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JUDICIAL INSTITUTIONS, SDGs, AND THE 2030 AGENDA ACROSS LATIN AMERICA AND THE CARIBBEAN

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ABSTRACT

This chapter analyzes the state of localization of the Sustainable Development Goals (SDGs) by the judiciary in Latin America and the Caribbean, arguing that while important and promising progress has been made in the region, there are still numerous barriers that limit the progress of the 2030 Agenda in the justice sector. It argues that while SDG 16 was the entry point for this agenda, justice systems are gradually broadening their focus and addressing other SDGs. It also highlights the importance of higher education institutions, such as law, public policy and social science schools, in driving a cultural shift within justice sector institutions toward strengthening both knowledge and implementation of the SDGs. The chapter also provides numerous examples of experiences with the implementation of the SDGs by judiciaries and supranational institutions related to the justice sector, showcasing the expansion

of this agenda in the sector beyond traditional institutions. Some of the barriers to greater progress in the 2030 Agenda in the justice sector are a product of the culture of judicial institutions, their lack of public management capacity, the absence of monitoring and evaluation, and the limited application of digital tools that allow one to take advantage of the value of data and new technologies. Finally, the chapter notes that the recent advancement of the open justice paradigm and the transformation of the curricula of higher education institutions are two clear opportunities in the medium term to increase the involvement of the judiciary in the SDGs.

Keywords: 2030 Agenda; judiciary; justice; SDG 16; law schools; open justice

INTRODUCTION

The main objective of this chapter is to evaluate the different possibilities for the judiciary to address the Sustainable Development Goals (SDGs). The SDGs were originally conceived as an agenda with targets and indicators to guide, orient, and coordinate the efforts of countries to achieve sustainable development. In any given country, this generally falls to the executive branch, which designs policies, allocates resources, implements projects and evaluates results. However, the range of actors involved in the implementation of the SDGs has rapidly expanded. Local governments, such as cities, provinces and subnational governments in general, joined the 2030 Agenda endeavor, articulating efforts to localize the SDGs and align their government plans with the goals and indicators designed by the United Nations. This gradually included other state actors that began to think about how to contribute to the achievement of the SDGs, such as Supreme Audit Institutions and ombudsmen, among others. Institutions of higher education, as well as the private sector, have also played roles in advancing the SDGs.

The SDGs have, in fact, gradually become the common language that brings together all international and regional spheres of debate and policy advocacy associated with sustainable development.

Thus, conferences related to issues such as education, environment, health, urban development, gender, and poverty, among others, have begun to be framed and organized within the conceptual framework of the SDGs, their targets, and indicators. The language of the SDGs thus has become a common tool in the field of sustainable development, with high levels of impact and effectiveness.

In this context, the two factors mentioned above, the broadening of actors and the universalization of the SDGs as a common language in the world of sustainable development, influenced the judiciaries and justice sector institutions to begin to feel challenged and attracted by this agenda, characterized for the most part by language, tools, and methods foreign to the daily practice of judicial institutions. Despite their lack of familiarity with the global agenda of sustainable development, justice sector leaders were attracted to this new global project to promote inclusive, sustainable and leave-no-one-behind development.

The following sections analyze the process by which the judiciaries became involved with the SDGs and the 2030 Agenda, what were the most common lines of work, and what are the gaps and opportunities to deepen the work of justice sector institutions in this field. They also explore the potential role of higher education institutions, such as law and social science schools, in raising the awareness and knowledge of both the judiciary and today's law students, who are the future members of the judiciary, on development and human rights issues, thereby engaging them in a rights-based and/or public administration approach to the SDGs.

JUDICIARIES AND THE SDGs

Justice sector institutions encompass a broad range of entities including courts, law enforcement agencies, prosecutors, public defenders, prisons and correctional facilities, legal aid organizations, anticorruption agencies, and oversight bodies. Their entry point into the 2030 Agenda has usually been SDG 16. Goal 16 is about promoting peaceful and inclusive societies, providing access to justice for all and building effective, accountable, and inclusive institutions at

all levels.[1] It is based on the premise that people everywhere should be free from fear of all forms of violence and feel safe in their lives, regardless of their ethnicity, faith or sexual orientation, and should live in peaceful societies and enjoy equal access to justice, ensuring that vulnerable populations are not marginalized or abused. In addition, Goal 16 aligns with the broader human rights framework by promoting societies that respect and uphold individual rights, as well as the right to privacy, freedom of expression, and access to information. In short, this goal is closely intertwined with the functioning of justice sector institutions, as they play a pivotal role in upholding the rule of law, ensuring access to justice, and combating various forms of injustice, including corruption and human rights abuses. Given its focus on strengthening institutions, SDG16 is considered to have a facilitating or enabling role in the implementation of all the SDGs.

