SDG 16.3

Paying Lip Service to Access to Justice?: A review of African Countries' Voluntary National Reviews on SDG 16.3 to the High Level Political Forum on SDGs 2019

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RESPICE PROSPICE

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ACKNOWLEDGMENT

To be cited as:

Nanima Robert & Durojaye Ebenezer 'Paying Lip Service to Access to Justice?: A review of African Countries' Voluntary National Reviews on SDG 16.3 to the High Level Political Forum on SDGs 2019' (Dullah Omar Institute and African Centre of Excellence for Access to Justice 2019).

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ACRONYMS AND ABBREVIATIONS

AAAA   Addis Ababa Action Agenda

AASs   Assistant Administrative Secretaries

CDOs   Community Development Officers

CSOs   Civil Society Organisations

DPME   Department of Planning, Monitoring and Economic Development.

DPOs   District Planning Officers

DPs   Development Partners

GBS   Gender Budget Statement

GSGDA   Ghana Shared Growth and Development Agenda

HLPF   High-Level Political Forum

LTPP   Long -Term Perspective Plan

MDAs   Ministries, Departments and Agencies

MF&P   Ministry of Finance and Planning

MFARIIT   Ministry of Foreign Affairs, Regional Integration and International Trade

MoPED   Ministry of Planning and Economic Development

MTNDP   Medium-term National Development Plan

SDG   Sustainable Development Goals

SERP   Social and Economic Rights Project

TWG   Technical working groups

UNCT   United Nations Country Team

VNR   Voluntary National Review Mechanism

EXECUTIVE SUMMARY

Voluntary National Reviews (VNRs) are a mode of accountability where states on their own accord conduct regular and inclusive reviews of progress at the national and sub-national levels with regard to the process on achievement of the 2030 Agenda on Sustainable Development Goals (SDGs).[1] The states then present the VNRs at a High-Level Political Forum (HLPF) on Sustainable Development Goals annually, where countries report their progress on the SDGs and share information with other countries.[2]

The recent guidelines on State Reporting on SDGs, provide a checklist that requires the government to pay close attention to five aspects. The government should set aside resources and data for use, consult stakeholders, engage the drafting process, review the drafts and then communicate the decision or the report.[3] To this end and with regard to SDG16.3 this report, therefore seeks to establish if these five aspects were inculcated in the Reports of African Governments submitted to the HLPF in July 2019. It seeks to establish to what extent, first, the process for engaging with civil society groups and other stakeholders was done during the drafting of the VNR report; secondly the budgetary commitments to realising access to justice as envisaged by SDG 16.3. Thirdly, it further seeks to establish the extent to which the report mentions political commitment to realising access to justice; fourthly, the mention for the need for recognition of the work of paralegals, in ensuring access to justice,

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[1] According to the UN General Assembly Resolution, the VNRs are country-led and country-driven. See Transforming our world: The 2030 Agenda for Sustainable Development, UN GA (21 October 2015) UN Doc A/Res/70/1 (2015) para 79; Follow-up and review of the 2030 Agenda for Sustainable Development at the global level UN GA (29 July 2016) UN Doc A/Res/70/299 (2016). This is a point of departure from the accountability mechanism that informed the UN Millennium Development Goals which did not have a similar mode of national reviews.

[2] An example of this process is available here. See the list of countries that participated in 2019; https://sustainabledevelopment.un.org/hlpf/2019#vnrs (accessed 29 January 2020).

[3] Guidelines to Support Country Reporting on SDGs, https://undg.org/wp-content/uploads/2017/03/Guidelines-to-Support-Country-Reporting-on-SDGs-1.pdf (accessed 29 January 2020).

cooperating with paralegals or providing financial support. The final aspect is the extent to which the report mentions the legal recognition or framework for paralegals.

It should be noted that out of the 47 countries that submitted their VNRs, 17 countries were from Africa. The reports of eight countries which were in French included Algeria,[4] Burkina Faso,[5] Cameroon,[6] Central African Republic,[7] Congo,[8] Cote D'Ivoire,[9] Mauritania[10] and Tunisia[11]. This report places emphasis on nine countries that submitted their reports in English. It should be noted that out of these nine countries, Chad did not submit reports but rather undertook to submit comprehensive reports at the subsequent meeting in 2020.[12] The eight countries that form this evaluation include Eswatini,[13] Ghana,[14] Lesotho,[15]

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[4] Available at https://sustainabledevelopment.un.org/content/documents/23441MAE_rapport_2019_complet.pdf (accessed 29 January 2020).

[5] Available at https://sustainabledevelopment.un.org/content/documents/23390Burkina_Faso_VNR_FINAL.pdf (accessed 29 January 2020).

[6] Available at https://sustainabledevelopment.un.org/content/documents/24180CAMEROON_Rapport_VNR_0507_2019.pdf (accessed 29 January 2020).

[7] Available at https://sustainabledevelopment.un.org/content/documents/23414RAPPORT_VOLONTAIRE_DE_SUIVI_ODD_RCA_FINAL_SIGNATURE_MINISTRE_003.pdf (accessed 29 January 2020).

[8] Available at https://sustainabledevelopment.un.org/content/documents/23339CONGO_Contribution_Nationale_Volontaire_2019.pdf (accessed 29 January 2020).

[9] Available at https://sustainabledevelopment.un.org/content/documents/23327COTE_dIVOIRE_Draft_Rapport_VNR_CIV.pdf (accessed 29 January 2020).

[10] Available at https://sustainabledevelopment.un.org/content/documents/23447Mauritania_REVISED_AS_OF_24JUNERevueNationalVolontaire_Mauritanie2_medium.pdf (accessed 29 January 2020).

[11] Available at https://sustainabledevelopment.un.org/content/documents/23372Rapport_National_Volontaire_2019_Tunisie.pdf (accessed 29 January 2020).

[12] Available at https://sustainabledevelopment.un.org/content/documents/24687HLPFLetter_to_Pres_of_ECOSPC.PDF (accessed 29 January 2020).

[13] Available at https://sustainabledevelopment.un.org/content/documents/24651Eswatini_VNR_Final_Report.pdf (accessed 29 January 2020).

Mauritius,[16] Rwanda,[17] Sierra Leone,[18] South Africa,[19] and Tanzania.[20] Herein below is an evaluation of the reports of the eight countries.

[14] Available at https://sustainabledevelopment.un.org/content/documents/23420VNR_Report_Ghana_Final_print.pdf 69-73. (accessed 29 January 2020).

[15] Available at https://sustainabledevelopment.un.org/content/documents/23777Lesotho_VNR_Report_2019_Final.pdf (accessed 29 January 2020).

[16] Available at https://sustainabledevelopment.un.org/content/documents/23462Mauritius_VNR_Report_2019.pdf 101-106 (accessed 29 January 2020)..

[17] Available at https://sustainabledevelopment.un.org/content/documents/23432Rwanda_VNR_Document__Final.pdf 58-61(accessed 29 January 2020).

[18] Available at https://sustainabledevelopment.un.org/content/documents/23378Sierra_Leone_VNR_FINAL.pdf (accessed 29 January 2020).

[19] Available at https://sustainabledevelopment.un.org/content/documents/23402RSA_Voluntary_National_Review_Report___The_Final_24_July_2019.pdf 100-109 (accessed 29 January 2020).

[20] Available at https://sustainabledevelopment.un.org/content/documents/23429VNR_Report_Tanzania_2019_FINAL.pdf 93-99. (accessed 29 January 2020).

A SECTIONAL ANALYSIS OF THE VOLUNTARY NATIONAL REVIEWS OF SELECTED COUNTRIES IN THE CONTEXT OF SDG 16.3

1. Introduction

In September 2015, the international community adopted the Sustainable Development Goals (SDGs)[1] with a view to addressing various social and economic challenges facing the world. SDGs comprise of 17 goals and 170 indicators.[2] The monitoring of the implementation of the SDGs is carried out by the United Nations High Level Political Forum (HLPF) on the Sustainable Development Goals (SDGs).[3]

One of the adopted goals is SDG16 which aims to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." SDG 16 was one of the goals under in-depth review at the HLPF in New York from 9-18 July 2019.

SDG 16.3 relates to access to justice for all, especially vulnerable and marginalised groups by 2030.[4] The international community thus made a commitment to eliminate barriers to access to justice for vulnerable and marginalised groups. Two important indicators were developed to monitor states implementation of goal 16.3.

These are:

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

Indicator 16.3.2: un-sentenced detainees as a proportion of overall prison population

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[1] UN General Assembly adopted on 25 September 2015, UN Res 70/1, the 2030 Agenda.

[2] In order to realise this goal, there are about 20 indicators the measure governments' commitments on this issue.

[3] This body replaced the Commission on Sustainable Development with effect from September 2013. The UN HLPF meets both under the General Assembly every four years and the ECOSOC in other years with technical, ministerial and high level segments. Usually, its meetings are held in July of each year in New York.

[4] UN General Assembly note 1.

Access to justice is fundamental not only as a human rights principle but also to ensuring sustainable change and development. However, challenges abound on how to measure steps taken by states to realise these important indicators. Unlike other indicators of the SDGs, the two indicators for access to justice are not easily measurable. Moreover, the focus of these indicators are on criminal issues and do not reflect the peculiar challenges Africans face on a daily basis in addressing civil cases.

The HLPF has a central role in the follow-up and review of the 2030 Agenda for Sustainable Development[5] and the Sustainable Development Goals (SDGs)[6] at the global level. In July 2019 during the HLPF summit in New York a total of 47 countries submitted their VNR reports, 17 were from Africa. The VNR process was introduced to monitor governments' commitments to realising the SDGs. The following sections analyses how African governments have measured up to their commitments to realising SDG 16.3 using six indicators: mentioning of access to justice, budgetary allocation to access to justice, recognition of the work of paralegals, political commitments to realising access to justice, engagement with relevant stakeholders in the preparation of report and regulatory framework on paralegals. Due to language barriers, this report only focuses on the reports of eight African countries, namely; Eswatini, Ghana, Lesotho, Mauritius, Rwanda, Sierra Leone, South Africa and Tanzania.

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[5] Transforming our world: The 2030 Agenda for Sustainable Development UN GA (21 October 2015) UN Doc A/Res/70/1 (2015) https://sustainabledevelopment.un.org/post2015/transformingourworld (accessed 29 January 2020.

[6] The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests. See https://sustainabledevelopment.un.org/sdgs (accessed 29 January 2020).

2. Mention of access to justice as envisaged in SDG 16.3

This section establishes the extent to which there is mention of access to justice as envisioned under SDG 16.3. SDG 16.3 targets the promotion of the rule of law at both national and international levels, and need to ensure equal access to justice for all. There are two indicators that inform this target.[7] These include, first, 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. Secondly, the number of detainees who have not been sentenced as a proportion of overall prison population. These indicators have been criticised for focusing solely on criminal law and omitting to consider civil matters which form the bulk of access to justice challenges in many African countries. Efforts are currently underway with a view to possibly amending these indicators to include civil matters.

