SDG Indicator 16.7.1(c)

Proportions of positions (by age group, sex, persons with disabilities and population groups) in public institutions (national and local), including (a) the legislatures; (b) the public service; and (c) the judiciary, compared to national distributions

IAEG-SDG
March 2019

Summary

- Key concepts: representation in decision-making

- Rationale and interpretation

- Methodology development, consultations and pilot-testing

- Method of computation

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Key concepts: representation in decision-making

Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels

Indicator 16.7.1 (c): Proportions of positions (by age group, sex, persons with disabilities and population groups) in public institutions (national and local), including (c) the judiciary, compared to national distributions

Representation	Decision-making positions	Levels of courts
• Women, 'youth' (< or = 44 years), persons with disability, nationally-relevant population groups	• Judges • Registrars	• Supreme/constitutional courts • Higher-level courts • Lower-level courts

Methodology development, consultations and pilot testing

- Guidance of the **Praia City Group on Governance Statistics** and its dedicated Working Group on SDG indicator 16.7.1
- Consultations with **Expert Group** (consisting of NSOs, international agencies and experts), regional and global **organizations with judicial expertise** to produce and refine the metadata
- **Piloting in 21 countries**, with various types of judicial systems (civil, common, customary, religious, and hybrid syst
- Data collection and compilation based on **existing methods and definitions** being used by global (e.g. UNODC, World Bank), regional (e.g. CEPEJ), and national entities collecting data on components of indicator
- Inputs from and experiences of **UNODC, CEPEJ, World Bank, and UN Women** on the collection of data on the composition of the judiciary.

Pilot testing

- A **pilot study** was facilitated by UNDP in **21 countries, with various types of judicial systems** (civil, common, customary, religious, and hybrid systems)

- **Data already being collected** by Judicial Services Commissions, Ministries of Justice, or similar bodies managing human resources for the judiciary, handling appointment of judges and registrars, or having oversight role over the judiciary.

- General agreement on the **clarity of definitions** (registrars/judges/levels of courts) and the **appropriateness of the approach** to measuring representativeness of judicial decision-making

- Datasets with information on **age and sex widely available** (76% of pilot countries)

- Data disaggregated by **disability status (20%) and population group (33%)**

Pilot countries

Africa
Burkina Faso, Mozambique, South Africa
Arab States
Iraq, Kuwait
Asia and the Pacific
Afghanistan, Indonesia, Japan, Nepal
Latin America and the Caribbean
Argentina, Brazil, Colombia, El Salvador, Jamaica, Mexico
ECIS and OECD
England and Wales, France, Germany, Italy, Spain, United States

Method of computation *(Example for judges; same approach for registrars)*

Four ratios for the position of 'judge': Proportion of judges who are (1) women, (2) 'young' (= or < 44 years), (3) have a disability, (4) belong to a nationally-relevant population group in judiciaries at the 3 levels of courts, relative to the proportion of these same groups in the national population of working-age

- ## Ratio 1 - Sex:

$$\frac{\text{Proportion of women judges}}{\text{Proportion of women in the working–age population}}$$
$$(assumed\ to\ be\ 50\%)$$

Example: Country A where the proportion of female judges is 20% and the corresponding proportion of women in the national population is equal to 50%.

Sex ratio = 0.2 / 0.5 = 0.4

(<1 since women judges are under-represented)

- ## Ratio 2 - Age:

$$\frac{\text{Proportion of judges aged 44 or below}}{\text{Proportion of the national population aged 44 and below}}$$
$$(with\ the\ age\ of\ eligibility\ as\ a\ lower\ boundary)$$

Example: Country A where the proportion of judges aged 44 and below is 30% and the corresponding proportion of people aged > 18 (age of eligibility to work in judiciary in Country A) and < or = 44 in the national population is equal to 45%.

Age ratio = 0.3 / 0.45 = 0.66

(<1 since young judges are under-represented)

Interpretation of ratios:
0 means no representation at all of women or 'young' judges
1 means perfectly proportional representation of women or 'young' judges
<1 means under-representation of women or 'young' judges
>1 means over-representation of women or 'young' judges

Method of computation for data, continued

- **Ratio 3 - Disability:** Ratio of the proportion of judges with a disability to the proportion of individuals in the working-age national population with a disability

$$\frac{\text{Proportion of judges with a disability}}{\text{Proportion of persons with a disability in the working–age population}}$$
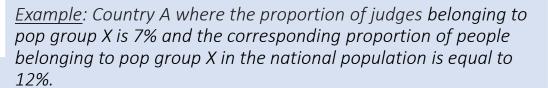
Example: Country A where the proportion of judges with a disability is 5% and the corresponding proportion of persons with a disability in the national population is equal to 15%

Disability ratio = 0.05 / 0.15 = 0.33

(<1 since disabled judges are under-represented)

- **Ratio 4 - Population group X (for each nationally-relevant population group):** Ratio of the proportion of judges belonging to population group X to the proportion of individuals in the the working-age national population belonging to population group X

$$\frac{\text{Proportion of judges belonging to population group X}}{\text{Proportion of individuals belonging to population group X in the working–age national population}}$$

Example: Country A where the proportion of judges belonging to pop group X is 7% and the corresponding proportion of people belonging to pop group X in the national population is equal to 12%.

Population group ratio = 0.07 / 0.12 = 0.58

(<1 since judges belonging to pop group X are underrepresented)

Interpretation of ratios:

0 means no representation at all of persons with disability or population group X in judiciary

1 means perfectly proportional representation of persons with disability or population group X in judiciary

<1 means under-representation of persons with disability or population group X in judiciary

>1 means over-representation of persons with disability or population group X in judiciary

Conclusions

- **Simple and realistic** approach to monitoring progress towards achieving greater representation of women, 'youth' (< or = 44 years), persons with disabilities and persons belonging to nationally-relevant population groups in judicial decision-making (i.e. simple focus on 2 positions: judges & registrars)

- **Practical and cost-effective:** Sex- and age-related data points already available (in 76% of pilot countries); others to be built up through capacity building

- Metadata **validated through pilot study** in 21 judiciaries across the world, representing various types of judicial systems (civil, common, customary, religious, and hybrid systems)

- Reclassification can **encourage judiciaries** to embrace the 2030 Agenda's commitment to inclusive and representative decision-making, by addressing the under-representation of any given group among judges and registrars.

- Important synergies with other targets and indicators, particularly **SDG target 5.5** on women's full and effective participation and **SDG target 10.2** on the promotion of the 'social, economic and political inclusion of all'