Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

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

Indicator 16.7.1: Proportions of positions (by sex, age, 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.

This metadata is for sub-component (c) of the indicator, on the judiciary.

Institutional information

Organization(s):

UNDP

Concepts and definitions

Definition:

The judiciary sub-component of indicator 16.7.1 aims to measure how representative of the general population are the individuals occupying two key decision-making positions in the judiciary. More specifically, this indicator measures the proportional representation of various socio-demographic groups in the national population (with a particular focus on sex, age, disability, and population groups) amongst individuals occupying the positions of (1) judges and (2) registrars in the judiciary.

The *judiciary* is the system of courts that constitutes the branch of central authority in a country concerned with the administration of justice. The judiciary sub-component of SDG indicator 16.7.1 focuses on the *formal* court system and does not include within its scope informal mechanisms (e.g., religious, tribal, or traditional dispute resolution mechanisms).

Rationale:

In order for decision-making by the judiciary to be responsive, inclusive, participatory, and representative at all levels, as called for by target 16.7, it is important to ensure diversity in key positions in national- and local-level courts. Diversity in judicial positions renders decision-making by the judiciary more legitimate in the eyes of citizens and more responsive to the concerns of the whole population.[1]

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[1]   For example, with respect to representation of population groups, scholars have noted that an individual's respect and trust in the judiciary increases when court personnel include individuals like themselves. See, e.g., Iyiola Solanke, *Diversity and Independence in the European Court of Justice*, Columbia Journal of European Law vol. 15, no. 1, p. 112 (2009) ("Racial and ethnic diversity have been encouraged as constituting a necessary feature of a legal system's collective legitimacy, paramount to the maintenance of public confidence in it. A lack of diversity amongst those playing key roles in the justice system can result in a deficit of confidence in that system as a whole… At a symbolic level, diversity provides a guarantee of continued fairness and sensitivity in decision-making. The preservation of a public perception of fairness is crucial to all legal systems."). Additionally, diversity in the judiciary improves the quality of decision-making within the court system. See, e.g., Joy Milligan, *Pluralism In America: Why Judicial Diversity Improves Legal Decisions About Political Morality*, New York University Law Review vol. 8, p. 1206 (2006) ("Racial and ethnic diversity is likely to improve the judiciary's institutional capacity for openness to alternative views—not because judges of any given race will 'represent' a monolithic viewpoint, but because of the likelihood that judges of a particular race or ethnicity will be better positioned to understand

Furthermore, it has been shown that judicial diversity in terms of ethnicity, race, and economic class, in addition to gender, helps address public image issues and trust deficits that hamper the efficiency and efficacy of judiciaries, particularly in conflict-affected environments.[2] Where judiciaries are perceived to be representative of certain groups to the exclusion of other groups, individuals from excluded groups may be less willing to turn to courts to access justice, thus undermining the justice system.

In cases where a group is significantly under-represented or has experienced historical discrimination, temporary special measures including minimum quotas on representation may be introduced to redress such discrimination.[3]

Decision-making positions

Target 16.7 focuses on 'decision-making' and the extent to which it is responsive, inclusive, and representative. In the judiciary, decision-making power and leadership roles are essentially held by individuals in two types of positions, namely judges and registrars. Judges play important roles in decision-making by carrying out their core functions of interpreting laws and adjudicating controversies over the application of laws to particular circumstances.

Registrars assist judges in performing their functions and play an important role in case management, including by scheduling hearing dates, registering court documents, receiving fees emanating from court matters, preparing case files, drafting decisions, and executing court decisions. Additionally, in certain circumstances, they can perform judicial or quasi-judicial functions themselves, including making decisions on interlocutory applications, assessment of damages, and applications for the entry of default judgments.

The judiciary sub-component of SDG indicator 16.7.1 does not cover other positions such as: court-annexed alternative dispute resolution professionals (individuals appointed by the state to decide upon an adjudicatory dispute resolution process, such as arbitrators and mediators); non-legal court personnel (part-time or full-time individuals paid by the state to support the administration of the judicial system, such as bailiffs, tipstaff, secretaries, notaries, paralegals, and administrators); or state-funded legal professionals within the justice sector (individuals paid by the state to carry out the representation or prosecution of an individual in a legal proceeding, including prosecutors, public defenders, and legal aid service providers). While these individuals play some role in the functioning of the justice system as a whole and are supported by state funds, they do not constitute the judiciary as it is understood by most countries. Additionally, they are typically accounted for in the public service sub-component of SDG indicator 16.7.1 (SDG 16.7.1(b)).

Levels of courts

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and take seriously views held within their own racial or ethnic communities. Judicial dialogue, taking place within appellate panels and across courts, serves to diffuse alternative viewpoints more broadly."). See further scholarship on the impact of diversity on judicial decision-making at the Judicial Diversity Initiative's research repository at https://judicialdiversityinitiative.org/research.

