 16.3.2: Unsented detainees as a proportion of overall prison population.

<sup>3</sup> SDG Indicator 16.3.1: Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms.

## 6. For National Statistical Offices (NSOs)

The SDG 16 Survey Access to Justice module does not require national adaptations. Besides the necessary components, the SDG 16 Questionnaire includes additional optional questions about certain characteristics (legal, administrative, and practical).

A copy of the SDG 16 Access to Justice Module is found in Annex 1 with the necessary questions to compute 16.3.3 indicator highlighted with an ‘\*’. The reporting entity is encouraged to review this module and verify its alignment with their questionnaire. If the national methodology and questionnaire presents deviations from the recommended methodology and questionnaire, please highlight them in the metadata section of the [UNDP SDG 16 Reporting Platform](#) in the space provided for *Other Methodological Notes/Deviation*. Additionally, we invite the national reporting entities to upload their questionnaires used to measure this indicator.

For assistance in data collecting, processing and computing data for this indicator, or if you have questions around the inputting of SDG 16.3.3 data through the [UNDP SDG 16 Reporting Platform](#), please contact [SDG16indicators@undp.org](mailto:SDG16indicators@undp.org)

## 7. Method of Computing SDG 16.3.3

Number of persons who experienced a dispute during the past two years who accessed a formal or informal dispute resolution mechanism (numerator), divided by the number of those who experienced a dispute in the past two years minus those who are voluntarily self-excluded (denominator). The result would be multiplied by 100.

$$16.3.3 = \frac{\text{Numer of people who accessed formal or informal dispute resolution mechanism}}{\text{Number of people who experienced a dispute in the past 2 years and did not voluntarily self – exclude}} \times 100$$

This is a **survey-based indicator** that emphasizes citizens’ experiences over general perceptions. Both numerator and denominator are measured through sample surveys of the general population.

The computation of this indicator requires the inclusion of a short module of four questions in a representative population survey. The following tables illustrates the content of the four questions needed to compute the indicator.

Content of question	Instruction
1. Experience of a dispute over past 2 years, by type of dispute	If no dispute was experienced, skip to END, otherwise go to 2.
2. Most recent dispute experienced, by type of dispute <sup>4</sup>	Continue with 3.
3. Access to dispute resolution mechanism, by type of mechanism	If no DRM was accessed go to 4., otherwise skip to END.
4. Reason why no dispute resolution mechanism was accessed	Go to END.

<sup>4</sup> The SDG16 Survey recommends to randomly select a dispute instead of the most recent one. If Countries opt to deviate from this recommendation, kindly provide a comment in in the metadata section of the [UNDP SDG 16 Reporting Platform](#) in the space provided for *Other Methodological Notes/Deviation*.

**To calculate numerator:**

- a) Number of respondents who experienced a dispute (at least once) during the past two years (Question AJ1: Count respondents who answered ‘yes’ at least once)
- b) Number of respondents who experienced a dispute during the past two years who accessed a formal or informal dispute resolution mechanism (Question AJ4: Count respondents who answered ‘yes’ at least once)

**To calculate denominator:**

- c) Number of respondents who experienced a dispute in the past two years but did not use a dispute resolution mechanism (Question AJ4: Count respondents who answered ‘no’ to all)
- d) Number of respondents who experienced a dispute in the past two years and did not use a dispute resolution mechanism only because they chose so (i.e. voluntarily self-excluded) (Question AJ4: ‘no’ to all AND Question AJ5: 11 or 12 or 13 AND none of AJ5 21-27 = yes)
- e) Number of those who experienced a dispute in the past two years (a) minus those who are voluntarily self-excluded (d) = (e)

## 8. Data Availability

A growing number of countries are implementing surveys using similar methodologies in order to assess legal needs, improve justice services, and strengthen linkages across sectors. However, the scale and methods of administration have varied as some countries that have conducted stand-alone surveys on legal needs while other countries have included a module in an ongoing population survey. More than 60 national legal needs surveys have been conducted in more than 30 countries over the course of the last 25 years (4 by government statistical agencies, 18 by other government bodies, 3 by universities, and 37 by other organizations). National legal needs surveys have been conducted in Argentina, Australia, Bangladesh, Brazil (module), Bulgaria, Canada, Colombia, England and Wales, Georgia, Hong Kong, India, Japan, Jordan, Kenya, Kyrgyzstan, Lebanon, Macedonia, Mali, Mexico (module), Moldova, Mongolia, Nepal, the Netherlands, New Zealand, Northern Ireland, Poland, Scotland, Sierra Leone, Slovakia, Taiwan, Tajikistan, Tunisia, Uganda, Ukraine, the United Arab Emirates and the United States. In addition, extensive sub-national surveys have also been carried out, for example, in China, Ecuador, Russia, Indonesia and Yemen, along with smaller surveys in countries including Azerbaijan, Rwanda and Egypt.<sup>5</sup>

In Nigeria, the national statistical offices (NBS) recently conducted two successive large-scale corruption surveys (2016 and 2019) – with UNODC technical support – that included a module on access to justice. Statistics South Africa has conducted in 2019 a large-scale survey on Governance, Public Safety and Justice, which collected the information needed to compute the indicator.