Below are the SDG 16 targets:

- 16.1 Significantly reduce all forms of violence and related death rates everywhere;
- 16.2 End abuse, exploitation, trafficking, and all forms of violence against and torture of children;
- 16.3 Promote the rule of law at the national and international levels, and ensure equal access to justice for all;
- 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime;
- 16.5 Substantially reduce corruption and bribery in all their forms;
- 16.6 Develop effective, accountable, and transparent institutions at all levels;
- 16.7 Ensure responsive, inclusive, participatory, and representative decision-making at all levels;

[1] See "Global progress report on Sustainable Development Goal 16 indicators: A wake-up call for action on peace, justice and inclusion," UNODOC, UNOHCHR, UNDP, September 21, 2023, https://www.undp.org/publications/global-progress-report-sustainable-development-goal-16-indicators-wake-call-action-peace-justice-and-inclusion.

- 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance;
- 16.9 By 2030, provide legal identity for all, including birth registration;
- 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements;
- 16.A Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime;
- 16.B Promote and enforce non-discriminatory laws and policies for sustainable development.[2]

Justice sector institutions are instrumental in achieving the SDG 16 targets, as they are responsible for enforcing laws, protecting human rights, promoting transparency, and fostering citizen participation in decision-making processes. However, for the actions of justice sector institutions to be effective and contribute to the achievement of these targets, they must act in a coordinated manner and with a strategy that encompasses them, as the underlying problems are complex, in many cases multi-causal, and difficult to solve. For this reason, in practice, in Latin America and the Caribbean, most of the policies designed to address the challenging issues contained in SDG 16 are often led by the executive branch. The majority of initiatives come from Executive Branch agencies, such as ministries of justice, ministries of public security, access to justice programs, transparency and/or anti-corruption offices, among others.[3] Moreover, given its focus on promoting effective, inclusive institutions at all levels, SDG 16 is seen as playing an

[2] See https://www.globalgoals.org/goals/16-peace-justice-and-strong-institutions/.

[3] See for example the experience of Buenos Aires city in localizing SDG 16. https://www.undp.org/es/argentina/publicaciones/hacia-un-gobierno-abierto-el-proceso-de-adaptacion-del-ods-16-en-la-ciudad-autonoma-de-buenos-aires.

instrumental role as an accelerator of the overall SDG framework, and thus its rule of law and rights-oriented side tends to be overshadowed by its non-judicial, institution-oriented dimension.

In Latin America, the most outstanding SDG 16 reforms, monitoring initiatives, and projects have not been led by the judiciary but by the executive branch, both at the national and subnational levels (i.e., governors and mayors). In turn, many of them relied on the participation and active support of the United Nations Development Program (UNDP), which became the driving force in the design of innovative projects for the localization and monitoring of SDG 16 through research and pilot initiatives.[4] Some of those pilot programs, which included initiatives in Tunisia, Senegal, El Salvador, Uruguay, Indonesia, and Mexico, among others, usually comprised of objectives such as developing and implementing inclusive monitoring methodologies that engage both government and civil society; making the monitoring process open and transparent and ensuring that data was publicly accessible; and using an inclusive approach to SDG16 monitoring to propel implementation, by engaging stakeholders not only in monitoring but also in identifying solutions to the challenges revealed in the reporting. UNDP also supported localization initiatives. For example, in 2018, the UNDP office in Argentina and the government of the city of Buenos Aires implemented an innovative project aimed at measuring SDG 16, particularly the dimensions related to open government, one of the strategic axes of the government's strategic priorities (targets 16.5, 16.6, 16.7 and 16.10).[5] These initiatives, while focused on SDG 16,

[4] See for example "the SDG 16 National Monitoring Initiative," an initiative implemented between 2017 and 2021 aimed at supporting more than 10 countries in monitoring SDG 16 using a three-step methodology. Initiated by UNDP, the pilot initiative later became part of the Global Alliance for Reporting Progress on Peaceful, Just and Inclusive Societies and was taken forward in partnership with UNOHCHR, UNESCO, UNHCR, UNODC, UN Women, the UN Global Compact, the TAP Network, and the law firm of White & Case.

[5] More information is available at https://www.undp.org/es/argentina/publications/hacia-un-gobierno-abierto-el-proceso-de-adaptaci%C3%B3n-del-ods-16-en-la-ciudad-aut%C3%B3noma-de-buenos-aires.

were neither led by justice sector institutions nor focused primarily on justice-related issues.

STATE OF THE ART

Nevertheless, the judiciary has gradually begun to explore the range of possibilities offered by SDG 16. On the one hand, the familiarity of judicial institutions with the 2030 Agenda, including the SDGs, their discourse, and SDG methodology, has increased. This is evident when reviewing the judiciaries' communication strategies, as well as its institutional documents and strategic plans, where a greater presence of content or references related to the SDGs can be found.[6] On the other hand, some judiciaries have already incorporated specific programs on the SDGs or are participating along with other branches of government, in efforts to localize and monitor the 2030 Agenda.[7] Some examples from the Latin America and Caribbean region are discussed here.