[2]   See IDLO (2018), Women Delivering Justice: Contributions, Barriers, Pathways
https://www.idlo.int/publications/women-delivering-justice-contributions-barriers-pathways

[3]   For instance, Brazil's government introduced a quota system for federal jobs that require 20% of all government positions be filled by people of colour.

The indicator disaggregates between three 'levels' of courts to reflect the way in which courts are used, namely 'supreme/constitutional courts,' 'higher-level courts' (courts that handle national issues or appeals), and 'lower-level courts' (courts – typically of first instance – that commonly handle local issues, such as disputes involving family, land, and government benefits and services). This broad categorization is elaborated to encompass the diversity of judicial systems across the world, including across different types of legal systems (common law, civil law, etc.) and across different types of government (unitary, federal, etc.)

Target populations

Global reporting on this indicator includes data disaggregated by sex, age, disability, and population group. Disaggregated data that allows for comparison of these target groups to understand the situations of specific groups are central to a human-rights based approach to data and form part of countries' obligations under international human rights treaties. OHCHR guidance on data collection and disaggregation for SDG monitoring urges that capacities and partnerships be developed to enable countries to meet their obligation to collect and publish disaggregated data.[4]

While disaggregation by sex, age, disability, and population group are all important for this indicator, data disaggregated by disability and population group may not be readily available in many countries. Collecting this data for judges and registrars may therefore require additional investment in data collection systems, with a corresponding investment in human capacity to analyse the data and use the information generated in recruitment and human resources policies for the judiciary. Meanwhile, most countries already produce sex-disaggregated data on judges and registrars and therefore countries are expected at a minimum to be able to report sex-disaggregated data for overall totals of individuals occupying these two positions, as well as for overall totals disaggregated by the three levels of courts cited above.

Some countries may impose legal restrictions on collecting data on certain target groups. Collecting disaggregated data should be subject to the legality of compiling such data in a particular national context and to a careful assessment of the potential risks of collecting such data for the safety and privacy of respondents.

Sex-disaggregated data: Sex is an important component of SDG indicator 16.7.1(c), as it tracks the extent to which judiciaries are inclusive and representative of women with a view to achieving equal representation of women and men. Women are largely underrepresented in judiciaries, particularly in the highest-level positions, according to A Practitioner's Toolkit on Women's Access to Justice Programming (2018), published by UN Women, UNDP, UNODC, and OHCHR. Sex-disaggregated data on individuals occupying decision-making and leadership positions in the judiciary can shed light on the existence of gender-based inequalities in accessing such positions.

The Convention on the Elimination of All Forms of Discrimination Against Women (1979) provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government (Article 7). States parties agree to take all appropriate measures to overcome historical

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discrimination against women and obstacles to women's participation in decision-making processes (Article 8), including legislation and temporary special measures (Article 4).

The Beijing Declaration and Platform for Action (1995) also calls on governments to ensure women's equal access to and full participation in power structures and decision-making, including in the judiciary, by setting specific targets and implementing measures to substantially increase the number of women in all governmental positions.

Age-disaggregated data: Security Council Resolution 2250 of 2015 urges Member States to consider ways to increase inclusive representation of youth in decision-making at all levels in local, national, regional, and international institutions and mechanisms for the prevention and resolution of conflict and to counter violent extremism.

Disability-disaggregated data: The United Nations Convention on the Rights of Persons with Disabilities (2006) calls upon State Parties to ensure that persons with disabilities[5] can effectively and fully participate in political and public life on an equal basis with others.

General Comment No. 7 (2018) on Article 4.3 and 33.3 on the participation of persons with disabilities in the implementation and monitoring of the Convention, drafted by the Committee on the Rights of Persons with Disabilities, acknowledges the positive impact that the participation of persons with disabilities has on decision-making processes. Their involvement in all forms of decision-making empowers persons with disability to convey their views and lived experiences, enabling them to advocate for their rights and realize their aspirations. Moreover, participation of persons with disability is a critical component of good governance and democracy, as it helps to hold authorities accountable to their commitments in this area, to make them more responsive to the requirements of persons with disability, and to promote and protect the rights of such persons.

Persons with disabilities are consistently under-represented in decision-making processes, as is noted in UNDP's Disability Inclusive Development Report: Guidance and Entry Points (2018). Persons with disabilities face significant challenges and barriers to their inclusion and ability to fully participate in society. Employment rates for persons with disability are lower than for persons without disabilities, and equal and effective access to justice can be a significant obstacle for persons with disabilities. As part of the emphasis across the 2030 Agenda to 'leave no one behind,' participation and representation of persons with disability in public institutions and decision-making processes, including in the judiciary, is crucial to reaching those that are often left furthest behind.