These surveys may contain the questions needed to compute this indicator (experience of dispute, use of resolution mechanism - either formal or informal – and reasons for not acting to resolve the dispute). It is noted that the survey might not be completely aligned with the methodology for the indicator 16.3.3, in which cases, the reporting entity is requested to inform the custodians through the reporting platform and/or the email [sdg16indicators@undp.org](mailto:sdg16indicators@undp.org).

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<sup>5</sup> Elaboration based on *Legal Needs Surveys and Access to Justice* (2018) and web searches.

## 9. Disaggregation Requirements of SDG 16.3.3

Disaggregated data by type of dispute resolution mechanism is of fundamental importance to assess the type of justice institutions and mechanisms available for citizens and for this reason it is part of the indicator itself.

The recommended disaggregation for this indicator is:

- type of dispute resolution mechanism
- sex
- disability status
- ethnicity
- migration background
- citizenship

Reporting institutions are encouraged to fill in as much information as possible when completing the first table in [UNDP SDG 16 Reporting Platform](#) given the disaggregation complexity required to compute this indicator. An example of the SDG 16.3.3 reporting platform table is as follows:

	Numerator: Number of respondents who experienced a dispute during the past two years who accessed a formal or informal dispute resolution mechanism (b)	Denominator: Number of respondents who experienced a dispute in the past two years, minus those who are voluntarily self-excluded (e)	[ Numerator / Denominator ] * 100
Total/National			
<b>Sex</b>			
Male			
Female			
<b>Disability status</b>			
Disabled			
Not disabled			
<b>Ethnicity</b>			
Any non-majority ethnicity:			
Ethnic group A:			
Ethnic group B:			
Ethnic group C:			
<b>Migration background</b>			
Any migration background:			
Background A:			
Background B:			
Background C:			
<b>Citizenship</b>			
Any non-national:			
Nationality A:			
Nationality B:			
Nationality C:			



## 10. Additional guidance in filling the information in the reporting platform

*\*Important*

### **Weighted Data**

The data entered in the [UNDP SDG 16 Reporting Platform](#) should be weighted considering the following:

- A minimum of 25 unweighted individuals experiencing a dispute is necessary to provide weighted statistics on ethnic groups, citizenship and migration background
- Ethnic groups, Migration background and Citizenship should be defined at country level.
- Ethnic groups should not include the majority ethnic group.

## 11. Reference Documents

SDG 16 Survey Initiative Implementation Manual

<https://www.undp.org/library/sdg16-survey-initiative-implementation-manual>

Questionnaire: SDG 16 Survey Initiative Implementation Questionnaire

<https://www.undp.org/sites/g/files/zskgke326/files/2022-03/UNDP-SDG16-Survey-Initiative-Implementation-Questionnaire.pdf>

SDG 16.3.3 Metadata

<https://unstats.un.org/sdgs/metadata/?Text=&Goal=16&Target=16.3>

SDG 16.3.3 Indicator Brief

[https://www1.undp.org/content/dam/undp/library/Democratic%20Governance/OGC/Indicator%20Brief%2016-3-3\\_Final.pdf](https://www1.undp.org/content/dam/undp/library/Democratic%20Governance/OGC/Indicator%20Brief%2016-3-3_Final.pdf)

**Annex 1: Access to Justice Module used to measure SDG 16.3.3 as set out in the SDG 16 Survey Initiative Questionnaire**

Source: [SDG 16 Survey Initiative Questionnaire](#)

**ACCESS TO JUSTICE (AJ)**

**16.3.3 Proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism to resolve it**

**INTRODUCTION TO THE MODULE: READ TO THE RESPONDENT (Literate)**

I am going to ask you a few questions on disputes that you have experienced in the past two years, meaning since (insert date of two years before initiating fieldwork<sup>6</sup>) until now.

**INTRODUCTION TO THE MODULE: READ TO THE RESPONDENT (Illiterate)**

I am going to ask you a few questions on disputes that you have experienced in the past two years, meaning since (insert an event of national relevance that is common knowledge for most of the population<sup>7</sup>) until now.