In **Costa Rica**, in 2016, the judiciary, together with the highest authorities of the executive and legislative branches, signed the National Pact for the Advancement of the SDGs within the framework of the 2030 Agenda for Sustainable Development. In doing so, it committed to (i) incorporate the SDGs and targets that the country has committed to in the 2030 Agenda into the planning and budgeting instruments of the judiciary; (ii) strengthen institutional capacities for the development of policies, plans, programs and projects for the implementation and monitoring of the SDG targets; and (iii) be accountable to the public on the progress and gaps in the implementation of the targets related to the SDGs.[8]

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[6] See for example the strategic plans of Costa Rica's Supreme Court of Justice, accessed May 15, 2024, https://planificacion.poder-judicial.go.cr/index.php/estrategia/plan-estrategico-institucional, and Dominican Republic, https://transparencia.poderjudicial.gob.do/transparencia/info?IdContenido=1210.

[7] See for example the case of Costa Rica, https://www.mideplan.go.cr/poder-judicial-alineado-con-los-ods.

[8] More information available at https://ods.cr/es/recursos/noticias/poder-judicial-alineado-con-los-ods.

Interestingly, the Supreme Court made a link between the goals defined by the State of Costa Rica and the guidelines and objectives of the Judiciary's Strategic Institutional Plan.[9] In this way, it adopted a comprehensive approach to the SDGs, articulating its strategic plan with the broad scope of the SDGs as a whole, going beyond the classic approach of many judiciaries, which tend to focus exclusively on SDG 16.

The **Brazilian** judiciary has also been working intensively on the 2030 Agenda and the SDGs. It has been a pioneer in the region in the institutionalization of the 2030 Agenda in its strategic planning. In 2019, the Inter-Ministerial Committee for the 2030 Agenda in the Judiciary was created. In addition, a set of 12 *national* strategic goals for the federal judiciary was approved, including Goal 9 that focused on integrating the 2030 Agenda in the judiciary at all levels of the justice system. Specifically, this Brazilian Goal 9 proposed actions to prevent excessive judicialization of conflicts and to reduce litigation, which resulted in the indexing of a database of 80 million judicial processes for each of the 17 SDGs. Moreover, the Supreme Court established programs aimed at reducing gender inequalities (SDG 5) by balancing opportunities for men and women in the judiciary at all levels, and at promoting the more sustainable use of transportation and more efficient energy consumption (SDG 12) through the implementation of a solar plant for electricity generation to provide for clean and affordable energy solutions.[10]

In **Mexico,** the Electoral Tribunal of the Federal Judiciary maintains a permanent mechanism with the United Nations through various offices and programs, in accordance with the SDGs.[11] Since 2016, it has collaborated with the UNDP in the study, design, implementation, and monitoring of a series of initiatives and

[9] See "Institutional Strategic Plan of the Judicial Branch of Costa Rica 2019-2024" (in Spanish), https://pei.poder-judicial.go.cr/index.php/planes?download=9:plan-estrategico-2019-2024-pdf.

[10] More information available at https://www.cnj.jus.br/programas-e-acoes/agenda-2030/como-se-deu-o-historico-de-institucionalizacao-da-agenda-2030-no-poder-judiciario/.

[11] More information available at https://www.te.gob.mx/vinculacion_estrategica/front/coi/gubernamentales/6.

institutional projects that contribute, in particular, to the achievement of SDG 10, on the reduction of inequalities, and SDG 16, on peace, justice and strong institutions.

The Supreme Court of the **Dominican Republic** has incorporated the language of the SDGs and references to the development strategy of the 2030 Agenda. For example, its Strategic Plan 2020–2024 includes references to Target 1.4 of SDG 1, which states that it must "ensure that all men and women, especially the poor and vulnerable, have equal rights to economic resources and access to basic services." It also makes several references to the importance of the SDGs in a global context, particularly SDG 16 for justice sector institutions. However, it does not have an integrated program in relation to the 2030 Agenda and the SDGs.[12]

In the province of Chaco, **Argentina**, the State Supreme Court, together with the executive and legislative branches, implemented a joint strategy to advance the 2030 Agenda. In this context, the head of the judiciary undertook a training and sensitization plan on the nature and implications of the SDGs and later identified a set of specific goals and targets to be prioritized in the judiciary's efforts to implement the 2030 Agenda, including SDGs 1, 3, 4, 5, 10, 11, and 16.[13]

In addition, some institutions related to the justice sector have highlighted the importance of the involvement of judiciaries in the 2030 Agenda. For example, the Ibero-American Commission of Judicial Ethics has advocated for a strong involvement of the judiciary in the implementation of the SDGs. It is considered that justice systems are essential parts of the state and the most obvious recipients of Goal 16 and its targets. Therefore, it is incumbent upon justice systems to align their resources and development plans with the goals of the 2030 Agenda.[14]

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[12] https://transparencia.poderjudicial.gob.do/transparencia/info?IdContenido=1210

[13] See "Voluntary Local Report 2021," https://sdgs.un.org/sites/default/files/vlrs/2022-12/chaco.pdf.

[14] "The Judiciary and Judges in the face of the 2030 Sustainable Development Goals," Resolution adopted by the Ibero-American Commission on Judicial Ethics in Santo Domingo, Dominican Republic, March 2018, https://www.poderjudicial.es.