Population group-disaggregated data: The collection of data on relevant population groups occupying decision-making and leadership positions in the judiciary is critical to assessing the inclusivity and representativeness of judiciaries. Increased judicial diversity with respect to populations groups strengthens the ability of judicial mechanisms to consider and respond to varied social contexts and experiences, which improves the justice sector's responses to the needs of vulnerable and marginalized groups. When various national population groups are well-represented among judges and registrars, this

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[5] 'Disability' is an umbrella term covering long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder the full and effective participation of disabled persons in society on an equal basis with others. UN General Assembly, Resolution on Convention on the Rights of Persons with Disabilities, A/RES/61/106 (24 January 2007).

can in turn improve access to justice by these various groups. Representative decision-making builds confidence among population groups and supports social cohesion and the 'sustaining peace' framework.[6] Notably, the World Bank's Pathways for Peace study stressed the centrality of inclusion in the justice and security sectors to the prevention of conflict.

The International Convention on the Elimination of All Forms of Racial Discrimination (1965); Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992); and the Declaration on the Rights of Indigenous Peoples (2007) provide that persons belonging to racial and minority groups and indigenous peoples have the right to participate in the political, economic, social, and cultural life of the State.

The population of a country is a mosaic of different population groups that can be identified according to racial, ethnic, language, indigenous or migration status, religious affiliation, or sexual orientation, amongst other characteristics. For the purpose of this indicator, particular focus is placed on minorities. Minority groups are groups that are numerically lower compared to the rest of the population of a state, in a non-dominant position, whose members—being nationals of the state—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, even if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language.[7] While the nationality criterion included in the above definition has often been challenged, the requirement to be in a non-dominant position remains important.[8]

Concepts:

Note: The definitions used for this indicator reflect general features of judiciaries around the world, while recognizing that different countries have their own legal systems informed by their specific histories and cultures, which in turn determine the specific functions and form of the judiciary in a given country. The below definitions were elaborated with a view to being broad enough to accommodate these national specificities.

This indicator disaggregates between 'supreme/constitutional', 'higher-level' and 'lower-level' courts:

- *Supreme/constitutional courts*: Supreme/constitutional courts are the courts within a country with the highest authority to interpret the law. The category includes both supreme courts (i.e., the highest judicial bodies in the domain of civil and criminal jurisdiction) and constitutional courts (i.e., the legal bodies responsible for ensuring the compatibility of legislation with the provisions and principles of the constitution in each country, in particular to protect constitutionally-established rights and freedoms). Constitutional courts include those courts that sit only on constitutional issues, as well as courts that sit as constitutional courts only on occasion when constitutional issues arise. In federal court systems, highest courts include supreme courts and constitutional courts at the national level, but excludes any supreme courts that may exist at sub-national levels, as these should be included within the category of higher-level courts. In certain

[6] UN General Assembly, Resolution on Review of the United Nations Peacebuilding Architecture, A/RES/70/262 (12 May 2016); UN Security Council, Resolution 2282, S/RES/2282 (2016).

[7] Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities (1977).

[8] OHCHR, Minority Rights: International Standards and Guidance for Implementation, HR/PUB/10/3 (2010), http://www.refworld.org/docid/4db80ca52.html.

jurisdictions, the supreme court and constitutional court might be one and the same and therefore there would be just one court for the category of supreme/constitutional courts.

- **Higher-level courts**: Higher-level courts include other high courts, high-level courts, and courts of appeal. In federal court systems, higher-level courts include higher-level courts at both the national and sub-national levels, and also include supreme courts at sub-national levels.
- **Lower-level courts**: Lower-level courts encompass first-instance or frontline courts of local jurisdiction. This category includes local courts, district courts, magisterial courts, and magistrate courts. In federal court systems, lower-level courts include lower-level courts of both national and sub-national court systems.

**Note about specialized courts**: The determination of whether specialized courts or tribunals, or a subset thereof, fall within supreme/constitutional, higher-level, or lower-level courts is left to the discretion of countries. Specialized courts are courts that have limited jurisdiction over a specialized subject matter, and may include, but are not limited to, war crimes courts, gender-based violence courts, commercial courts, finance courts, labour courts, family courts, property courts, military courts, administrative courts, social welfare courts, juvenile courts, courts for organized crime, narcotics, and corruption, etc. In many jurisdictions, specialized courts are considered higher-level courts. In such jurisdictions, these specialized courts might have exclusive or original jurisdiction over certain claims, and therefore act in the first instance for those claims, but are nevertheless considered higher-level courts. In other jurisdictions, specialized courts might be considered lower-level courts or supreme courts. Some jurisdictions might categorize a subset of specialized courts as higher-level courts and another subset as lower-level courts.

Decision-making positions monitored by this indicator include judges and registrars.

- **Judge** (alternatively called 'justice', 'magistrate', or 'jurist'): A judge is a person authorized to decide cases in a court of law. UN DESA's Manual for the Development of a System of Criminal Justice Statistics defines 'professional judges or magistrates' as both full-time and part-time officials authorized to hear civil, criminal, and other cases, including in appeal courts, and to make dispositions in a court of law. This category includes associate judges and magistrates who may be so authorized.[9]
- **Registrar** (alternatively called 'clerk', 'judicial officer', '_Rechtspfleger_', '_secretario de estudio y cuenta_', '_secretario general_', '_secretario de acuerdos_', '_greffiers_', 'المسجلون'): A registrar is a judicial officer of the court entrusted with judicial or quasi-judicial functions who has autonomous competence. A registrar's decisions may be subject to appeal in certain circumstances.