<Ask all>

**\* AJ1. I am going to read you a list of problems and disputes that people commonly experience in everyday life. Please only include problems that you have had yourself – not problems experienced by a business you run or in the course of self-employment or as an employer, and not situations where you represented or helped somebody else with their problem. Please only mention problems once. In each case, can you tell me whether you have personally experienced such a problem in the past two years, by which I mean a problem that started since <<MONTH YEAR>> or started before then, but continued afterwards?**

		AJ1.			
		yes	no	DK	REF
<b>A.</b>	Problems with LAND, OR BUYING AND SELLING PROPERTY (for example, dispute over a property title, the right to pass through property, or illegally occupying land)	101	02	98	99
<b>B.</b>	Issues with HOUSING (for example, problems with a landlord or tenant over rent; damage or repairs; or eviction)	102	02	98	99
<b>C.</b>	Trying to resolve FAMILY ISSUES (for example, divorce, child support, child custody, or a will)	103	02	98	99
<b>D.</b>	Seeking compensation for INJURIES OR ILLNESS caused by an accident, poor workplace conditions, or wrong medical treatment.	104	02	98	99
<b>E.</b>	Problems with EMPLOYMENT OR LABOR (for example, being dismissed unfairly, problems obtaining wages or benefits, or harassment)	105	02	98	99
<b>F.</b>	Problems with GOVERNMENT PAYMENTS (including cash transfers, pensions, education grants, or disability benefits)	106	02	98	99
<b>G.</b>	GOVERNMENT AND PUBLIC SERVICES OTHER THAN PAYMENTS (including problems accessing healthcare and education, problems obtaining ID or other personal government documents, lack of access to water or electricity <sup>8</sup> )	107	02	98	99

<sup>6</sup> To be inserted in the instrument revision, prior to Fieldwork.

<sup>7</sup> To be inserted in the instrument revision, prior to Fieldwork.

<sup>8</sup> Lack of access to water and electricity to be added only if state managed.

		<b>AJ1.</b>			
		<b>yes</b>	<b>no</b>	<b>DK</b>	<b>REF</b>
<b>H.</b>	Problems with other GOODS AND SERVICES (for example, problems related to poor professional services, faulty goods)	108	02	98	99
<b>I.</b>	Issues with MONEY, DEBT OR FINANCIAL SERVICES (such as being unable to pay bills or debts, or problems collecting money owed to you)	109	02	98	99
<b>J.</b>	ENVIRONMENTAL issues affecting you, your property or your community (for example land or water pollution, waste dumping)	110	02	98	99
<b>K.</b>	NEIGHBORHOOD disputes, including problems with neighbours over noise, vandalism, or consumption of alcohol or drugs on the streets	111	02	98	99

AJ_SUM	Total number of justiciable problems over the past two years	
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If AJ\_SUM = 0 SKIP TO NEXT MODULE

If SEV\_SUM = 0 SKIP TO PHAR\_LEAD

If AJ\_SUM = 1 SKIP TO AJ2

If AJ\_SUM >= 2 CONTINUE WITH AJ1\_SEL

AJ1\_SEL. CAPI to pick among all disputes that were marked as “yes” in AJ1.

		Selected randomly for follow-up
A	Problems with LAND, OR BUYING AND SELLING PROPERTY	
B	Issues with HOUSING	
C	FAMILY issues	
D	Seeking compensation for INJURIES OR ILLNESS	
E	Problems with EMPLOYMENT OR LABOR	
F	Problems with GOVERNMENT PAYMENTS	
G	Problems with GOVERNMENT AND PUBLIC SERVICES OTHER THAN PAYMENTS	
H	Problems with GOODS AND SERVICES	
I	Issues with MONEY, DEBT, OR FINANCIAL SERVICES	
J	ENVIRONMENT issues	
K	NEIGHBORHOOD disputes	

**IF PAPI**

**\*AJ1\_SEL. Technical variable: Select one dispute identified in AJ1\_A-K at random to ask the respondent additional questions about it, make a selection rolling two dice (physical, or using a dice app on the phone).**

If administered on paper: please take two dice and throw them at the same time. Read the values add them up, and find the dispute that corresponds to the value on the dice. Pick that dispute or if the respondent did not have that dispute, the next on the list that (s)he had. If you reach the end of the list, start from the top.