An engagement of the first indicator under SDG 16.3 requires that states report on the number of victims of violence who have reported incidences in the previous 12 months to competent authorities or any other officially recognised conflict resolution mechanisms.[8] In respect of the second indicator, states need to contextualise the proportion of detainees who have not been sentenced in relation to the overall prison population.

With regard to target 16.3.1, the rationale for the need to report to competent authorities is the first step for victims to seek justice.[9] It follows that the failure to alert the competent authority affects the conduct of proper investigations and administration of justice.[10] According to the UN Office on Drugs and Crime, the reporting rates offer a direct measure with respect to the confidence of victims of

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[7]   UNHCR, 2017.
[8]   SDG 16.3.1
[9]   At https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-01.pdf (accessed 29 January 2020).
[10] At https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-01.pdf (accessed 29 January 2020).

crime in the ability of the police or other authorities to provide assistance and bring perpetrators to justice. [11] It is proposed that the report on the victims of crime should be disaggregated on account of sex, type of crime, ethnicity, immigration background and citizenship.

The rationale behind target 16.3.2, is based on the need to have respect for the principle that persons awaiting trial need not be detained unnecessarily. This, in turn, buttresses the fair trial rights of the presumption of innocence until proven guilty. From a development perspective, the extensive use of pre-sentence detention affects the accused's ability to provide for persons under his care from a physical, financial, psychosocial and psychological perspective. This is an indication that measuring the relative extent to which pre-sentence detention is used is instructive in aiding its reduction.

2.1 Eswatini

In the Report of Eswatini, it was noted that in 2015, there were a total of 7729 cases of violence, while in 2016, there were 10504,[12] cases giving a percentage of 26.4.[13] It would have been expected that the report inculcated the trend in 2017-2018. As a result, they fell short of the requirement that the report should show the proportion of victims in the previous 12 months.[14] In addition, there was no mention of which authorities received the report, let alone the details of the investigation, or challenges arising. It was, however, discernible from the report that the main institutions that handled these matters were the police and the prosecution.[15]

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[11]   At https://unstats.un.org/sdgs/metadata/files/Metadata-16-03-01.pdf (accessed 29 January 2020).
[12]   Eswatini Report 57.
[13]   Eswatini Report vii.
[14]   Eswatini Report 56.
[15]   Eswatini Report 56-57.

Figure 1: Annual number of reported cases in Eswatini

Reported cases

	2015	2016
■ Reported cases	7729	10504
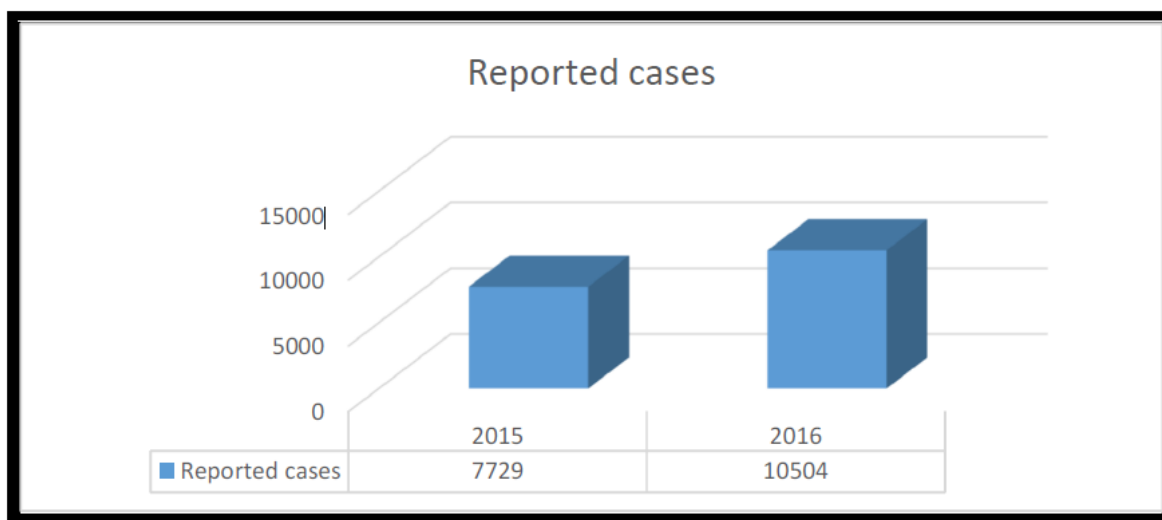
Source: (Eswatini VNR Report 2019 57)

The report further noted that the trends in reporting rates of violent crime informed the monitoring of public trust and confidence in the security system on the basis of actual behaviour and not perceptions. There was an indication of the state of the confidence, especially where the number of reported cases increased by 26.4 per cent. The report did not provide a disaggregation of the statistics on the required grounds of sex, type of crime, ethnicity, immigration background or citizenship. The report did not indicate who received the investigation or investigated. With regard to statistics on the number of unsentenced detainees as a proportion of overall prison population, there was no information on this aspect. The lack of this information also meant that there was no disaggregation on grounds of age, sex and length of pre-trial period. It should also be noted that the report did not provide any information on civil matters. As noted above, this could be due to the fact that the indicators under 16.3 focus mainly on criminal matters.

2.2 Ghana

In its report, Ghana noted that the proportion of victims of violence in the previous 12 months who reported their victimisation to the police increased from

27.7 per cent in 2013 to 30.5 per cent in 2017.[16] This report covered a 24 months period in 2013-2014 and 2016-2017, which is commendable. However, the period of 2017-2018 was not evaluated.[17]
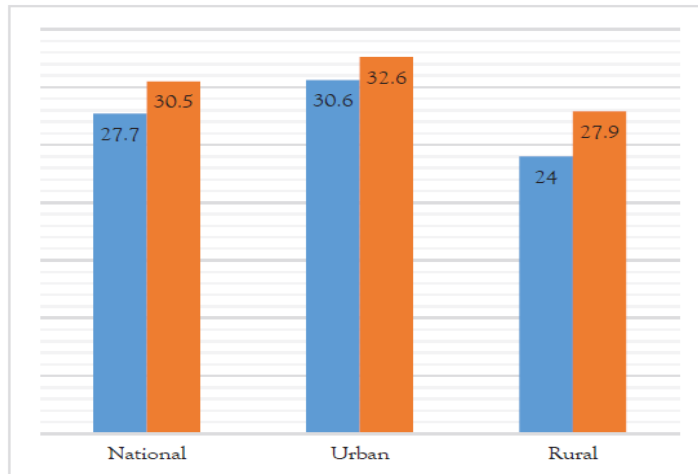
Figure 2: Disaggregation of reports of victimisation

Source: (Ghana VNR Report 2019 71)
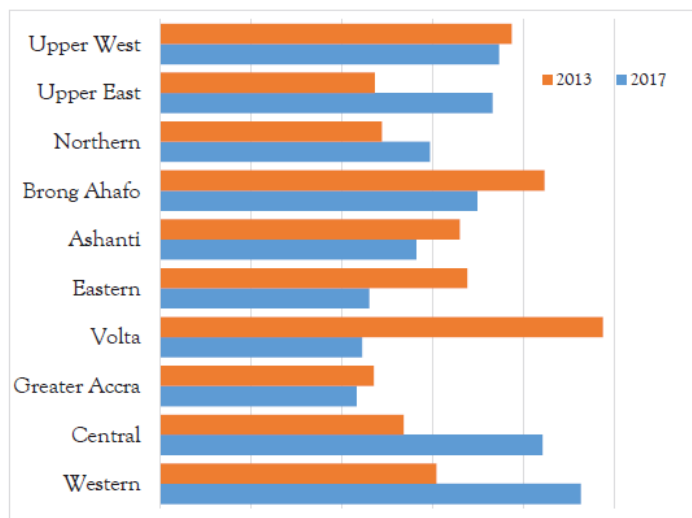
Figure 3: Detailed Disaggregation of reports by region

Source: (Ghana VNR Report 2019 71)

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[16]   Ghana Report 71.
[17]   Ghana Report 71.

Just like Eswatini, there was no disaggregation of the data on grounds of sex, type of crime, ethnicity, immigration background or citizenship.[18] There was, however, a disaggregation on grounds of implications of the reports on the rural and the urban population.[19] The report made reference to the police as a crucial entity in the investigation of the reports made.

With regard to statistics on the number of unsentenced detainees as a proportion of overall prison population, Ghana's report indicated that the proportion of persons held in detention dropped from 18.24 per cent of the total prison population in 2015 to 13.14 per cent in 2018.[20] While this report covered 36 months, it is commendable that it covered the requisite period of 2017- 2018. The point of departure was the non-disaggregation of the data on the grounds of age, sex or length of detention. Disaggregation of data is crucial to ensuring that a government is committed to addressing challenges with access to justice for vulnerable and marginalised groups. There was, however an indication that the relevant stakeholders in the criminal justice system had initiated interventions to mitigate the challenges affecting the rights of pre-trial detainees.[21] It should also be noted, that the lack of required disaggregation of the data (as noted in the preceding paragraphs) was evident in the disaggregation on other aspects such as the rural and urban population.

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[18]   Ghana Report 71.
[19]   Ghana Report 71.
[20]   Ghana Report 72.
[21]   One example is the 'Justice For All,' which has reduced the pre-trial (remand) population from 30 percent at its inception in 2007 to 13 percent in 2018.
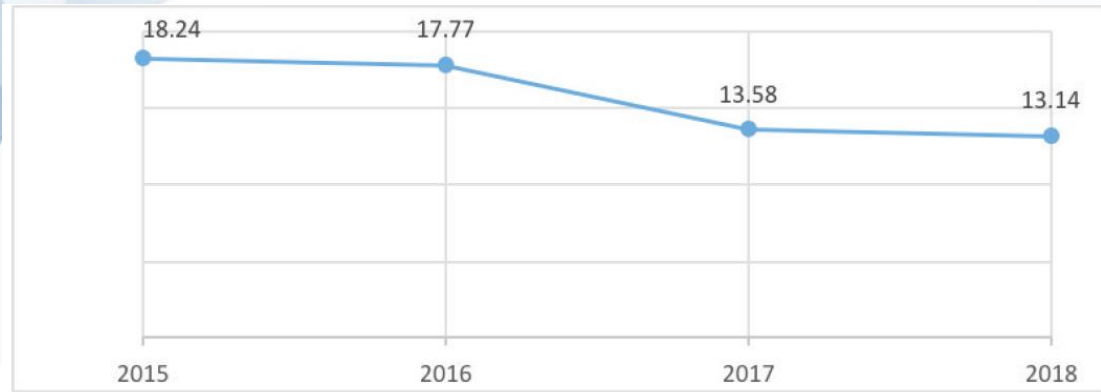
Figure 4:Detailed Dissagregation of reports by region

Source: (Ghana VNR Report 2019 72)

2.3 Lesotho

The Report from Lesotho was rather general to the entire spectrum of SDG 16.[22] The Report indicates the country's commitment to the promotion of the rule of law and provision of access to justice for all. Despite the recorded significant strides in the improvement of conditions of prisons and places of detention, the report does not offer insights into the number of cases of violence that are reported or the proportion of detained person in respect to the entire prison population. Silence on these key aspects shows that the report by Lesotho does not speak to the determination of the realisation of SDG 16.3 in the country. More importantly, it is an indication of failure on the part of the government to effectively monitor the number of cases of violence in the country.