Comments and limitations:

While the indicator provides a good measure of progress in overcoming historical or ongoing discrimination, it cannot detect tokenism where official job titles mask a lack of influence in practice or other forms of discrimination within the judiciary that may affect the ability of certain judges or registrars to participate in decision-making. For example, women in the judiciary may face institutional, cultural, or other constraints that restrict them from exercising their decision-making power.[10] IDLO's Women

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9   UN DESA, Manual for the Development of a System of Criminal Justice Statistics (2003), https://unstats.un.org/unsd/publication/SeriesF/SeriesF_89e.pdf

10   The International Commission of Jurists' Women and the Judiciary Report (2014) notes that women face discriminatory and restrictive social norms concerning the role of women in society that create resistance to their exercise

Delivering Justice Report (2018) notes that stereotypes in certain jurisdictions might dictate that women can rule on family court cases, but that they are not suited to decide criminal cases because of the perceived danger of such roles.[11]

Other limitations of this indicator relate to the disaggregation of data on judges and registrars by age, disability status, and population group:

- With respect to **age disaggregation**, the number of young persons in the judiciary tends to be relatively small, particularly in contexts where judges typically assume their position based on seniority. While in such contexts disaggregation on the basis of age may not be very insightful, in others contexts, such as that of new democracies where judges are typically younger, age-disaggregation can be a more meaningful measure of representation. The presence of a large proportion of 'young' judges in post-conflict countries, for example, can indicate a country's investment in its justice system. Even if null values for the number of 'young' judges are likely to be common in many countries, there is an inherent awareness-raising value in tracking representation of 'young' judges and registrars, to help call attention to the challenges faced by younger age-brackets in accessing decision-making positions. Additionally, age-disaggregated data becomes particularly relevant when considering the intersectionality of age with other demographic variables (e.g. a growing proportion of 'young' female judges could signal that a country is making concerted efforts to invest in increasing female participation in decision-making positions over the longer-term).

- With respect to **disaggregation on the basis of disability status**, administrative data collection systems in the judiciary rarely collect such information, partly because judges and registrars with disabilities, like everyone else, have a right to privacy and therefore are not under an obligation to reveal a disability. Moreover, in many countries, information concerning disability falls under the umbrella of health data, and is therefore confidential, thus preventing Judicial Services Commissions, Ministries of Justice, or other similar competent bodies from releasing this information even on an anonymous basis. It is recommended that the [Washington Group Short Set of Disability Questions](#) be administered to judges and registrars to disaggregate by disability status. Given the potential sensitivities of disclosing information on disability, declaring and being transparent as to who is the sponsor of such a survey can make respondents more comfortable. It is important for the sponsor to be a neutral entity independent from the employer institution that can provide adequate reassurances to respondents on the anonymity and confidentiality of their responses. In this regard, National Statistical Offices are particularly well-positioned to administer such a survey and to perform subsequent data analysis. [12] This method relies on self-

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of judicial authority. The report points to incidents where individuals have refused to have their legal matters determined by women judges and where junior officers and court staff have refused to implement orders determined by women judges.

[11]   The report also notes that even when women judges might have full autonomy to exercise their decision-making power, they may nevertheless be unable to make decisions that bring to bear their lived experiences if legal frameworks do not allow for the introduction of concerns about gender justice, for instance, in common law contexts where judges are bound by precedent.

[12]   A report on Disability Inclusive Development in UNDP (2018) details a pilot study in partnership with the South African statistical office on an approach for integrating the Washington Group Short Set on Functioning into the human resources management information system used to maintain data on personnel within the public service. The findings from this pilot experience suggest that using the Washington Group questions for the measurement of disability in the public service is possible. In the experience of the South African public service, it was also a marked improvement over the existing administrative data system, which captures the disability status of employees upon their recruitment but is not regularly updated thereafter, unless an employee chooses to disclose, update, or change his or her disability status. This pilot experience also confirmed that national statistical offices are ideally placed to guarantee the confidentiality of the responses

reporting rather than on clinical assessment and preserves the anonymity of respondents as well as the confidentiality of their responses.

- With respect to **disaggregation by nationally-relevant population groups**, the relevance of specific population groups and the number of relevant population groups will vary widely among countries. However, in some countries, there may be sensitivities involved in seeking this information. For example, several countries actively restrict or ban identification of ethnic or religious status, in order to protect vulnerable populations or discourage inter-ethnic conflict. As such, it is left to the discretion of each country to determine which groups should be highlighted when disaggregating totals for judges and registrars.[13]

Methodology

Computation Method:

Indicator 16.7.1(c) aims to compare the proportion of various demographic groups (by sex, age, disability status, and population group) represented in two key decision-making positions in the judiciary, namely judges and registrars, relative to the proportion of these same groups in the national population of working-age.[14]

Countries are encouraged to report data that is available, understanding that disaggregated data for disability status and nationally-relevant population groups may not be currently available in many jurisdictions. Countries are encouraged to build additional capacities to disaggregate data by these demographic groups.