	Dice		Respondent had the dispute (mark)	Result of random selection (mark)
A	12	Problem with LAND, OR BUYING AND SELLING PROPERTY		
B	2	Issue with HOUSING		
C	3	FAMILY issue		
D	4	Seeking compensation for INJURIES OR ILLNESS		
E	5	Problem with EMPLOYMENT OR LABOR		
F	6	Problem with GOVERNMENT PAYMENTS		
G	7	Problem with GOVERNMENT AND PUBLIC SERVICES OTHER THAN PAYMENTS		
H	8	Problem with GOODS AND SERVICES		
I	9	Issue with MONEY, DEBT, OR FINANCIAL SERVICES		
J	10	ENVIRONMENTAL issue		
K	11	NEIGHBORHOOD dispute		

**\* AJ2.You said you had [dispute descriptor identified in AJ1\_SEL]. I am now going to ask you some questions about how you went about dealing with this particular dispute.**

<< Ask if any AJ1\_A-X = 01 >>

**AJ3. Is the problem ongoing or done with? By ‘done with’ I mean that the problem is either completely resolved or that it persists, but you and everybody else have given up all actions to resolve it further.**

<< Read out, mark only one >>

01 – Ongoing

02 – Done with, but problem persists

03 – Done with, problem resolved

98 – Don’t Know

99 – Prefer not to say

<< Ask if any AJ1\_A-X = 01 >>

**\* AJ4. Considering this particular dispute; did you, somebody acting on your behalf, the other party or anybody else go to a court or turn to any other third-party individual or institution to intervene to resolve the problem?**

<< Read out, mark all that applies, the selected dispute is [dispute descriptor identified in AJ1\_SEL] >>

		AJ4.			
		yes	no	DK	REF
<b>A.</b>	Court or tribunal	01	02	98	99
<b>B.</b>	Police (or other law enforcement)	01	02	98	99
<b>C.</b>	A government or municipal office or other formal designated authority or agency	01	02	98	99
<b>D.</b>	Religious leader or authority	01	02	98	99
<b>E.</b>	Community leader or authority (such as village elder, or local leader)	01	02	98	99
<b>F.</b>	Lawyer, solicitor, paralegal	01	02	98	99
<b>G.</b>	Other formal complaints or appeal process	01	02	98	99
<b>H.</b>	Other external help, such as mediation, conciliation, arbitration	01	02	98	99
<b>X.</b>	Other person or organisation	01	02	98	99

<< Ask if all AJ4\_A-X = 02 >>

**\* AJ5. Why did you not go to anybody to resolve the dispute?**

<< Read out, mark all that applies >>

11 – I think/thought the problem is/was not important enough

12 – I was/am confident that I could/can easily resolve it by myself

13 – I caused the problem / Up to the other party

21 – I did not know where to go to

22 – I could not obtain legal assistance

23 – It was too far away or hard to get to

24 – It was too expensive or inconvenient

25 – I did not trust the authorities

26 – I did not think they could help

27 – I was afraid of the consequences for me or my family

28 – I did not know it was possible to turn to somewhere to resolve the issue

77 – Other reason

98 – Don't know

99 – Prefer not to say

<< Ask if AJ3 = 02 OR 03>>

**AJ6. Which of these institutions took the final decision in this dispute? Note that the institution/entity that took the final decision might not be the first institution/entity you reached out initially.**

<< One response only. Read only if the respondent asks >>

01 – No decision was taken: the dispute was dropped, or was resolved otherwise

02 – No decision was taken, because the case still ongoing

11 – Court or tribunal

12 – Police (or other law enforcement)

13 – A government or municipal office or other formal designated authority or agency

14 – Religious leader or authority

15 – Community leader or authority (such as village elder, or local leader)

16 – Lawyer, solicitor, paralegal

17 – Other formal complaints or appeal process

18 – Other external help, such as mediation, conciliation, arbitration

19 – Other person or organisation

98 – Don't know

99 – Prefer not to say

<< Ask if AJ6 = 11 TO 19>>

**AJ7. Considering the selected dispute, please indicate if the followings applied or not?**

<< Read out >>

		AJ7.			
		yes	no	DK	REF
<b>A.</b>	Both parties had the same opportunity to explain their position	01	02	98	99
<b>B.</b>	There was a written record of the process	01	02	98	99
<b>C.</b>	You received the final decision on the process in writing	01	02	98	99
<b>D.</b>	The justification for the decision was clearly explained to you	01	02	98	99
<b>E.</b>	It was, or would have been possible to appeal the decision, at least once	01	02	98	99
<b>F.</b>	You were helped by somebody, a lawyer, paralegal, other expert, in this dispute	01	02	98	99
<b>G.</b>	The process was fast/efficient	01	02	98	99
<b>H.</b>	The process was affordable	01	02	98	99