2.4 Mauritius

The Report from Mauritius was rather general to the entire spectrum of SDG 16.[23] It referred to the enactment and adoption of legislation, use of institutions and mechanisms to promote SDG 16. With regard to legislation, it referred to the

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[22] Lesotho Report 85-92.
[23] Mauritius Report 102-103, Ghana also reported about the use of the Domestic Violence Act, Ghana Report 70.

adoption of the Independent Police Complaints Commission Act, the Extradition Act, the Equal Opportunities Act and the Domestic Violence Act.[24] It also referred to institutions like the Ministry of Justice, Human Rights and Institutional Reforms; and mechanisms like the National Human Rights Action Plan 20132-2020 and a National Mechanism for Reporting and Follow-Up.[25] While these steps are commendable, they fall short of the requirement of SDG 16.3 with reference to the proportion of victims of violence in the previous 12 months and information on detainees was missing.

2.5 Rwanda

Rwanda's report was general in terms of the achievements in promoting peace, justice and strong institutions.[26] In this regard, an evaluation of this target indicates that it drew on general successes like the use of the Justice, Reconciliation, Law and Order (JRLO) sector and, the rollout of the improving universal access to quality justice through the Integrated Electronic Case Management System.[27] Just like the preceding analysis of Mauritius, it was established that there was no mention of the proportion of victims on the one hand, and the proportion of detained persons in comparison to the entire prison population on the other. There was no information on the identification of the competent authorities, the conduct of proper investigations, and the proportion of detainees to the entire detained and sentenced prison population. This information is crucial to assessing the government's commitments to realising SDG 16.3.

2.6 Sierra Leone

In the report of Sierra Leone, there was no information on the proportion of victims of violence in the previous 12 months who reported their victimization to

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24 Mauritius Report 102-103, Ghana also reported about the use of the Domestic Violence Act, Ghana Report 70.
25 Mauritius Report 103.
26 Rwanda Report 58-61.
27 Rwanda Report 58-59.

competent authorities or other officially recognized conflict resolution mechanisms.[28] There was also a lack of detailed information on the percentage of detainees in comparison to the entire population.[29] The report indicated that there was a decrease in the percentages from 51 per cent o 35.6 per cent for the period between 2016 to March 2019.[30] This information covered a period of about 27 months, but there was no detail on the disaggregation of the data on the age, sex and length of pre-trial detention. In essence, the report does not provide the full picture of access to justice challenges in the country.

2.7 South Africa

South Africa offered statistics with regard to the reductions of violence in the context of robberies, increasing violence on the gender plane, and the spatial concentration of crimes.[31] It reported a reduction in the period 2013-14 to 2017-18 from 1.59 per cent to 0.8 per cent.[32] The report also indicated a reduction in assaults from 0.88 per cent to 0.67 per cent and experiencing a robbery outside the home from 0.81 per cent to 0.63 per cent.[33]

These statistics show an improvement in crime detection, policing and awareness. They, however, do not give a proper picture of the holistic proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms. In addition, there is no engagement with SDG 16.3.2. Just like the preceding countries, the figures were not disaggregated.

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[28]   Sierra Leone Report generally.
[29]   Sierra Leone Report 7.
[30]   Sierra Leone Report generally.
[31]   South Africa Report 101.
[32]   South Africa Report 101.
[33]   South Africa Report 101, Stats SA, Victims of Crime Survey, 2017/18.

2.8 Tanzania

The Report of the United Republic of Tanzania offers a general overview of the realization of SDG.[34] It referred to strong institutional frameworks that are headed by Government Ministries, Departments and Agencies (MDAs),[35] national incentives such as the deliberate efforts to combat corruption, to ensure that there is the rule of law and mechanisms to promote SDG 16.[36] With regard to legislation, it referred to the adoption of the Independent Police Complaints Commission Act, the Extradition Act, the Equal Opportunities Act and the Domestic Violence Act.[37] It also referred to institutions like the Ministry of Justice, Human Rights and Institutional Reforms; and mechanisms like the National Human Rights Action Plan 2013-2020 and a National Mechanism for Reporting and Follow-Up.[38] While these steps are commendable, they fall short of the requirement of SDG 16.3 with reference to the proportion of victims of violence in the previous 12 months. The only reference to the SDG16.3 is the statistical tracker that shows that 69.9 per cent of the total population of incarcerated persons is on remand.

3. Process of engaging with other stakeholders

This section establishes the extent to which there is mention of the process for engaging with civil society groups and other stakeholders during the drafting of the VNR report. The section draws on insights from the Handbook for the preparation of VNRs.[39] This is based on the requirement that the implementation and follow-up processes of the 2030 Agenda be participatory and inclusive with

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[34] Tanzania Report 93-99.
[35] Tanzania Report 93-94.
[36] Tanzania Report 96.
[37] Mauritius Report 102-103, Ghana also reported about the use of the Domestic Violence Act, Ghana Report 70.
[38] Mauritius Report 103.
[39] Handbook for the preparation of VNRs, the 2019 Edition High Level Political Forum on Sustainable Development: Department of Economic and Social Affairs (DESA) United Nations, 2018, 17-18.

respect to the government, civil society, the private sector, members of parliament and national human rights institutions, among others.[40] As such, this section evaluates the process of engaging with stakeholders by looking for the presence of various aspects. These include the mode of identifying stakeholders by the government, the nature of stakeholders such as government, civil society, private sector, parliament, and civil society institutions. Other aspects included the available mechanisms and platforms to contribute to the VNR report and implementation of the SDGs, and existence of umbrella bodies for general and targeted consultative processes. In addition, the section also evaluated the extent to which the government took into account the views of all stakeholders and any good practices that were evident in the report.

3.1 Ghana

Ghana's process of adopting the VNR report took 12 months from the recruitment of consultants to the dissemination of the Report.[41] This process was informed by three components: the policy and regulatory environment for implementing the SDGs; the progress of implementation and the use of the thematic areas of youth engagement in the SDGs, and 'Leave no one behind' and synergies across the goals. The one year process was informed by the appointment of an expert team, use of consultative meetings, collection of data and drafting of report, and creation of awareness.[42] Thereafter, it was followed by a review and validation process from the grassroots to the national level and the launch and finally, the dissemination of the report.[43]

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[40] Handbook for the preparation of VNRs 17.
[41] Ghana Report 19.
[42] Ghana Report 19-22.
[43] Ghana Report 19-22.

In this regard, it could be said that the process was inclusive and participatory covering stakeholders from both the national and sub-national levels.[44] The stakeholders included parliamentarians, civil society organisations, the private sector, and academia.[45] Other groups that were consulted included school children and traditional authorities.[46]

Figure 5: Consultation with children

Source: (Ghana VNR Report 2019 20)

The coordination of the VNR report process was done by the SDGs Implementation Coordinating Committee (ICC) under the umbrella supervision of the High-Level Ministerial Committee on SDGs.[47] Some of the good practices that were identified in the Ghana VNR report included the engagement and participation of children, youth and traditional leaders in the implementation of the SDGs processes in Ghana.[48] This was in line with the context of leaving no

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[44] Ghana Report 19.
[45] Ghana Report 19.
[46] Ghana Report 19.
[47] Ghana Report 19.
[48] Ghana Report 19.

one behind. However, this was not evident in the SDG 16.3 narrative. Moreover, the extent of such consultation is not clear. It should be noted that mere consultation is not enough, rather meaningful participation of stakeholders that incorporate their views is required.

3.2 Lesotho

The Lesotho VNR 2019 used a participatory and inclusive process that involved all levels and sectors of Government, the private sector, civil society/NGOs, academia, women and youth, and the media, for ownership and awareness creation towards SDGs. A National VNR Report Conference was held to validate the findings of the VNR, which was later presented to the Lesotho Cabinet for approval before final submission and presentation at the High-Level Political Forum (HLPF).[49] However, a look at SDG 16 indicates that there was no direct engagement with the various stakeholders in evaluating the realisation of the SDG 16.3. This can be described as a serious omission on the part of the government. Given that civil society groups play an important role in realizing access to justice in Africa, the government should have made it a point of duty to ensure wide consultation during the VNR process to ensure their input.

The process involved consultations between the government on one hand and the SDG Coordination Structure that was chaired by the Prime Minister as the leader of the SDG Coordination Mechanism, on the other hand. The umbrella body that foresees the realisation of the SDG Agenda is the Ministry of Development Planning.[50]

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[49]   Lesotho Report 15
[50]   Lesotho Report 99.

Figure 6: Participatory process in VNR Process in Lesotho

Source: (Lesotho VNR Report 2019 14)

3.3 Mauritius

The process of creating the report involved the appointment of a core VNR drafting team that included ministers, members of the National Assembly, public sector, private stakeholders, Non-Governmental Organisations (NGOs) and academia under the leadership of the Ministry of Foreign Affairs, Regional Integration and International Trade (MFARIIT) and SDG Steering Committee.[51] This was instructive in ensuring that there was a proper flow of information from the MFARIIT to other institutions that were involved in the process.[52] Still, in relation to preparation of the VNR, strategic identification of various ministries was done to cater for the cross-cutting nature of the SDGs.[53]

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[51]   Mauritius Report 7.
[52]   Mauritius Report 7.
[53]   Mauritius Report 7.

The engagement with other stakeholders over a period of seven months from November 2018 to June 2019 included public and private stakeholders, civil society, NGOs, academia and, human rights organisations across the country.

The Ministry of Foreign Affairs, Regional Integration and International Trade (MFARIIT) was the umbrella body that was tasked to coordinate, monitor and report on the implementation of the SDGs.[54] The MFARIIT also chairs the SDG Steering Committee, where the public sector, private stakeholders, Non-Governmental Organisations (NGOs) and academia are represented through their designated SDG focal points. Some stakeholders such as the Parliament, children, and local leaders were not evident in the report.