Information for part-time positions should be given in full-time equivalents and should be counted only for permanent posts actually filled. *It is important to consider the part-time or full-time status of posts* to address the risk that some target groups may be underemployed and over-reported (e.g., if women are more likely to receive part-time posts than full-time posts, there might be a false impression that women are equally represented in those posts, when in reality they adjudicate a smaller portion of cases than their male counterparts due to their part-time status).

- *Judges:*

Global reporting on indicator 16.7.1(c) for judges can be done in two steps:

provided by public servants to such a survey, which is essential to overcome individual reluctance to disclose sensitive personal information.

[13]   Where information relevant for disaggregation is collected directly from individuals, the principle of self-identification should be considered, as should the use of survey questionnaires administered by relevant civil society organizations or the integration of data produced by community-based mechanisms. When these data partnerships are explored, responsibilities, particularly in relation to data privacy and management, must be clearly defined. This is necessary both for the data collection process and to preserve the interests and privacy of respondents. Applying a participatory approach, and the principle of self-identification, can help improve response rates. OHCHR, A Human-Rights Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development (2018): https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf.

[14]   'Working age' is the age range above the age of eligibility for that position and below the mandatory age of retirement for that position.

Step 1: Reporting simple proportions of (a) female judges, (b) 'young' judges aged 44 and below[15], (c) judges with a disability, and (d) judges in nationally-relevant population group(s) in the judiciary in (i) constitutional/ supreme courts, (ii) higher-level courts, and (iii) lower-level courts. The table below should be filled with both actual figures (e.g. number of 'young' judges in higher-level courts, over the total number of judges in higher-level courts) *and* proportions expressed in a percentage format.

	Proportion of female judges	Proportion of 'young' judges aged 44 and below	Proportion of judges with a disability	Proportion of judges in nationally-relevant population group(s)
Constitutional/ supreme courts				
Higher-level courts				
Lower-level courts				
Total (Across all levels of courts)				

Step 2: Generating ratios comparing the proportion of (a) female judges, (b) 'young' judges aged 44 and below, (c) judges with a disability, and (d) judges in nationally-relevant population group(s) in the judiciary across all levels of courts relative to the proportion of the same target groups in the national population of working-age. Four or more overall ratios across all levels of courts must be calculated, namely:

1. For female judges;
2. For 'young' judges (44 years and below);
3. For judges with a disability; and
4. For judges belonging to population groups (1 or more ratios, as nationally-relevant).

	Female representation ratio: Proportion of female judges across all levels of courts / Proportion of women in the working-age population	'Youth' representation ratio: Proportion of 'young' judges aged 44 and below across all levels of courts / Proportion of the national population aged 44 and below (and above the eligibility age)	Disability representation ratio: Proportion of judges with a disability across all levels of courts / Proportion of persons with a disability in the working-age population	Population group(s) representation ratio: Proportion of judges in nationally-relevant population group(s) across all levels of courts / Proportion of persons in given population group in the working-age population

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[15]   As explained in the 'Disaggregation' section below, 'youth' for the purpose of this indicator is defined as 44 years old and below, because positions in the judiciary require training and experience. This cutoff also provides consistency with sub-component (a) of SDG 16.7.1 on parliaments which uses a similar cutoff for 'youth', based on the Interparliamentary Union's definition of 'young MPs' as MPs aged 45 and below (see metadata for SDG indicator 16.7.1(a)).

Across all levels of courts				

When comparing ratios of certain target groups in the judiciary with corresponding shares of the same groups in the national population, *it is important to consider the 'working-age population' of that group in the national population as a comparator*, i.e. those at or above the minimum age required to apply for, or be nominated for, a job as a judge within the judiciary (the 'eligibility age') and below the age at which retirement is mandatory for judges within the judiciary (the 'mandatory retirement age').[16] In other words, if the eligibility age in a given country is 18 years old and the mandatory retirement age is 70 years old, the national working-age population to be used as a comparator for the first ratio (for 'young' judges) will be the national population aged 18-44 (*not* 0-44) and the national population to be used as a comparator for the third ratio (judges with a disability) will be persons with a disability in the national population aged 18-70.

1) To calculate the ratio for female judges, the following formula is to be used:

Ratio 1 = $\dfrac{\textbf{Proportion of women judges (across all levels of courts)}}{\textbf{Proportion of women in the working-age population}}$

Where:
- The numerator is the number of posts held by female judges (across all levels of courts), divided by the total number of judges (across all levels of courts)
- The denominator can be set at 50% in most countries, as women generally represent around 50% of the national population in any given age bracket.