In 2018, the Ibero-American Judicial Summit of Supreme Courts issued a declaration to promote the SDGs within the judiciary.[15] Its main recommendations were:

(i) Urge Ibero-American judicial systems to consider and incorporate the objectives of Goal 16 in the development of public policies;
(ii) Promote the incorporation of the SDGs in planning and programming instruments aimed at improving access to justice for all; and
(iii) Promote the dissemination of the Goal 16 targets and their ownership by society.

For its part, the **Judicial Council of Central America and the Caribbean** has created the Specialized Working Group on the SDGs. Its main objective is to promote the implementation of the SDGs in the judiciary.[16] The Council has issued several statements and reports to promote international cooperation and the formation of partnerships between international organizations and justice sector institutions to advance the 2030 Agenda, and to disseminate the SDGs in the judiciary and the Supreme Court.[17]

Other UN agencies have also deployed efforts to increase the engagement of judiciaries in the implementation of SDGs. For example, UNESCO published a guide for judicial operators aimed at advancing the involvement of judicial leadership in the implementation of the 2030 Agenda.[18] Drawing on testimonies from the Supreme Court justices and rule of law experts, the guide includes practical recommendations for the localization of SDG16, with a strong focus on transparency and access to public information.

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[15] https://www.poderjudicial.gob.ni/genero/pdf/doc_rel_discursos_cumbre/2016_2018_declaraciones/5e_Anexo_5_Declaracion_Objetivos.pdf

[16] https://consejojudicialcc.org/grupos-especializados-de-trabajo/objetivos-de-desarrollo-sostenible/

[17] See https://consejojudicialcc.org/wp-content/uploads/2023/10/Declaracion-sobre-los-Objetivos-de-Desarrollo-Sostenible-en-el-CJCC.pdf.

[18] Javier Benech, "Guía para operadores judiciales sobre la Agenda 2030 para el Desarrollo Sostenible con énfasis en el ODS 16," UNESCO Office Montevideo and Regional Bureau for Science in Latin America and the Caribbean, Uruguay, 2017.

The experiences outlined here show that actual progress in the implementation of the 2030 Agenda in the justice sector is still uneven. Although there are several noteworthy initiatives, there remains a gap in both quantitative and qualitative terms. The number of judiciaries that are deeply engaged in the implementation of the SDGs is still low. Very few Supreme Courts have specific programs to advance the 2030 Agenda. In most cases, judicial institutions are sympathetic to this agenda but do not make systematic efforts or allocate budgetary or human resources. On a positive note, it is worth noting that in Latin America, supranational judicial institutions such as the Ibero-American Judicial Summit and the Central American and Caribbean Judicial Council are increasingly engaged in promoting and disseminating the SDGs, which is a promising sign of interest and potential commitment to this agenda.

The models used so far by the judiciary to promote the SDGs fall into two categories. The first is to use SDG 16 as the backbone of the link between justice sector institutions and the 2030 Agenda. Thus, SDG 16 is the sole focus of the targets, linking justice initiatives primarily to issues such as access to justice, reducing violence, homicides, victims of trafficking, preventing the exploitation of children, and reducing bribery, corruption, and persons deprived of their liberty without a conviction. This approach indicates a bias toward the 2030 Agenda, considering it as a sustainable development agenda that is alien to the judiciary, with the exception of SDG 16. In other words, this vision suggests that only the issues articulated around SDG 16 would be subject to the intervention or responsibility of judicial institutions. Moreover, it could be argued that this vision implies a limited self-perception of the judiciary in the functioning of the state, limiting its role or intervention to handling conflicts, legal matters or jurisdictional issues.

The second model consists of a broader engagement of the judiciary with the development agenda, which is reflected in localization initiatives with a wide range of goals linked to a broader set of SDGs. There is no longer an exclusive focus on SDG 16, but rather the 2030 Agenda is approached as a comprehensive roadmap for development in which judicial institutions have a responsibility.

The underlying premise is an understanding of the judiciary as a branch of government, with broad responsibilities shared with the other branches, and a vision of judicial institutions that goes beyond conflict resolution.

OVERCOMING DIFFICULTIES AND CHALLENGES

A number of factors can be identified that work against deep, sustained, and comprehensive engagement of the justice sector with the SDGs. Most of them are related to aspects of institutional values, institutional capacity, and management models of justice sector institutions. Here, I offer an analysis of the main obstacles that delay or prevent the judiciary from making greater progress on the 2030 Agenda as well as suggestions for shifting cultures. To that end, there is a specific role that higher education institutions can play.

The perceptions of judicial authorities limiting their role in development issues

Within judicial institutions, there tends to be a very limited conception of their institutional and political roles. This implies limited activity in everything that is not strictly related to the administration of justice, i.e., the functioning of the courts and the resolution of conflicts. As a result, leadership of the justice sector is self-limiting or limited in its involvement to issues that affect society or require the participation of all branches of government. In this regard, the 2030 Agenda and the SDGs are clear examples of issues that can be the subject of attention and work by the justice sector, as long as the judicial authorities have a broad and proactive vision of the role of the judiciary in the political system. To change this perception, will likely take a broadening of education on the SDGs in feeder schools to the judiciaries.