While Mauritius' good practices are in governance where the provision of the political, social and economic public goods and services for every citizen is a matter of right expected from the state, [55] there is no link with the consultation with relevant stakeholders on SDG 16.3. As such, this best practice does not illuminate into the engagement with SDG 16.3.

3.4 Rwanda

The process of creating the VNR report involved the establishment of a steering committee for SDGs that included key Government Ministries and agencies, a United Nation's Development Partners, CSOs and the Private Sector Federation.[56] The Steering Committee was also responsible for the provision of technical guidance and quality assurance in the course of the VNR report preparation.[57] The report was however silent on how the stakeholders were identified. It is instructive to note, however that the process of collection of data

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[54]   Mauritius Report 7.
[55]   Mauritius Report 104.
[56]   Rwanda Report 15.
[57]   Rwanda Report 15.

involved both a desktop review of relevant literature and relevant documents as well as the use of questionnaires.[58] Some of the stakeholders such as the Parliament played the oversight and accountability role of endorsing plans and budgets, while the umbrella organisation that played a key role was the Ministry of Finance and Economic Planning.[59] Coordination of the creation of the VNR report started from promoting the district level through to the national level.[60] This was, according to the report, based on the mandate on the state to promote equality and equity amongst all Rwandans. Suffice to note that children and traditional leaders were not consulted.

3.5 Sierra Leone

The VNR report for Sierra Leone drew on the participation of CSOs, Government ministries, departments and agencies (MDAs), the District/local councils, traditional leaders, the United Nations Country Team (UNCT), the private sector,[61] and Parliament.[62] It is also interesting to note the process of data collection engaged the participation of children.[63] Some of the findings from the children indicated that while 59 per cent of 15-19 years old respondents felt safe in their home and community, 41 per cent did not feel safe. Their participation also showed that 60 per cent were afraid of violent attacks, 21 per cent of rape, and 8 per cent of pickpockets, as violent crimes.[64] The VNR report was however non-committal on the role of academia in engaging SDG16.3, some of the questionnaires that were attached to the VNR report required input from academia.[65] The only relevance of academia is to integrate the SDG Agenda into the University curricula, create research opportunities for students and academia to contribute to the creation of knowledge on SDGs.[66]

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[58]   Rwanda Report 15.
[59]   Rwanda Report 15.
[60]   Rwanda Report 22.
[61]   Sierra Leone Report 12.
[62]   Sierra Leone Report 12.
[63]   Sierra Leone Report 12.
[64]   Sierra Leone Report 12.
[65]   Sierra Leone Report 46.
[66]   Sierra Leone Report 46.

The umbrella organisation that was charged with the supervision of the preparation of the report was the Ministry of Planning and Economic Development (MoPED).[67] The Ministry coordinated the implementation of the SDGs at the national level in consultation with the relevant government ministries, agencies, CSOs and development partners.[68] The private sector, on the other hand, was coordinated by the National Chamber of Commerce, Industry and Agriculture; while the research entities such as the national statistical agency, the Central Bank, universities and research institutions.[69]

With regard to the implementation, the Parliament and the National Audit Service followed the implementation of the SDG Agenda.[70] This was through the use of a Parliamentary committee on the SDGs that always engaged the executive, in particular, the Ministry of Planning and Economic Development and the Ministry of Foreign Affairs and International Cooperation on ensuring effective implementation of the SDGs.[71] This foregoing analysis shows that all the stakeholders had a role to play that led to the report.

The good practices from Sierra Leone hinge on SDG 17 with regard to the government's replication of an inclusive local governance model entitled "The People's Planning Process," piloted by a local NGO in collaboration with an international partner.[72] The benefits that this initiative brought to the people were the use of chiefdoms and village level planning at the centre of formulating and implementing development plans.

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[67] Sierra Leone Report 46.
[68] Sierra Leone Report 46.
[69] Sierra Leone Report 46.
[70] Sierra Leone Report 46.
[71] Sierra Leone Report 46.
[72] Sierra Leone Report 8.

3.6 South Africa

The preparation and coordination of the VNR process involved the government through the use of both national and provincial governments, the Parliament's legislative oversight role, the use of civil society by the CSOs, the private sector and academia, the United Nations, the African Union and the Southern Africa Development Corporation.[73] It is important to note that the stakeholders were clustered in groups that enabled them to have a direct impact on various aspects of the process, as illustrated in the Table below.

Date	Consultations	Stakeholders	Key emerging issues/output
March – May 2019	Broad-based consultation on the SDGs	Lead – Statistics South Africa Others – All government departments, civil society organizations (CSOs), United Nations Agencies	SDGs Country Report
12 June 2019	CSO Consultation on the SDGs and the VNR	Lead – Africa Monitor Others – Gender Commission, South Africa Human Rights Commission, National Planning Commission/DPME, United Nations agencies.	The CSO report highlighting good performance on policies and ratifying conventions, but improvements are needed on public awareness, especially at the province level, and disaggregated data and evidence to measure progress. Also, better performance measures are needed to reduce inequality and unemployment, improve the quality of education in marginalised areas and address climate change.
28 June 2019	Private sector consultation on the SDGs and the VNR	Lead: Global Compact Network South Africa Others: registered members, National Planning Commission/DPME	The private sector report showcasing SDGs integration in plans and implementation on education, financial inclusion, responsible business and ecosystem preservation.
10 July 2019	South African Cabinet	Lead: Presidency	Cabinet approved submission of the VNR report to be submitted to UN.

Table 1: South Africa clustered Roadmap to the VNR report

Source: (South Africa VNR Report 2019 20)

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[73]   South Africa Report 23

The umbrella body that foresaw the preparation of the VNR report was the Department of Planning, Monitoring and Economic Development (DPME). Its role was divided into two aspects, first, the collection of data, analysis and validation by Statistics South Africa.[74] The second aspect was the use of the expanded stakeholder engagement and drafting of the VNR, based on a zero draft that was used to aid the consultations and subsequent review.[75] Traditional leaders also played a key role in forming interventions to gender-based violence under the VNR.[76]

South Africa reports of good practices as the use of strong governance where decisions are based on rules rather than individual whims, and policies are followed consistently across departments, and adequate budget is provided for implementation.[77] While on paper it would seem the government made efforts to engage with relevant stockholders, it is unclear how meaningful this engagement was.

3.7 Tanzania

The preparation of the VNR report involved the use of Local Government Authorities, Members of the Union Parliament, the Zanzibar House of Representatives, CSOs, NGOs, the private sector, development partners, ethnic groups, academia, professional groups, labour associations, women and youth networks and the media.[78] The contributions to the VNR report were through consultations that were organised through seminars, conferences using the 'whole of society approach'.[79] It is worth mentioning that there was emphasis on feedback from the local authorities, an approach that saw engagement with targeted public and private entities and individuals. As such, these included

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[74]   South Africa Report 19.
[75]   South Africa Report 19.
[76]   South Africa Report 56.
[77]   South Africa Report 105.
[78]   Tanzania Report xviii.
[79]   Tanzania Report 5.

Community Development Officers (CDOs), District Planning Officers (DPOs) and Assistant Administrative Secretaries (AASs) who were responsible for coordination in areas that the local administrative authority governed.[80]

The umbrella body that foresaw the preparation of the VNR report in Tanzania was the Ministry of Finance and Planning, which coordinated the implementation and monitoring of the SDGs in Mainland Tanzania with the Zanzibar Planning Commission in Zanzibar.[81] The methodology involved the use of the steps laid out in the UN HLPF Handbook, version 2019.[82] The steps included: an organisation of a kick-off workshop to discuss the process, raise awareness and involve all stakeholders in the formulation process; and preparation of a data collection questionnaire/tool.

The good practices identified in this reports was the act of reporting cases to the relevant authorities, that is the police and the process leading to the dispensation of justice by other stakeholders such as the DPP and the Courts.[83]

3.8 Eswatini

According to the report, the stakeholders were identified through the use of consultations and desk reviews. Consultations were further undertaken with regard to special groups on the one hand and technical working groups (TWG) on the other.[84] The composition of the special groups included civil society organisations, the United Nations Organisation and Development partners, the private sector organisations, and representatives of persons living with disabilities.[85] The Technical working groups were organised in four categories namely: Social,[86] Poverty,[87] Economic[88] and Environmental goals.[89] The desk

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80   Tanzania Report 5.
81   Tanzania Report 5.
82   This provided for in Appendix 6.
83   Tanzania Report 96.
84   Eswatini Report 3.
85   Eswatini Report 3. This category placed emphasis on SDGs 3,4,5 and 16.
86   Eswatini Report 3. This category placed emphasis on SDG 6,7,11,13,14 and 15.

review was used to consult the stakeholders on the mode of monitoring the implementation of the progress of the SDGs. The consultations and desktop reviews were coordinated by the umbrella body – the Ministry of Economic Planning and Development.[90]

The details of the government agencies that participated were not given and as such, the engagements with Parliament, the Judiciary, the Police; and the inclusion of the national and sub-national levels were not captured in the methodology. Furthermore, there was no mention of the role of children in the process. In addition, the mode of consideration of the views of the stakeholders by the government was not articulated. Notwithstanding this, there was the identification of the good practice of enhancing the use of good partnerships with development partners, and the use of multi-sectoral teams to aid the realisation of the SDG 16 generally.[91]

4. Mention of budgetary commitment to realising SDG 16.3

This section establishes the extent to which budgetary commitments to realising access to justice as envisaged by SDG 16.3 are engaged.

4.1 Eswatini

With regard to SDG 16 generally, Eswatini recognises that the lack of human, financial, and operational resources affect the realization of SDG 16.[92] The Central Statistics Office should be reinforced with more personnel, skill, equipment and financial resources to conduct national surveys and biannual projections of SDGs indicators. Hence the need for government to set aside

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[87] Eswatini Report 3. This category placed emphasis on SDG 1,2 and 10.
[88] Eswatini Report 3. This category placed emphasis on SDG 8,9,12 and 17.
[89] Eswatini Report 3. This category placed emphasis on SDG 6,7,11,13,14 and 15.
[90] Eswatini Report 3.
[91] Eswatini Report 58.
[92] Eswatini Report 58.

enough resources to augment data capacities and for the implementation of the SDG.[93]

There is an emphasis on goal 12. The government agitates for the development of the 10-year framework of programmes on sustainable consumption and production patterns is envisaged to guide the implementation of goal 12. This is expected to be through the institutional strengthening on resources and data collection which will enable timely and accurate reporting on the Sustainable Development Agenda 2030.[94]

It suffices to note that the budgetary and political commitments with regard to the identification and utilisation of resources, was based on a prioritisation matrix. In this vein, the SDGs were classified into three groups: the 'prioritised' which are the main focus for the country in the medium term; 'enablers' are the ideal environment or conditions for the implementation and achievement of other SDGs and, 'cross-cutting issues' as areas for integration in implementation of the goals.[95] Goal 16.3, was not one of the priority areas, as indicated in the table below. If the government is to overcome the challenges on access to justice, it must commit enough resources to address these challenges. However, this report does not clearly indicate government's commitment to funding access to justice issues in the country. This is not peculiar to Eswatini but symptomatic of situation in many African countries, where issues relating to access to justice are treated with kid gloves.