The resulting ratio can be:
- 0, when there is no representation of women at all as judges
- <1, when the proportion of women as judges is lower than that in the national working-age population
- =1, when the proportion of women as judges equals that in the national working-age population
- >1, when the proportion of women as judges is higher than that in the national working-age population

2) To calculate the ratio for 'young' judges (44 years old or below), the following formula is to be used:

Ratio 2 = $\dfrac{\textbf{Proportion of judges 44 years old or below (across all levels of courts)}}{\textbf{Proportion of the national population 44 years old or below}}$
(with the eligibility age as a lower boundary)

Where:

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[16]   In the event that a mandatory retirement age has not been set for the judiciary in a given country, or for a given court within a country, the 'default retirement age' could be used as an alternative. The default retirement age applies to all employment in a given country, and is the minimum age at which employers can (if they choose to) set a mandatory retirement age, requiring employees to retire. If neither a mandatory retirement age nor a default retirement age exist in a country, it is suggested to use the age of 65 as a ceiling, which is a common mandatory retirement age across countries.

- The numerator is the number of judges aged 44 or below (across all levels of courts), divided by the total number of judges (across all levels of courts)
- The denominator can be computed using national population figures as follows:

[Size of national population aged 44 or below] – [Size of national population < eligibility age]
Size of the national population

The resulting ratio for 'young' (aged 44 or below) judges can then be interpreted as follows:
- 0 means no representation at all of 'young' (aged 44 or below) judges
- 1 means perfectly proportional representation of 'young' (aged 44 or below) judges
- <1 means under-representation of 'young' (aged 44 or below) judges
- >1 means over-representation of 'young' (aged 44 or below) judges

While a simple proportion of 'young' judges in the judiciary is not internationally comparable, a ratio computed using the above formula is. For instance, 48% of 'young' judges (aged 44 or below) may be an overrepresentation of youth in country A where only 30% of the national population of working-age falls in this age bracket (Ratio = 48/30 = 1.6), but in country B where 70% of the national population of working-age is aged 44 and below, the same 48% would be interpreted as under-representation (Ratio = 48/70 = 0.69). In this example, the figure of 48% is not internationally comparable in relation to the national population (it means over-representation in one country and under-representation in another), but the ratios 1.6 and 0.69 *are* internationally comparable. They help us understand whether 48% of judges aged 44 and below is close to, or far from, proportional representation of this age group in the national population.

3) To calculate the ratio for judges with a disability, the following formula is to be used:

Ratio 3 =   **Proportion of judges with a disability (across all levels of courts)**
Proportion of persons with disability in the national working-age population

Where:
- The numerator is the number of posts held by judges with a disability (across all levels of courts), divided by the total number of judges (across all levels of courts)
- The denominator can be computed using national population figures as follows:

[Size of PWD in the national population < or = mandatory retirement age] –
[Size of PWD in the national population < eligibility age]
[Size of national population < or = mandatory retirement age] –
[Size of national population < eligibility age]

The resulting ratio can be:
- 0, when there is no representation of persons with disability at all as judges
- <1, when the proportion of persons with disability as judges is lower than that in the national working-age population
- =1, when the proportion of persons with disability as judges equals that in the national working-age population
- >1, when the proportion of persons with disability as judges is higher than that in the national working-age population

4) To calculate the ratio for judges belonging to population groups, the following formula is to be used for each nationally-relevant population group:

Ratio 4 =   **__Proportion of judges belonging to population group X (across all levels of courts)__**
Proportion of population group X in working-age population

Where:
- The numerator is the number of posts held by judges belonging to population group X (across all levels of courts), divided by the total number of judges (across all levels of courts)
- The denominator can be computed using national population figures as follows:
  [Size of population group X in the national population < or = mandatory retirement age] –
  [Size of population group X in the national population < eligibility age]
  [Size of national population group X < or = mandatory retirement age] –
  [Size of national population group X < eligibility age]

The resulting ratio can be:
- 0, when there is no representation of the population group X at all as judges
- <1, when the proportion of the population group X as judges is lower than that in the national working-age population
- =1, when the proportion of the population group X as judges equals that in the national working-age population
- >1, when the proportion of the population group X as judges is higher than that in the national working-age population

- *Registrars:*

Global reporting on indicator 16.7.1(c) for registrars can also be done in two steps:

Step 1: Reporting simple proportions of (a) female registrars, (b) 'young' registrars aged 44 and below, (c) registrars with a disability, and (d) registrars in nationally-relevant population group(s) in the judiciary in (i) constitutional/ supreme courts, (ii) higher-level courts, and (iii) lower-level courts. The table below should be filled with both actual figures (e.g. number of 'young' registrars in higher-level courts, over the total number of registrars in higher-level courts) *and* proportions expressed in a percentage format.

	Proportion of female registrars	Proportion of 'young' registrars aged 44 and below	Proportion of registrars with a disability	Proportion of registrars in nationally-relevant population groups
Constitutional/ supreme courts				
Higher-level courts				
Lower-level courts				
Total (Across all levels of courts)				

Step 2: Generating ratios comparing the proportion of (a) female registrars, (b) 'young' registrars aged 44 and below, (c) registrars with a disability, and (d) registrars in nationally-relevant population group(s) in the judiciary across all levels of courts relative to the proportion of the same target groups in the national population of working-age. Four or more ratios must be calculated, namely:

1. For female registrars;
2. For 'young' registrars (44 years and below);
3. For registrars with a disability; and
4. For registrars belonging to population groups (1 or more ratios, as nationally relevant).