A reluctance to engage in projects with the Executive Branch

One of the institutional responses to attempts to concentrate power or the abuse of constitutional powers is the ability of the courts to monitor the other branches' compliance with the

constitution, i.e., judicial review. Supreme Courts and Constitutional Courts have the prerogative to control whether the acts, decrees and laws of the legislative and executive branches follow the rules of the game established by the relevant Constitution.

To perform this role with legitimacy and credibility, the judiciary must act impartially and independently. Therefore, members of the Supreme Court and other high courts shall avoid being in situations that could raise doubts about their independence and impartiality or be interpreted as improper approaches to the other branches of government. For this reason, judges tend to remain aloof from political power and avoid frequent contact with government officials, legislators, or representatives of political parties. Thus, over time, this concern for preserving the independence of judicial institutions has created a culture in which the judiciary tends to minimize its interaction with the other branches of government and, with few exceptions, avoids involvement in joint or cooperative projects. As a result, the judiciary often undertakes autonomous projects and operates in isolation from the rest of state institutions.

This institutional reluctance to work or interact with the Executive Branch may partially explain the low-level engagement by judiciaries in advancing the 2030 Agenda beyond rhetoric. Focal points for the implementation and monitoring of this agenda are usually located in the Executive Branch. They are also usually responsible for preparing and coordinating the Voluntary National Reviews (VNRs).[19] This is also the case for Voluntary Local Reviews (VLRs) that are typically prepared and/or coordinated by the Executive Branches of local or subnational governments, such as the mayor's office.[20] Therefore, the prominence of the central sectors of government in promoting, coordinating, and monitoring the commitments made under the 2030 Agenda is undoubtedly a factor that

[19] The VNR is a process and product in which countries take stock and assess progress and challenges in the implementation of the Sustainable Development Goals (SDGs) of the 2030 Agenda at the national level.

[20] The VLR is a process and product in which local and regional governments (LRGs) assess their progress towards implementing the 2030 Agenda and the SDGs.

discourages judicial institutions from becoming more involved. Instead of seeking common work-paces, opportunities for coordination and interaction, and platforms to strengthen joint efforts, judicial institutions tend to design their own roadmaps and pathways for their strategies to promote the SDGs. Again, there could be useful ways in which institutions of higher education, through efforts such as moot courts, could try and break down these silos.[21]

Limited project management capacity

Another factor hindering greater involvement of the judiciary in the 2030 Agenda is the limited institutional capacity of the justice sector in project management. Unlike the administrative structures of government departments, the judiciary does not usually have offices dedicated to coordinating project management. This is largely due to the fact that the organizational culture is not generally associated with project design and implementation. The management logic in judicial organizations contrasts sharply with that of the Executive Branch. It is not common to find offices dedicated to management coordination, priority project management, or systematic monitoring of project implementation. Nor is it common to find technological tools for management monitoring and control, such as software and management dashboards, or routine practices for monitoring the progress of management with the departments, such as periodic meetings, publication of information on project implementation, etc.

This limited institutional capacity for public management of the judiciary is also reflected in little progress in incorporating good institutional quality practices into the public sector. The judiciary has not made progress incorporating important recent developments in public management, such as reforms related to government centers. In the executive branch, government centers are the institutions and units that provide direct support to the president, the governor, or the mayor in managing government priorities. Although there are no documented cases in the judicial sector as yet, there is potential to do so. There are also no documented cases

[21] See the chapter by Thomas Probert in this volume.

of Supreme Courts or Judicial Councils implementing delivery unit initiatives, which consist of a small team focused on facilitating the achievement of key government priorities.

These tools and institutions are key to advancing public management practices and for adopting project-centered management techniques. They are valuable assets to begin to make judicial institutions more open to consolidated public management practices in the executive branch. These types of reforms can in turn help judiciaries embark upon non-traditional agendas, such as the SDGs and the 2030 Agenda, and to expand its scope of action in the field of sustainable development issues. Again, the role of higher education, and specifically, graduate programs in public administration, have a role to play in advancing the SDGs with a particular focus on increasing the capacity of judicial institutions to at least engage with institutions that are focused on project management.

The lack of monitoring and evaluation

Another challenge for the 2030 Agenda and the SDGs is the absence of capacity to monitor and evaluate justice sector institutions. At the heart of the 2030 Agenda is the definition of sectoral development goals to which public sector institutions commit themselves. This requires, on the one hand, the capacity to define realistic goals based on sound diagnoses and, on the other, the capacity to implement monitoring and evaluation measures that will ultimately make it possible to determine whether the proposed goals have been achieved. However, the judiciary in general lacks dedicated personnel and resources oriented toward monitoring and evaluation. This can be a disincentive to participate in the efforts to adapt to the 2030 Agenda, as it requires planning, monitoring, and evaluation capacities. Pairing judicial institutions or advocating for shadow reporting by graduate students in capstone projects may be one way of addressing this gap.