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[93] Eswatini Report 79.
[94] Eswatini Report iii.
[95] Eswatini Report 5.

PRIORITISED GOAL	CROSS CUTTING ISSUES	ENABLERS
2. Zero hunger	1. No poverty	10. Reduced inequalities
3. Good health and well-being	5. Gender equality	13. Climate action
4. Quality education	11. Sustainable cities and communities	14. Life below water
6. Clean water and sanitation	12. Responsible consumption and production	15. Life on land
7. Affordable and clean energy		16. Peace justice and strong institutions
8. Decent work and economic growth		17. Partnership for the goals
9. Industry innovation and infrastructure		
1. No poverty		
13. Climate action		

Table 2:Prioritisation of SDGs in Eswatini

Source: (Eswatini VNR Report 2019 5)

It is also worth noting in alignment with SDG 17, Eswatini seeks to implement the country's development programme through domestic resources and support from development partners as well as loans and grants.[96]

4.2 Ghana

Ghana recognises the need for sustainability in dealing with the SDG Agenda and has developed the concept of Ghana Beyond Aid (GBA) as a systematic positioning of the country to wean off the use of foreign aid dependency and advance into an economically sufficient country on the global scene.[97] The context of GBA aims at harnessing the capacity of the country to use its resources to lead to rapid economic transformations.[98]

In addition, Ghana also reported that a performance audit of government's readiness to implement the SDG Agenda was questioned among other things, the

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[96]   Eswatini Report 8.
[97]   Eswatini Report 4.
[98]   Look at the second aim 4.

identification and securing of resources and capacities for the implementations, monitoring, follow-up, review and report on the implementation of Agenda 2030.[99] While it is notable that Ghana identified the need to secure resources, this formed part of a holistic approach to the implementation of the SDG Agenda.

Furthermore, Ghana reported that it has engaged earlier commitments that the country had undertaken to use under the Addis Ababa Action Agenda (AAAA) to mobilise resources and develop an SDGs budget tracking tool.[100] For instance, one of the interventions under the AAAA included the use of the Domestic Resource Mobilisation through the strengthening of revenue institutions and administration; reviewing the tax exemptions regime; and diversifying sources of resources. Other commitments included the use of tracking and reporting on SDGs Financing through the National Budget.[101] The mention of budgetary commitments by Ghana is to all SDGs in general, without a specific commitment to funding access to justice in the report.

4.3 Lesotho

Lesotho recognises that the various stakeholders right from government to the private sector, the CSOs and NGOs require additional, human, financial, technological and capital resources for them to perform their tasks more efficiently. This limitation is, however, not expounded in detail with regard to SDG 16.3.[102] The magnitude of the problem is exacerbated by the country's silence on the budgetary allocations that would have otherwise spoken to SDG 16.3.1 and 16.3.2 with regard to access to justice.

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[99]   Ghana Report 9.
[100] Ghana Report 12.
[101] Ghana Report 13.
[102] Lesotho Report 90

4.4 Mauritius

Mauritius reported on the use of an SDG tracker to report on the progress of individual goals. The tracker was indicative of targets that have been achieved, that are on track due to availability of resources and those that are at risk due to the unavailability of resources.

According to the SDG Tracker on 16.3.1, the target is on track due to the availability of resources. There was however no indication of how the resource was identified or aligned to the national development frameworks (a detailed synopsis of the tracking of each SDG is in Annexure I to its Report).[103] While the report did not contain the amount of resources allocated to SDG 16.3, the fact that the tracker shows the government is on track is an indication that some level of resources have been committed to realising access to justice in the country.

4. 5 Rwanda

In its report, Rwanda recognises the need for annual national planning and budget consultations to aid the realisation of the SDGs.[104] To this end, it uses SDG 5 on gender empowerment to call for all agencies of government to submit budgets with a gender budget statement (GBS) to the budget framework paper, to show how their activities embrace a gender analysis that identifies with gender equality and empowering of women has been and remains a priority for the Government of Rwanda.[105]

The improvements in budgetary commitments to the SDGs, however, are in the course of realisation of other SDGs such as education where the government increased the funding by 15.5 per cent,[106] and partnerships four goals where the

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[103] Lesotho Report 131.
[104] Rwanda Report 17.
[105] Rwanda Report 17. Reference is made to Organic Law N° 12/2013/OL of 12/09/2013.
[106] Rwanda Report 38-39.

government was able to raise 84 per cent of its revenue from internal sources and only 16 per cent from external sources.[107] This shows that the partnerships would not control the narrative in the SDG Agenda. The downside to overall improvements in relation to SDG 16.3 indicates that the budgetary allocations are not aligned to the SDG under review but rather to other SDGs such as education, gender equality and building partnerships.

The intersection with SDG 16.3 lies in the efforts to curb gender-based violence, which requires an evaluation of the magnitude of reporting gender violence cases to the police, as well as an evaluation of the number of the respective detainees who cases arise from gender-based violence.[108] This is an indication that timely reporting, prevention and effective legal assistance.

4.6 Sierra Leone

Sierra Leone recognises the need to raise resources and identifies its sources to be both internal and external.[109] The goals were aligned to the national budget and the results framework using the existing national, sectoral and district development plans. In addition, the national budget was aligned with the Medium-term National Development Plans (MTNDP) and the SDGs. While the country reported an improvement in the internal sources of revenue, it did not indicate the percentages of the collection that were tagged to SDG 16.3.[110] However, an evaluation of the progress done by Sierra Leone with regard to legal aid and paralegals does not fall short of the use of remarkable amounts of resources.[111]

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[107] Rwanda Report 62-63.
[108] Rwanda Report 27.
[109] Sierra Leone Report 9.
[110] Sierra Leone Report 37-39.
[111] See section on legal aid on Sierra Leone, below.

4.7 South Africa

South Africa led the continent in the allocation of resources to SDG 16. In this regard, an analysis of the budgetary allocations shows that the country allocated 26 per cent of its budget to SDG 16. This was instructive in informing the successes in access to justice in South Africa in the field of the use of paralegals and the existence of a national legal aid system.[112] As such, South Africa's budgetary allocations are informed by institutional mechanisms that improve the government's ability to ensure that policy priorities are reflected in budgetary allocations.[113] This presents a good practice to be emulated by other countries in the realisation of SDG 16. Thus the alignment of the resources is towards SDG 16 in general, with a great number of the population benefitting from the budgetary provisions by the Republic. To this end, the government has reported its ability to extend legal aid in both criminal and civil matters to the poor and indigent in society. While the report highlights the numbers of persons who benefitted from legal aid, there is no mention of the actual figures.

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[112] See South Africa's discussion on legal recognition of legal aid and paralegals.
[113] South Africa Report 112.
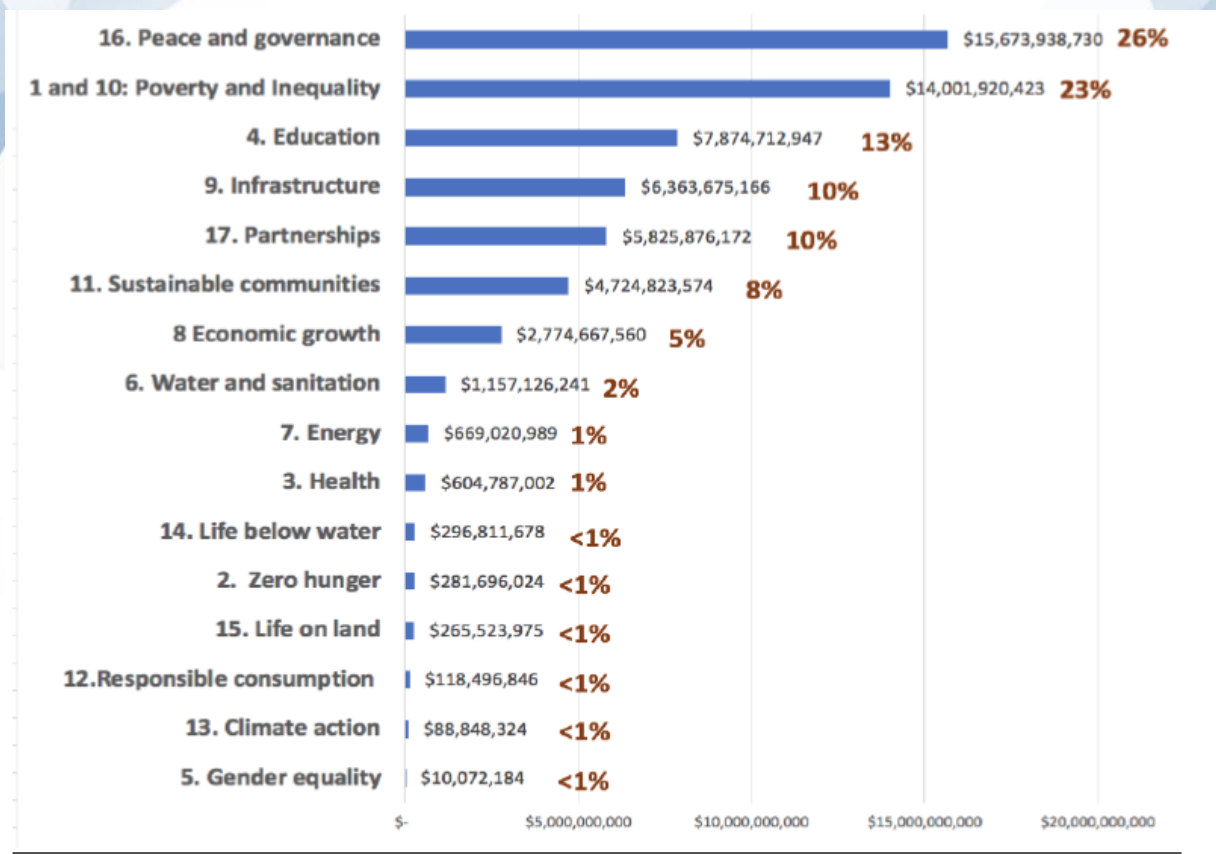
Table 3: South Africa's budgetary allocations in relation to SDG 16.