	Female representation ratio: Proportion of female registrars across all levels of courts / Proportion of women in the working-age population	**'Youth' representation ratio:** Proportion of 'young' registrars aged 44 and below across all levels of courts / Proportion of the national population aged 44 and below (and above the eligibility age)	**Disability representation ratio:** Proportion of registrars with a disability across all levels of courts / Proportion of persons with a disability in the working-age population	**Population group(s) representation ratio:** Proportion of registrars in nationally-relevant population groups / Proportion of persons in a given population group in the working-age population
Across all levels of courts				

The same calculations used to calculate ratios (1) (2), (3) and (4) for judges will be used for registrars. The lower and upper boundaries used for the working-age population will be the eligibility age and the mandatory retirement age for registrars, as applicable.

Disaggregation:

- Sex: Male/Female
- 'Youth' age group (44 years old and below): 'Youth' for the purpose of this indicator is defined as 44 years old and below, because positions in the judiciary require training and experience. This cutoff also provides consistency with sub-component (a) of SDG 16.7.1 on parliaments which uses a similar cutoff for 'youth', based on the Interparliamentary Union's definition of 'young MPs' as MPs aged 45 and below (see metadata for SDG indicator 16.7.1(a)).[17]
- Disability: Disabled/Not Disabled, using the Washington Group Short Set of Disability Questions to allow judges and registrars to self-report on disability status
- Nationally-relevant population groups: Population groups would be defined at the country level as relevant to the country context and could include indigenous, linguistic, ethnic, racial, social, income, cultural, geographic, nationality, migrant, displaced, refugee, political, sexual orientation, civil status, and/or religious groups, using guidance from OHCHR's A Human-Rights Based

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[17]   If countries choose to also disaggregate data further by age groups, it is recommended to follow UN standards for the production of age-disaggregated national population statistics, using the following age groups: (1) below 25 years old, (2) 25-34, (3) 35-44, (4) 45-54, (5) 55-64 and (6) 65 years old and above.

Approach to Data on countries' obligation to collect and publish data disaggregated by grounds of discrimination recognized in international human rights law.

- Level of court: Data will be collected and computed separately for judges and registrars at three levels of courts, namely: supreme/constitutional courts, higher-level courts, and lower-level courts.

Treatment of missing values:

- At country level

There is no treatment of missing values.

- At regional and global levels

There is no imputation of missing values.

Regional/global aggregates:

The simple average of each one of the four ratios for judges and for registrars (across all levels of courts) will be provided for each region, and globally.

Sources of discrepancies:

There is no internationally estimated data for this indicator.

Methods and guidance available to countries for the compilation of the data at the national level:

- UNODC, Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS), *available at* https://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html

- World Bank, Women, Business and the Law Report, *available at* https://wbl.worldbank.org

- CEPEJ, European Judicial Systems – Efficiency and Quality of Justice Report, *available at* https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems

Quality assurance

It is recommended that NSOs serve as the main contact for reporting the necessary data on 16.7.1(c), in close coordination with relevant judicial bodies in the country such as the judicial services commission or the Ministry of Justice. This is to leverage and further consolidate the important quality assurance role played by NSOs in reviewing and 'vetting' data produced by other parts of the national statistical system. It has been shown that official data sourced from NSOs tend to have more influence over policy analysis and decision-making at the national level compared to other sources that have not gone through the appropriate vetting and quality assurance processes managed by NSOs.[18]

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[18]   UN Statistical Division, Guiding Principles of Data Reporting and Data Sharing for the Global Monitoring of the 2030 Agenda for Sustainable Development (2017).

Data Sources

Description:

Judicial Service Commissions, Ministries of Justice, or other similar competent bodies with oversight over the judiciary for data collection are most likely to collect data on the staffing of the judiciary.

Collection process:

Data collection forms will be sent to Judicial Service Commissions or similar bodies to report on this indicator. Where no similar bodies exist, data collection forms will be sent to Ministries of Justice or National Statistical Offices to identify the appropriate entity. Data should be collected annually, if possible. Data obtained from national judiciaries will be reviewed and validated.

Data Availability

Description:

No global source of data that comprehensively covers this indicator is available at this point.

There are three existing data collection efforts, but they only partially cover the scope of the indicator.

- UNODC, Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS), *available at* https://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html
  The CTS, through focal points/ coordinating officers, gathers data from UN Member States on the number of 'professional judges or magistrates', including authorized associate judges and magistrates, defined as full-time and part-time officials authorized to hear specifically criminal cases, including in appeal courts, and to make dispositions in a court of law. Data is disaggregated by sex only. The CTS is confined to criminal courts, which include any legal body authorized to pronounce a conviction under national criminal law. Data on all levels of criminal courts is collected, but the survey does not disaggregate data to distinguish between judges in higher-level courts from those in lower-level courts. Data collection through the CTS is conducted on an annual basis. The most recent available data is for 2017.