The lack of evidence-based decision-making culture

In line with limited monitoring and evaluation capacity, judicial institutions also lack internal initiatives that promote the use

of evidence in decision-making. This is not in itself an obstacle to greater engagement with the 2030 Agenda and the SDGs, but the existence of such structures would greatly facilitate these types of projects. The ability to generate data, make diagnoses, evaluate results, and adjust the implementation of projects based on empirical evidence would increase the management capacity of the judiciary. This would create better conditions for the judiciary to become more involved and play a more prominent role in global sustainable development agendas. Increasingly, graduate programs in public policy emphasize not only evidence-based decision making but also the use of innovative technologies, such as artificial intelligence and other data platforms for advancing these skills and culture. Such programs also stress the importance for public sector institutions to introduce data governance mechanisms, which are key to unlocking the full potential of data. Justice sector institutions could benefit greatly from these approaches.

Lack of accountability culture

The 2030 Agenda requires a strong accountability component to regularly explain the progress made and, eventually, the obstacles or delays encountered. Setting medium- and long-term goals is not a simple task, and it involves some complexity at the time of implementation. It also involves generating interim information on the various stages of implementation. This exercise of measuring progress must be accompanied by an accountability strategy that allows the population to know the results. The judiciary is often not familiar with this type of practice, has not developed tools or programs to inform the population of the results of its management, and does not have the communications capacity required for this type of action. In addition to technical or institutional limitations, cultural factors also play a role. Often, Supreme Courts and other leading institutions in the justice sector do not feel comfortable with accountability, transparency, and communication mechanisms with the user community and the general public. All of this is an obstacle to encouraging judicial institutions to actively engage in the implementation of the 2030 Agenda. This culture in many ways is out of step with recent advances globally in transparency

and accountability discussed below, and in particular, through the Open Government Partnership and similar initiatives. For example, the International Open Justice Network, a regional civil society organization, has been a major advocate in recent years for the introduction of transparency and accountability reforms in Latin American judiciaries.[22] The network has fostered coalitions that have successfully engaged academics and members of higher education institutions in open justice and people-centered reform initiatives, usually framed within the SDGs.

Low citizen participation

As with accountability, the judiciary is generally reluctant to adopt citizen participation tools or practices. This is the result of an institutional culture that for decades, if not centuries, has been characterized by a conception in which judges do not interact with citizens, "speak only through their judgments," have no obligation to be accountable to the population, and use a language full of technical phrases, Latin words, and legal jargon to create a marked distance from the users of the justice system and the population in general.[23] These closed practices and the lack of channels for interaction with the population are an obstacle to the implementation of the 2030 Agenda, as the latter requires interaction with civil society organizations and citizens.[24] It is only since the end of the 20th century that judicial institutions in Latin America and the Caribbean have begun to take steps to change this perception and to see the link with the citizenry as a virtuous opportunity. This shift has led to an opening of the judiciary that, although slow and gradual, allows us to see the beginning of an institutional change that promotes a new vision of the relationship between the courts

[22] See for example "Booklet #2. Judicial Transparency Index" (in Spanish), International Open Justice Network, www.redjusticiaabierta.org.

[23] Kevin Lehman, "Proyecto: Problemas y Desafíos de la Comunicación Judicial," Santiago de Chile, Judicial Studies Center of the Americas, 2020.

[24] They also relate to the larger challenges that many in this volume note for the human rights movement overall. See in particular Mendelson's introduction, Andersen's chapter.

and the people. It should be noted that, as with other open justice reforms, schools of law, public affairs, and social sciences have yet to adopt the current standards of institutional quality that could facilitate the advancement of the SDGs within judicial institutions.

Outdated educational paradigms

In Latin America and the Caribbean, justice sector institutions are staffed by professionals who come mostly from law schools, and to a lesser extent from social science, public policy, and public administration. Law schools, in particular, have curricula that are almost exclusively focused on legal issues, ignoring the judicial institution, its characteristics and problems. In other words, there is no focus on the fact that courts are part of complex, bureaucratic and hierarchical organizations, with well-defined processes and products, and are cross-cut by cultural aspects and technological resources. As a result, these graduates lack basic knowledge and tools related to the functioning and challenges of public sector organizations such as justice sector institutions. When they become leaders or members of these institutions, they inevitably have limited approaches, with shortcomings that prevent them from making a leap in institutional quality toward a new paradigm of management of the judiciary, which allows them to assume their responsibilities both with human rights and with sustainable development, inclusive governance, the 2030 Agenda, and the SDGs.

JUDICIAL INSTITUTIONS AND THE SDGs: THE WAY FORWARD

In spite of all the challenges described here, there are many opportunities to help make a quantum leap in engaging the judiciary in the 2030 Agenda and the SDGs. As has been noted, many, if not all of them, involve in some way the next generation and the role of higher education. The following are some scenarios and factors that can be used to design and promote an effective strategy to increase the involvement of judicial institutions in this agenda.