Source: (South Africa VNR Report 2019 114)

4.8 Tanzania

With regard to budgetary commitments, Tanzania seeks to place emphasis on internal alternatives. To this end, it has put in place alternatives that speak to the use of taxation in Zanzibar and mainland Tanzania,[114] as well as the promotion of partnerships in the domestic, regional and global arena.[115] There is little commitment shown for the realisation of SDG 16.3. A look at the statistical tracking index shows no figures attached to the SDG under review.

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[114] Tanzania Report 53
[115] Tanzania Report 53.

5. Political commitment to realising SDG 16.3 (integration into NDP)

This section establishes the extent to which, the report mentions political commitment to realising access to justice. According to the VNR reporting Guidelines, the key aspects that should inform the political commitment of a country lie in how the country has incorporated the SDG Agenda in the national frameworks to advance the implementation of the SDGs.

5.1 Eswatini

There is political commitment to the utilisation of resources to enable the country to progress in the realisation of the SDGs. However, this is not tilted to SDG 16.3, but rather SDG17.[116] The country undertook to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development. The Aid Policy of 2000 was revised and finalised to inform the development of the National Development Cooperation Policy 2019. This will serve as a guide to all relevant agencies of Government, development partners, civil society organizations and other stakeholders on coordination and management of development cooperation resources.

The country, however, qualifies the extent of its commitment to the realisation of the SDGs. It states that the implementation of SDGs is based on the principle of utilisation of the domestic resources other than placing dependence on foreign financial resources.[117] The prevailing fiscal situation in the country is such that there are very limited resources for effective implementation.[118] Research by its nature is expensive and so are the studies or surveys that need to be undertaken.[119] The studies compete for resources with other priorities for the country resulting in time lags for availability of the much needed and critical

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[116] Eswatini Report 7.
[117] Eswatini Report 7.
[118] Eswatini Report 7.
[119] Eswatini Report 7.

data.[120] The SDGs have been systematically integrated in to the National Development Strategy and the Strategy for Sustainable and Inclusive Growth 2030 (SSDIG). The purpose of this integration is to eradicate poverty, promote shared prosperity and improve environmental quality.[121]

5.2 Ghana

The use of political commitment by Ghana was in the establishment of policies and strategies for the implementation of SDGs through a participatory approach.[122] At its core, the government reported that it aligned the SDG Agenda within the National development strategies and integrated budgeting.

An extensive overview was provided for by Ghana which showed its mode of integration of the SDGs in the existing and future national development blueprints, using the '3A approach' of Alignment, Adaptation and Adoption. With regard to alignment, the country took stock of the fact that it was in mid-stages of implementing its own 'Ghana Shared Growth and Development Agenda 2014-2017 (GSGDA II)' at the time that the SDGs were adopted.[123]As such, it aligned its respective medium-term development plans with the SDGs. The use of adaptation required that the different government departments take steps to ensure that the resulting medium-term national development framework reflects the 2030 SDG and Agenda 2063.[124] Thirdly, adoption required that the goals and targets were consistent with Ghana's development context and aspirations without any changes.[125]

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[120] Eswatini Report 7.
[121] Eswatini Report ii.
[122] Ghana Report 9
[123] Ghana Report 7.
[124] Ghana Report 7.
[125] Ghana Report 7.
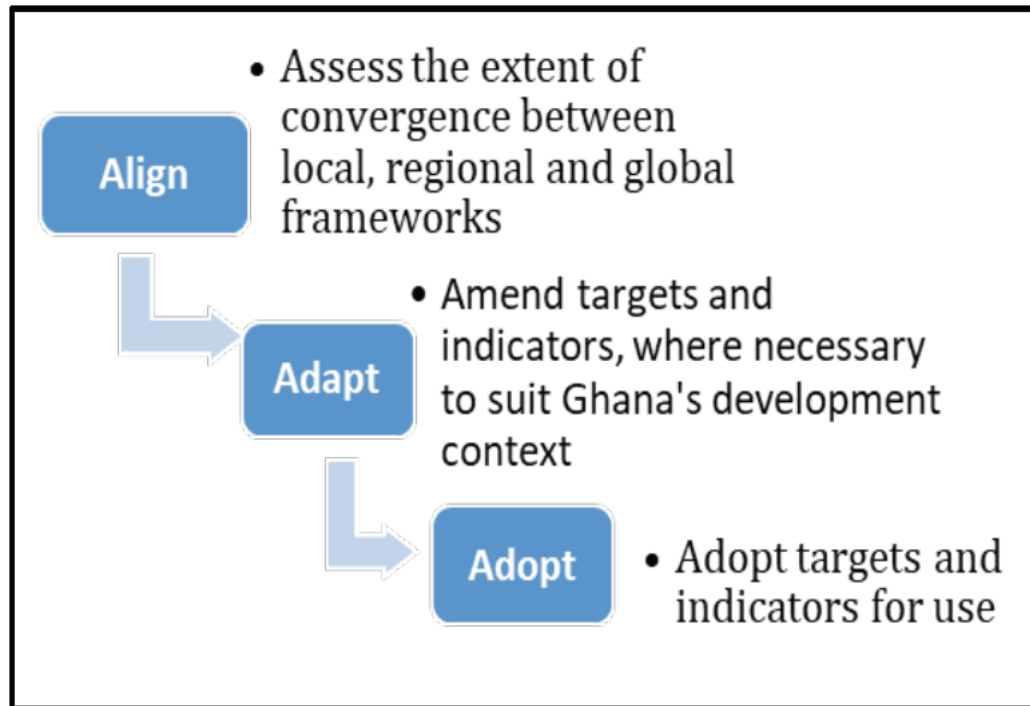
Table 4: Ghana's 3A Approach

Source: (Ghana VNR Report 2019 7)

It is worth noting Ghana also engaged its social capital- the use of traditional and cultural institutions to extend the SDG Agenda. In this vein, Ghana reported that it used the unique role of chieftaincy institutions to promote the national development agenda.[126] As such, traditional leaders were engaged as agents of development to mobilise people and resources for development projects such as health facilities, police stations, and schools.[127]

With regard to the use of resources on the realisation of SDG 16.3, Ghana conducted extensive research on providing data and disaggregating it on grounds of the implications of the rural and urban population.[128] The data covered a period of 48 and 36 months as regards SDG 16.3.1 and 16.3.2

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[126] Ghana Report 17.
[127] Ghana Report 17.
[128] Ghana Report 71-72.

respectively. This was beyond the required period of 12 months under the VNR reporting Guidelines.

5.3 Lesotho

Lesotho recognises its position as a member of the WTO, SADC, AU, and SACU with several bi-lateral agreements and integrated relevant regional development plans.[129] It recognises the need to inculcate these agreements into its national plan. There is so streamlined mode of engaging the SDG Agenda in the national plan. Subject to confirmation, it may be argued that the recent political unrest may inform the lack of political commitment.

5.4 Mauritius

Mauritius reported that it uses a development model to realise SDGs. To this end, it reported that progress is measured against four metrics of the per capita Gross National Income (GNI), the Human Development Index (HDI) in the national plans.[130] This position aided the use of the current Three-Year Strategic Plans and annual Budget Speeches to give the required strategic policy orientation in the implementation of the SDGs. On the basis of this approach, Mauritius reported that Ministries, Departments and other public institutions had an obligation to incorporate the relevant targets as a way of monitoring the achievements of SDGs. However, there was no detail on practical steps of aligning the SDG Agenda to the national development frameworks, especially with regard to SDG 16.3.[131]

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[129] Lesotho Report 103.
[130] Mauritius Report 13.
[131] The Report is silent on this aspect.
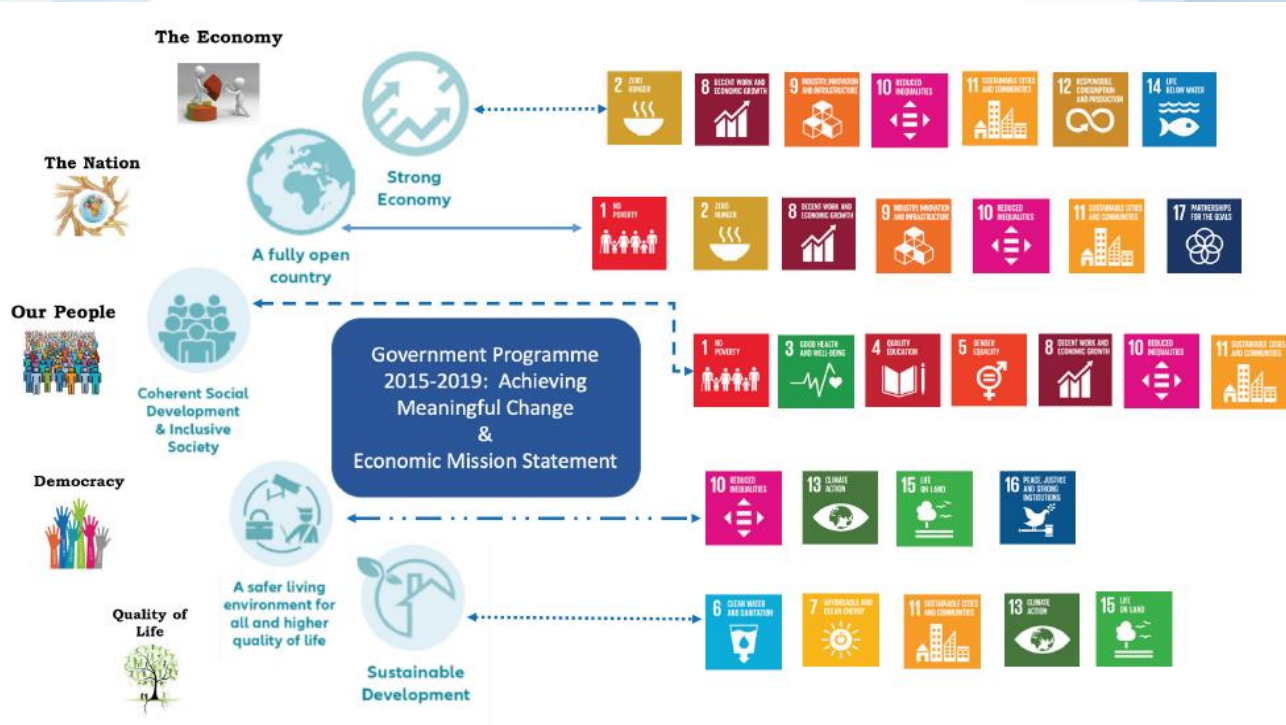
Table 5: Mauritius' development model on realising SDGs

Source: (Mauritius VNR Report 2019 13)

5.5 Rwanda

Rwanda does not give details of the much required political commitment. The report, however, recognises that the domestication of SDGs needs to be integrated into the national planning and development framework, with the aid of the principle of 'leaving no one behind'.[132] To this end, the country takes political ownership of mainstreaming and creating SDGs awareness at different levels by committing to use the annual national planning and budget consultations to engage the SDG Agenda among the stakeholders.[133]