- World Bank, Women, Business and the Law Report, *available at* https://wbl.worldbank.org
  The Women, Business and the Law Report includes data on the percentage of female judges and chief justices in constitutional courts for the 153 economies where constitutional courts exist. The most recent report was published in 2018, and it is the fifth edition in a series of biennial reports.

- CEPEJ, European Judicial Systems – Efficiency and Quality of Justice Report, *available at* https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems

The Efficiency and Quality of Justice Report includes data on the percentage of women working at all levels of courts, including first instance, second instance, and supreme courts, and it includes data on the proportion of female 'court presidents' and 'professional judges' for 47 countries within Europe. 'Professional judges' are part-time and full-time judges who have been trained, who are paid as such, and whose main function is to work as a judge and not as a prosecutor. The report also collects data on the percentage of female 'non-judge staff' disaggregated by the *Rechtspfleger* function (or similar bodies) for 47 countries within Europe. The most recent report for the 2016-2018 evaluation cycle was published in 2018, and it is based on data from 2016. The reports are published every two years.

National population statistics are required to calculate the denominator of the ratios (see 'Computation Method'), including to calculate the size of the national population > or = the eligibility age and < the mandatory retirement age, size of the national population > or = the eligibility age and < or = to 44, size of the national population with disabilities, and size of the national populations belonging to population groups, all for the current year.

- UNDESA, World Population Prospects, *available at*
  https://www.un.org/development/desa/publications/world-population-prospects-the-2017-revision.html
  The World Population Prospects is the most recent official United Nations population estimates and projections. It presents population estimates for 233 countries and areas. Estimates are available in annually interpolated series graduated into single age distributions (0, 1, 2, ..., 99, 100) and for both sexes, as of 1 July of the year indicated. The most recent year for which data is available is 2017.

- UN Statistical Division, Disability Statistics Database, *available at*
  https://unstats.un.org/unsd/demographic-social/sconcerns/disability/statistics/#/countries
  The UN Statistical Division maintains a comprehensive international repository on disability statistics. The repository contains data from official national statistics on the disability prevalence rate, defined as the number of persons with disabilities divided by the total population and expressed as a percentage.

  Additionally, the Washington Group undertook an exercise to review, among Washington Group member countries, the extent to which data on SDG indicators currently available can be disaggregated by disability status. Requests for disaggregated SDG data were sent to 146 member countries, with 48 countries responding and 39 providing data. Of the responding countries, 31 countries were able to provide data on disability prevalence, defined by the Washington Group, and disability status by difficulty, age, and sex for the population 5 years and over.

- UN Statistical Division, Demographic Yearbook System, *available at*
  https://unstats.un.org/unsd/demographic-social/products/dyb/#overview
  The United Nations Statistical Division, through the United Nations Demographic Yearbook System, collects data on national populations by ethnic, linguistic, and religious groups, and by urban/rural residence.

UN Population Division, Trends in Total Migrant Stock, *available at*
http://www.un.org/en/development/desa/population/migration/data/estimates2/estimates17.shtml
The United Nations Population Division collects data on migrant populations groups.

The collection of national population statistics for population groups will vary by country, as nationally-relevant. International efforts to collect national population statistics for certain population groups may exist, such as the efforts by the UN Statistical Division and the UN Population Division.

Time series:
No global source of data that comprehensively covers this indicator is available at this point.

Calendar

Data collection:

Data should be provided annually, if possible. Data provided should be as of 31 December of the reference year.

Data release:

Data will be reported at the international level in April each year, and will provide a snapshot of the situation as at 1 January of that year.

Data providers

The primary entities responsible for producing data at the national level on employment within the judiciary include Judicial Services Commissions (also referred to as Councils of Justice, Councils of the Judiciary, Judicial Offices, Federal Judicial Centres), Ministries of Justice, or other similar competent bodies managing human resources for the judiciary, handling the appointment of judges and registrars, or otherwise having some oversight role over the judiciary.

Other entities that might be responsible for producing data on the judiciary include National Statistical Offices, which have an overall coordinating role for SDG reporting, other Ministries, and Supreme Courts.

Data compilers

- UNDP and UNODC (Survey on Crime Trends and the Operations of Criminal Justice Systems) (TBD)

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Related indicators

This indicator can also be used to monitor SDG target 5.5 on women's "full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life,"[19] which does not have an indicator specifically focused on decision-making *in the judiciary*, and SDG target 10.2 on the promotion of the "social, economic and political inclusion of all, irrespective of sex, age, disability, race, ethnicity, origin, religion or economic or other status", which only has one indicator measuring *economic* exclusion.[20]

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[19]   SDG 5.5.1 – Proportion of seats held by women in national parliaments and local governments; and SDG 5.5.2 – Proportion of women in managerial positions

[20]   SDG 10.2.1 – Proportion of people living below 50% of median income, by sex, age, and persons with disabilities