The emergence of the open justice movement

Since the creation of the Open Government Partnership in 2011, a very active community of practice has emerged, particularly in Latin America and the Caribbean, promoting open justice policies. This paradigm consists of the application of tools for citizen participation, transparency, and collaboration in the functioning of judicial institutions. The open justice agenda has several points of contact with the SDGs, particularly SDG 16, which includes among its indicators some directly related to the pillars of open government, such as a significant reduction in corruption (16.5), effective and transparent accountable institutions (16.6), inclusive, participatory, and representative decision-making at all levels that is responsive to needs (16.7), and ensuring public access to information (16.10). In this context, there is a strategic opportunity to link the two agendas, with the expectation that they will mutually reinforce each other and create a catalytic effect that will accelerate reforms, particularly those demanded by the younger generation.

Building and fostering partnerships

Interest in the 2030 Agenda and SDGs is growing in the private sector.[25] The same is true in scientific communities.[26] We see this also

[25] For example, in Argentina, in 2017, the Argentine Business Council for Sustainable Development launched an online platform to disseminate business initiatives related to the SDGs. The platform aims to show a multiplicity of voices oriented to the 2030 Agenda. More information available at https://www.ods.ceads.org.ar/. In Colombia, the United Nations Development Program and Business Call to Action, decided to promote synergies and a roadmap to collect and analyze data from the private sector, about its impact and contribution towards the SDGs. For more information, see https://sdgs.un.org/partnerships/private-sector-and-its-contribution-sdgs-journey-data-gathering-through-corporate.

[26] For example, the Global Sustainable Development Report (GSDR) is a United Nations publication prepared by a group of independent scientists aiming to strengthen the science-policy interface at the High-Level Political Forum (HLPF) on Sustainable Development. The report seeks to provide evidence that can help decision-makers accelerate action and overcome impediments that stand in the way of progress on sustainable development. The focus is on accelerating transformation through important entry points and enabling science to support this acceleration. More information available at https://sdgs.un.org/gsdr.

in civil society organizations, in international cooperation, and in the international sustainable development community. At the same time, many of these institutions are interested in the functioning, reform, and modernization of the judiciary, the strengthening of the rule of law, and institutional quality reforms in the justice sector. In this context, there are multiple opportunities to generate partnerships to progressively increase the involvement of the judiciary in the 2030 Agenda, to promote and disseminate the SDGs within the broad set of institutions that make up the justice sector, and to transfer the necessary know-how to strengthen the institutional capacity of these institutions to embark on these types of reforms.

The formation of this type of partnership can help accelerate reforms through actions that contribute to closing the various existing gaps. For example, the knowledge gap must be closed in order to generate materials and practical tools that document different models for addressing the SDGs in the justice sector and provide step-by-step instructions for implementing programs to this end. The statistical and methodological gap must also be closed in order to have inputs and tools for generating data to set targets, to carry out monitoring exercises, and finally, to produce reports based on empirical data. Alliances can be created to articulate the efforts of organizations from different sectors, thus strengthening the communication agenda to highlight achievements and generate incentives for decision-makers in judicial institutions. Universities have a critical role to play in facilitating the development of the skills that form the basis of effective partnerships.

Build on efforts that already exist at the supranational level

In some regions, there are supranational regional institutions related to judicial institutions that have already engaged with the 2030 Agenda and the SDGs, promoting dissemination, awareness, and even implementation actions. In Latin America, for example, the Ibero-American Summit of Supreme Courts, the Central American and Caribbean Judicial Council, and the Conference of Ministers of Justice of Ibero-American Countries stand out.

In addition, international organizations such as UNDP can be extremely important strategic partners. UNDP, in line with its

mandate and in close collaboration with colleagues and partners within the UN system and beyond, has taken a leading role in implementing, monitoring, and reporting on peaceful, just, and inclusive societies, and the catalytic role of SDG 16 across the 2030 Agenda. This includes supporting the integration of SDG 16 into national and subnational systems and processes; developing inclusive mechanisms for monitoring, reporting, and accountability for SDG 16 at the national level; generating and disseminating knowledge on the implementation and progress of SDG 16; and building collaborative multi-stakeholder partnerships and linkages to support the achievement of SDG 16. Existing efforts should be leveraged to create synergies in the investment of resources, time, and knowledge.

Partner with national and international nongovernmental organizations including universities

Civil society is key to advancing the 2030 Agenda and the SDGs at the global level. In this regard, there are valuable nongovernmental organizations (NGOs) that are already deeply engaged in this issue. For example, the World Justice Project (WJP) has made tremendous efforts to contribute to the measurement of SDG 16, in particular target 16.3 at the global level.[27] The WJP proposed a new indicator that focuses on people's access to legal aid services or information on civil, rather than criminal, justice issues.[28] In this context, the WJP has conducted surveys of unmet legal needs in dozens of countries to contribute to the measurement of target 16.3. According to the WJP,

> *[…] access to civil justice is necessary for people to redress their grievances, access their rights and entitlements, and for the realization of the broader sustainable development agenda. Without the inclusion of a measurement on access to civil justice, there remains an important gap in*

[27] Target 16.3: Promote the rule of law at the national and international levels, and ensure equal access to justice for all.