Some of the specific steps that speak to the national planning framework on SDG 16.3 through the integration into national policies and strategies include the need to enhance the rule of law as a way of promoting accountability,

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[132] Rwanda Report 14.
[133] Rwanda Report 17.

governance and a culture of peace for poverty reduction.[134] The Justice Sector institutions have a mandate to ensure that it develops its own strategic plan that integrates the indicators under SDG 16.[135]

5.6 Sierra Leone

Sierra Leone makes mention of the need for the use of the SDGs in the national planning framework. The report states that the engagement of the 'leave no one behind' principle pushes for efforts to balance and integrate the economic, social and environmental dimensions of sustainable development into the national planning.[136] Some of the earlier steps to achieving this involved the alignment of the SDGs to the budget through the existing national, sectoral and district development plans.[137]

Figure 7: Planning Structure of the Sierra Leone National Plan

Source: (Sierra Leone VNR Report 2019 26)

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[134] Rwanda Report 17.
[135] Rwanda Report 17.
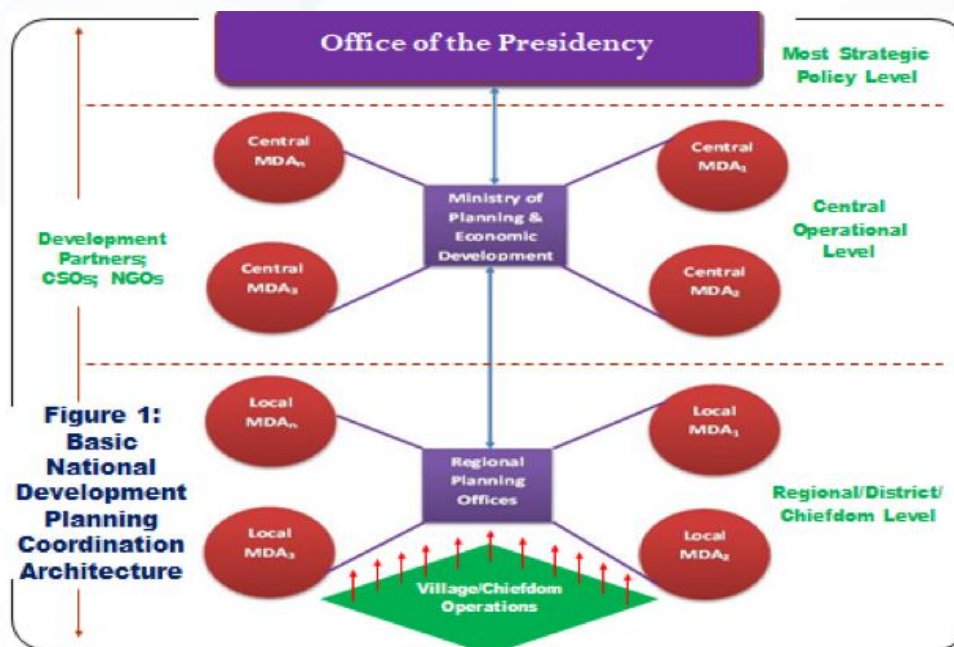[136] Sierra Leone Report 9.
[137] Sierra Leone Report 9.

As such, the report does to a certain extent show a commitment to SDG 16.3 through the provision of support to the legal aid projects through structure avenues for support from the central government, despite the lack of a detailed financial exposition of SDG 16.3.[138]

5.7 South Africa

South Africa's report has an introspection of how the apartheid political system affected the socio-economic fabric of a now democratic South Africa.[139] On this basis, it seeks to use political commitment to realise SDGs in the Republic. To this end, the government uses an institutional mechanism that provides political leadership, inter-ministerial coordination, and stakeholder involvement in the management and integration of economic, social and environmental goals in the SDG Agenda.[140] Some of the specific steps that speak to the national planning framework on SDG 16.3 through the integration into national policies and strategies include the glaring fact that SDG 16 accounts for the 26 per cent of the national budget.[141]

5.8 Tanzania

Tanzania creates ownership of the SDGs through the use of national planning frameworks.[142] This acts as a double-edged sword that counteracts as an anchor for political commitment. In this regard, the national planning framework of Tanzania is protected on two fronts as below.

Tanzania's Long -Term Perspective Plan (LTPP) that runs from 2011 to 2026 was designed to ensure that there is a strategic and organised use of natural resources to guarantee the realization of the national development aspirations.[143] The implementation of the LTPP is done using strategic Five-year Development

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[138] Sierra Leone Report 9.
[139] South Africa Report 5.
[140] South Africa Report 27.
[141] See the discussion on the budgetary commitments by South Africa.
[142] Tanzania Report 12-13.
[143] Tanzania Report 13.

Plans (FYDPs) with themes that speak to the priority interventions. For instance, the current theme for the period 2016- 2021 is "Nurturing Industrialisation to Foster Economic Transformation and Human Development".[144]

The downside to this theme is the non-prioritisation of SDG 16.3. This is also evident in the link that the current theme lends to SDG 16. It presents the creating of an enabling environment that ensures macroeconomic stability, provides requisite infrastructure, and improves ease of doing business global ranking as instructive attempts at ensuring the realisation of SDG16.3.[145]

6. Legal recognition/framework for paralegals

This section establishes the extent to which, the report mentions the legal recognition or framework for paralegals. Under the terms of the Memorandum of Understanding, the Report was supposed to deal with the concept of paralegals under two sections, being:

a) To determine the extent to which the reports by African governments mention the need for recognition of the work of paralegals, including community paralegals (acknowledging the work paralegals do in ensuring access to justice, cooperating with paralegals or providing financial support).

b) To review the extent to which the reports by African governments mention the legal recognition/framework for paralegals.

An evaluation of the VNR reports indicates that only five countries provided information with regard to the work of paralegals. On this basis, this report deals with the two sub-sections concurrently under this section.

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[144] Tanzania Report 13.
[145] Tanzania Report 14.

6.1 Lesotho

Lesotho does not indicate the existence of a national legal aid system or the use of paralegals. However, the Report recognises that access to Legal Aid, enhanced use of non-custodial sanctions, restorative justice, a diversion programme and the establishment of the Children's Court are key aspects to the realisation of SDG 16.3.[146]

6.2 Rwanda

Rwanda recognises that the promotion of legal aid services requires the improvement of universal access to quality justice through the modernisation of the criminal, commercial, civil and administrative system; and the promotion of legal aid for universal access to affordable and quality justice.[147] While this points to the provision of free services to the beneficiaries with government support, there is no mention of paralegals nor the role they play in ensuring access to justice.[148] The report, however, indicates that the Access to Justice Bureau has been instructive in the provision of legal services aid services. This has embraced the use of mediation at the local level, the use of universal quality justice at local levels such as the districts and the localised levels for the vulnerable groups.[149]

6.3 Sierra Leone

To a small extent, Sierra Leone acknowledges the need for the paralegals and goes on to recognise the effect of their work. To this end, it has deployed various paralegals in 16 districts across the country. Further support has been through the development of a training manual to enhance their capacity to offer legal advice and support.[150] Some of the notable work by the paralegals includes the provision of support to 215, 000 persons between 2015-2018. The

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[146] Lesotho Report 89.
[147] Rwanda Report 60.
[148] Rwanda Report 60.
[149] Rwanda Report 60.
[150] Sierra Leone Report 22-23.

disaggregation of this work in terms of annual figures indicates 25,000 in 2015-2016, 83,000 in 2016- 2017 and 107,000 in 2017-2018.[151]

The work of the paralegals has been greatly facilitated by the Legal Aid Board that has been responsible for the development of the curriculum, and the facilitation of the legal representation.[152] The areas that have benefited from these interventions include child protection, land disputes, criminal cases, domestic violence, rape, defilement and juvenile offences.[153] This is very instructive to the promotion of SDG16.3 in the context of Sierra Leone that is coming out of armed conflict.

Some aspects, without prejudice to the foregoing lack of clarity, which would improve this report as regards SDG 16.3. First there is no disaggregation of the details of whether the persons who reported incidences of violence benefited from this mechanism. It is, however, worth noting that the reports disaggregate the number of persons who have benefited from legal aid to be 14 per cent as females and 19 per cent as children. This is, however, still unclear as regards the percentages of the males and adults and whether they were victims of cases of violence or detainees. It worth noting as an overview, that the major services that are evident in the report include legal advice, legal representation, and litigation.

It is worth noting that the use of alternative dispute mechanisms led to a disposal rate of 80 per cent of the cases.[154] This led to the reduction of the persons on remand in Freetown from 51 per cent in 2016 to 35.6 per cent in March 2019. This shows a nexus between the reduction of the number of persons on remand in relation to the work that the legal aid has done. Their Report is however silent on the provision of financial support to paralegals.

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[151] Sierra Leone Report 22-23.
[152] Sierra Leone Report 30.
[153] Sierra Leone Report 30.
[154] Sierra Leone Report 30.

6.4 South Africa

To a larger extent, South Africa recognises the need for paralegals and how it impacts on access to justice, though there is no clarity as regards their legal position.[155] In addition, the country reported that it has a national legal aid board that is mandated to provide services to the population. Another country that recognises legal aid is Sierra Leone with the enacted law called the Legal Aid Act.

According to South Africa, legal aid plays the role of extrapolating an inclusive society that seeks to use strong legal, institutional and policy frameworks. The national legal aid system provides legal advice and representation in both criminal and civil matters.[156] This is evident in the provision of legal aid to 3,742,923 persons between 2014-2019, amidst proper management of finances.[157]

The South African report, however, does not give insights on the status of deployment, or the use of training for use of legal aid. It is clear from the foregoing analysis that the service that is offered by legal aid South Africa includes representation, legal education and strategic litigation.[158]

The work of the paralegals has been greatly facilitated by the Legal Aid Board that has been responsible for the development of the curriculum, and the facilitation of the legal representation.[159] The National Assembly is in advanced stages of enacting a law to regulate community paralegals or Community Advice Offices to offer legal advice to the public in community courts. This move will offer a solution to the community paralegals who are often neglected by the

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[155] South Africa Report 107.
[156] South Africa Report 103.
[157] South Africa Report 106.
[158] South Africa Report 107.
[159] South Africa Report 30.

government.[160]The areas that have benefited from these interventions include child protection, land disputes, criminal cases, domestic violence, rape, defilement and juvenile offences.[161] This is very instructive to the promotion of SDG16.3 in the context of Sierra Leone that is coming out of armed conflict.

Some aspects, without prejudice to the foregoing lack of clarity, which would improve this report as regards SDG 16.3 are worth mentioning. First there is no disaggregation of the details of whether the persons who reported incidences of violence benefited from this mechanism, or how the level aid board extended its services to persons. In addition, the report does not disaggregate the number of persons who have benefited in terms of sex, age, status in life as well as the status of citizenship.

It is also worth noting that the use of alternative dispute mechanisms led to a disposal rate of 80 per cent of the cases.[162] This led to the reduction of the persons on remand in Freetown from 51 per cent 2016 to 35.6 per cent in March 2019. This shows a nexus between the reduction of the number of persons on remand in relation to the work that the legal aid has done.

With regard to cooperation and recognition of paralegals, the report indicated some challenges that it would have to deal with the need to harness their role. These included the need to recognise, regulate and have a sustainability policy for community-based paralegals and indigenous community justice service providers, systems and structures; ensuring the independence of paralegals; and the need to recognise the role of paralegals in society through the focus on the need to support community advice offices.

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[160] Paralegals and Community Courts Participation: An Update available at https://pmg.org.za/committee-meeting/24799/ (accessed 4 December 2019).
[161] Sierra Leone Report30.
[162] Sierra Leone Report 30.

6.5 Tanzania

Tanzania reported that the government enacted the Legal Aid Act in 2017, and Zanzibar has a legal aid Act. To make provision of legal aid to ensure free access to legal services for persons in custody.[163]   There is emphasis however of the provision of legal aid to victims of gender violence, which offers a limited application of legal aid in the Tanzanian society. There is no mention of the provision of community paralegals in the country.

7. Conclusion

The mention of access to justice across the VNR reports is not uniform. While some countries have given a general overview on SDG 16, they have not captured the intricate details with regard to SDG 16.3.1 and 16.3.2. In respect to SDG 16.3.1, all the countries reported on some kind of progress towards this goal. It   should be noted that the reports that were very general included Mauritius, Rwanda, and Tanzania. With regard to SDG 16.3.2, only Ghana and Sierra Leone reported on this goal. The disaggregation on the basis of age, sex and period on remand was missing. In addition, it is on Ghana and Sierra Leone that stuck to the previous 12 month period (see Appendix 1).

With regard to participation in the preparation of the VNR report, to a large extent, all the countries reported that the use of government, civil society, private sector. Some countries such as Ghana, Sierra Leone and Tanzania reported the use of traditional leaders in the preparation of the VNR report (see Appendix 2).

The issue of budgetary commitments was evident in most reports, the issue remaining- the relevance to SDG 16.3. South Africa led the continent in the allocation of resources to SDG 16 through the allocation of 26 per cent of its budget to SDG 16. Other countries such as Lesotho, Mauritius and Tanzania did not offer enough detail with regard to how the budgetary commitments

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[163] Tanzania Report 52-53.

reflected on access to justice. Other countries like Eswatini prioritised SDGs 12, 17 and 5; while Rwanda prioritised SDGs 4 and 5 on Gender Equality (see Appendix 3).

All the countries displayed some kind of political commitment to the VNR Process with the aid of a national planning framework. This was evident in various ways. Eswatini referred to policy initiatives, Ghana used the AAA approach and Mauritius engaged a development model. Tanzania used a 5-year thematic approach, South Africa introspected on its history as a tool to improve the contemporary situation while Sierra Leone used a cooperation approach that foresaw the engagements between the government and the private sector (see Appendix 4). Sierra Leone and South Africa posited detailed information on the status of paralegals and legal aid. The other 3 countries; Lesotho, Rwanda and Tanzania only make reference to Legal aid in in very limited detail (see Appendix 5).

APPENDICES

Appendix A: Tabulated analysis of the Reports

Issues	Eswatini	Ghana	Lesotho	Mauritius	Rwanda	Sierra Leone	Tanzania	South Africa
Reference to SDG 16.3	Inadequate reference	Detailed reference	Inadequate reference	Inadequate reference	Inadequate reference	Detailed reference	Inadequate reference	Fairly Detailed
Process of engaging with stakeholders	Fairly Detailed	Very Detailed	Detailed information provided	Fairly Detailed	Fairly Detailed	Very Detailed	Very Detailed	Detailed information provided
Budgetary commitments	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Detailed information provided
Political Commitments	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed	Fairly Detailed
Recognition of the work of paralegals	No Reference to legal aid or paralegals	No Reference to legal aid or paralegals	Inadequate reference	No Reference to legal aid or paralegals	Inadequate reference	Very Detailed	Inadequate reference	Very Detailed

Appendix 1: Reference to SDG 16.3

Indicators/ Targets	Eswatini	Ghana	Lesotho	Mauritius	Rwanda	S/ Leone	S/ Africa	Tanzania
SDG 16.3.1	**Reportd**	**Reportd**	**16 Generally**	**16 Generally**	**16 Generally**	**Reported**	**Reported**	**16 Generally**
Reporting to competent authorities (+ page)	Police & Pros. 57	Police 71	General	Pol Complaints Div 103	General	General	General	General
% Victims VC Reported OVER victims VC	% not given	% given	% not given	% not given	% not given	% not given	% not given (R,A, p 101)	% not given
- Percentange	7729-10504 ↑26.4	27.7- 30.5		**Institutions**			0.83- 0.7	**Institutions**
- Period	2015-2017	2013-2017		**Mechanisms**			2013-2018	**Mechanisms**
- Recent 12 months?	No	No but ext 48		**Measures**			No bt ext 36	**Measures**
Confidence in system?		Qualified-71				40%- 66% -31	No - 102	
Disaggregation	**No**	**Not accurate**	**No**	**No**	**No**	**No**	**No**	**No**
- Sex		X- Rural						
- Type of crime		X- Urban						
- Ethnicity								
- Migration Bkgrd								
- Citizenship								
SDG 16.3.2	**Not Rept'd**	**Reportd**	**Not Rept'd**	**Not Rept'd**	**Not Rept'd**	**Reportd**	**Not Rept'd**	**Not Rept'd**
% detainees over all psns in detention		Rept'd						
- Percentange		18.24-13.14				51.0-35.6		
- Period		2015-2018				2016-2019		
- Recent 12 months?		Yes but ext 36				Yes but ext 36		
Disaggregation	**No**	**Not accurate**	**No**	**No**	**No**	**No**	**No**	**No**
- Age		Rural						
- Sex		Urban						
- Length of pretrial								

Appendix 2: Process of engagement with Stakeholders

Process of participation	Eswatini	Ghana	Lesotho	Mauritius	Rwanda	S/ Leone	S/ Africa	Tanzania
Mode of Id. of stakeholders	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews
Stakeholders who participated								
- Government	X	X	X	X	X	X	X	X
- Civil Society	X	X	X	X	X	X	X	X
- Private Sector	X	X	X	X	X	X	X	X
- Parliament		X	X		X	X		X
- HRI	X			X			X	X
- Nat'l and Sub Nat'l level		X				X	X	X
- Traditional authorities		X				X		
- Academia		X	X	X			X	X
- Children		X				X		
- Development Partners	X		X		X	X		X
Mechanisms & platforms								
Contribution to VNRs	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews	Consultations Desktop reviews
Existence of umbrella bodies	Ministry of Econ. Planning and Devt	High Level Ministerial Committee on SDGs	Ministry of Development Planning	Min of Foreign Affairs, Regional Integration and International Trade	Ministry of Finance and Economic Planning	Ministry of Planning and Economic Development	Department of Planning, Monitoring and Economic Development	Ministry of Finance and Planning
Good Practices?		X				X (SDG 17)	X	X

Appendix 3: Budgetary commitments

Issues	Eswatini	Ghana	Lesotho	Mauritius	Rwanda	Sierra Leone	Tanzania	South Africa
Need to ↑se resources?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Govt resources?	Recognises this	Recognises this	Recognises this	Recognises this	A greater portion	Recognises this	Recognises this	A greater part
Donor resources?	Recognises this	Recognises this	Recognises this	Recognises this	A small option	Recognises this	Recognises this	A small option
Aligned to 16.3?	A small extent	A small extent	A small extent	A small extent	A greater extent	A greater extent	A greater extent	Yes
16.3.1?	Unclear	Unclear	Unclear	Unclear	Too general	Unclear	Unclear	To a great extent
16.3.2	Unclear	Unclear	Unclear	Unclear	Too general	Unclear	Unclear	To a great extent
If not, which SDG?	12, 17,5	General	General	General	5, 4	General	General	N/A

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Appendix 4: Political Commitments

Eswatini	Ghana	Lesotho	Mauritius	Rwanda	Sierra Leone	Tanzania	South Africa
Policy Initiatives	AAA Approach	Cooperational model	Developmental model	Promises to do so	Cooperational model	5-year thematic models	Historical introspection

Appendix 5: Recognition of the work of paralegals

Issues	Eswatini	Ghana	Lesotho	Mauritius	Rwanda	Sierra Leone	South Africa	Tanzania
Recog of work						Yes (30)	Yes (107)	
- **Paralegals?**						No	Workin on it	Yes (Not legally)
- **Legal Aid?**			Yes		Yes	Yes (30)	Yes (107)	Yes
Legal recog.						Not clear	~Paralegals~	
Period						2015-2018	2015-2018	
Numbers						215,000	3,742,923	
- 2015-2016						25,000	25,000	
- 2016-2017						83,000	83,000	
- 2017-2018						107,000	107,000	
Services								
- Representation						Yes	Yes	
- Legal educ						Yes	Yes	
- Strat. litigation							Yes (107)	
Figures								
Dissagregation								
- Male						14% Male		
- Female								
- Age								
- Childen						19% Children		
- Citizenship								

Appendix 6: Reporting Guidelines

(Adopted from the Voluntary common reporting guidelines for voluntary national reviews at the high-level political forum for sustainable development)

Structure and content of a report for the HLPF

1. Opening statement.

2. Highlights. A one-to-two-page synthesis highlighting:

> • The review process

> • The status of SDG progress

> • How the Government has respond to the integrated and indivisible nature of the SDGs and to the principle of leaving no-one behind

> • Two or three examples of each of the following: good practices, lessons learned and challenges encountered on which it wishes to hear about other countries.

> • Two or three areas where it would need support in terms of finance, capacity-building, technology, partnerships, etc.

3. Introduction. The context and objectives of the review could be presented here.

4. Methodology and process for preparation of the review.

5. Policy and enabling environment.

> (a) Creating ownership of the Sustainable Development Goals.

> (b) Incorporation of the Sustainable Development Goals in national frameworks.

> (c) Integration of the three dimensions

> (d) Leaving no one behind:

> (e) Institutional mechanisms.

> (f) Structural issues

6. Progress on goals and targets:

7. Means of implementation.

8. Next steps.

9. Conclusion

10. Annexes.