[28] New proposed Indicator 16.3.3: Proportion of those who experienced a legal problem in the last two years who could access appropriate information or expert help and were able to resolve the problem.

the global monitoring framework for the implementation of the SDGs.[29]

There is a strategic opportunity to build bridges between the efforts of judicial institutions and organizations such as WJP but also, as Andersen, the head of WJP, argues in this volume, with universities. The joint contributions are key to demonstrating the role of justice institutions in achieving the goals of the 2030 Agenda. Working with NGOs and institutions of higher learning can fill gaps and address needs that strengthen and/or complement the efforts of justice sector institutions in implementing the SDGs. In other words, these types of partnerships are key to diversifying data sources for monitoring the progress of the 2030 Agenda by judicial institutions.

Leverage the explosion of social networking

The exponential growth in the use of social networks has created new patterns of interaction both among people and between people and governments. Thus, social networks serve as new channels of communication between public administrations and the population, and particularly younger generations. In this sense, these new technologies have created a wide range of opportunities to increase the effectiveness and speed of interactions that cannot be ignored by justice sector institutions. Across Latin American, Supreme Courts and appellate courts have begun to use platforms such as Instagram, X and YouTube on a daily basis to communicate with their users and the population in general, reaching younger generations in novel ways.[30] This has also been the case for international courts such as the Inter-American Court of Human Rights.

[29] See Andersen chapter in this volume. See also WJP, no date, "16.3.3 Indicator Proposal Access to Civil Justice", available at https://worldjusticeproject.org/our-work/publications/working-papers/access-civil-justice-indicator-proposal-sdg-target-1633.

[30] See Alvaro Herrero and Ines Selvood "Open Justice and communication: Can social networks close the feedback loop?" in *Towards a Global Open Justice Agenda: Experiences from Latin America*, eds. A. Herrero, I. Selvood and M. Heller (Editorial Jusbaires, 2020), 293–322.

Social networks can be a key tool for designing new, promising strategies that allow for better accountability of judicial institutions and innovative actions to increase citizen participation. All this would allow the judiciary to highlight its initiatives and commitments around the 2030 Agenda, spreading the social value and public impact of the goals adopted.

CONCLUSION

The judiciary across Latin America and the Caribbean still has enormous potential to strengthen its interest in, and commitment to, the 2030 Agenda and the SDGs. This chapter has highlighted the progress made so far, as well as the obstacles and opportunities to continue on the path toward sustainable and inclusive development that leaves no one behind. It has also provided some suggestions to support the efforts of judicial institutions in this regard and highlighted the existence of an ecosystem of judicial, governmental, and civil society actors that can be better harnessed to strengthen the implementation of the 2030 Agenda.

There is a premise underlying this chapter that deserves to be made explicit. Judicial institutions are different than they were a century ago. They are not simply impartial actors in the resolution of controversies between different actors in society. On the contrary, they are institutions that have evolved considerably, undergoing radical changes and significantly expanding their scope of action. In addition to the classic figures of judges, prosecutors, and public defenders specializing in gender, housing, and children's issues, they have gradually been joined by sophisticated offices for legal advice and counseling, alternative dispute resolution, and centers for vulnerable groups. The judicial sector is no longer a passive actor, receiving conflicts to be resolved, but is proactively implementing policies to, for example, improve access to justice, reduce gender inequality, and increase environmental protection.

Therefore, when it comes to the SDGs, the judiciary can no longer remain neutral or indifferent. Judicial institutions play an extremely important role in political systems, with relevant implications for various aspects of the functioning of our societies, such as the protection of fundamental rights, the prevention of violence,

the maintenance of harmonious social coexistence, the inclusion of disadvantaged groups, the defense of collective rights, and the control of abuses of power by political, economic, and social actors. In such a context, it seems inevitable that the judiciary should begin a transition from a role of passive platform for conflict resolution to one of strong leadership, commensurate with its institutional responsibilities. This will not only contribute significantly to the advancement of the SDGs but will also improve the public perception of the institutional authority of the judiciary.

Efforts of judicial institutions to adapt and implement the 2030 Agenda should not be limited to SDG 16 but ought to adopt a broader and more ambitious approach in line with the "new profile" of the judiciary in our societies. In other words, the judiciary is in a position to set targets related to the 17 SDGs, including issues such as gender, poverty, inequality, environment, climate change, and renewable energy. This approach would reflect a more realistic and appropriate conception of the breadth of its institutional role, more typical of a branch of government than of a mere conflict resolution body, and in line with the interests of future generations.

However, this will not be possible without the engagement of higher education institutions. The preceding sections have highlighted the multiple opportunities for law schools, public policy, and related disciplines to become catalysts for a paradigm shift to bring new approaches and tools to justice institutions. Universities are poised to play a central role in the cultural transformation of the justice sector in Latin America and the Caribbean which in turn will contribute to the advancement of the SDGs and the 2030 Agenda.

Finally, it should be emphasized that a broader and more ambitious approach to the 2030 Agenda also implies a greater commitment to human rights and fundamental freedoms on the part of judicial institutions. The SDGs as a whole reflect a broad constellation of human rights recognized in various international treaties, including fundamentally, socioeconomic ones. If the judiciary engages more deeply with the 2030 Agenda, it will also be committing itself to a new way of protecting fundamental human rights, which is at the core of its institutional mission in the constitutional system.