

Options Paper

Sampling Framework for a Global 50/50 Assessment of the Global Law and Justice Sector

15th October 2024



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As a central step in Global 50/50's consultative process to define a representative sample of organisations to assess in its inaugural Global Justice 50/50 Report, Global 50/50 circulated this Options Paper to 62 global experts in law and justice in late 2024. The paper was accompanied by a survey inviting experts to support, comment on, and/or critique the suite of sampling framework options presented.

ABOUT GLOBAL 50/50

Global 50/50 (G5050), formerly Global Health 50/50, is an independent, evidence-driven initiative to advance action and accountability for gender equality. G5050 was formed around a unique model which brings together the rigour of academic research, the knowledge of how policy change can occur, and the momentum of advocates and communicators to catalyse progress. We currently provide an annual bird's-eye view of gender, inclusion and equality across a constant sample of approximately 200 organisations in the global health sector, drawing from a developed conceptualisation of 10 subsectors: 1) non-governmental organisations, 2) United Nations bodies, 3) public-private partnerships, 4) multilaterals and bilaterals, 5) funders and philanthropies, 6) research and surveillance, 7) faith-based organisations, 8) regional political bodies, 9) private for-profit companies, and 10) consulting firms. By independently reviewing (and verifying) a [core set of 10 variables](#) on gender-related policies and practices¹ in the workplace, the gender and geography of organisational leadership, and whether gender is considered in organisations' external-facing programmatic or policy work, we provide a [searchable Index](#) of organisational performance on gender equality. The impact of the report has increased over time, and organisations have attributed positive shifts in equality of career opportunity and other gender-related improvements to the work of G5050.

ABOUT THIS PAPER

G5050 is planning to produce rigorous data on the state of gender equality in the global law and justice sector. We will review approximately 200 organisations.

The inaugural Global Gender and Justice Report will assess organisations operating at the global and regional levels, as well as potentially a selection of national organisations for international comparison, options for which are presented below. This report will in future be complemented by a national level report.

¹ These include: Public commitment to gender equality; Organisational definition of gender; Workplace policies on gender equality, diversity and inclusion; Board diversity policies; Gender distribution of senior staff, board members, CEOs and Board Chairs; and Policies on sex-disaggregated monitoring and evaluation data.

The objective of this paper and accompanying mini-survey is to gather your recommendations and/or suggestions for which organisations should be included in the sampling frame to create a representative sample for the law and justice sector.

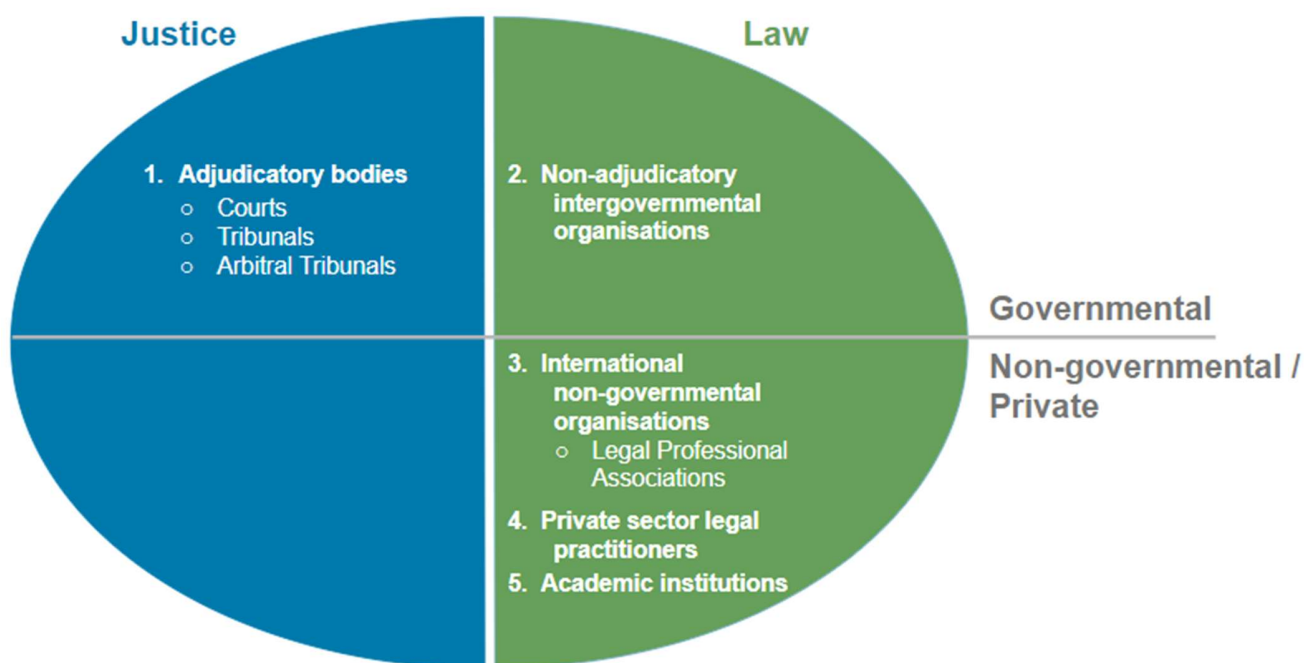
This paper proposes sampling framework options. We seek your inputs on the construction of a sampling frame based on the conceptualisation of the global law and justice sector, and its subsectors as noted below.

Based on your responses, G5050 will decide on a sampling framework from which to select approximately 200 organisations for assessment.

CONCEPTUALISING THE LAW AND JUSTICE SECTOR AT GLOBAL, REGIONAL AND NATIONAL LEVELS

This conceptualisation of the law and justice sector consists of six subsectors (see figure 1).

Figure 1. Conceptualising the law and justice sector at global, regional and national levels



* 6. **Funders/philanthropists** that fund activities in both the justice and law sectors.

The **justice sector** focuses on the administration and delivery of justice within a society, ensuring that legal rights of individuals and groups are protected, disputes are resolved fairly, and laws are effectively applied. Key components of the justice sector include judicial or adjudicatory bodies (e.g., courts, tribunals) responsible for interpreting laws and adjudicating disputes. Additionally, nongovernmental components of the justice sector may include alternative dispute mechanisms (e.g., private arbitral tribunals, community-based resolution mechanisms).²

² While both the law and justice sector may rely on the support of paralegals and legal/litigation assistants who perform a variety of support tasks, including legal research, document drafting, and file maintenance and organisation, their contributions and career structures are less formalised, with less readily available data, making it difficult to include them in a global assessment of leadership opportunities and roles.

The **law sector** primarily focuses on the creation, interpretation, application, and enforcement of laws, regulations, and legal frameworks within a society or jurisdiction. Key components of the law sector include legislative bodies (e.g., UN General Assembly, European Parliament, ministries of justice), regulatory or administrative bodies that facilitate interpretation and implementation of laws (e.g., treaty monitoring bodies), and prosecutorial bodies involved with enforcement. Additionally, nongovernmental components of the law sector include legal practitioners (e.g., private law firms, chambers) who apply these laws in various contexts and nongovernmental organisations who advocate for changes in the law.

Given G5050's interest in assessing organisations, this paper proposes that the global level law and justice sector be conceptualised as consisting of five analysable subsectors from which a representative sample can be drawn: **adjudicatory bodies**; **non-adjudicatory intergovernmental organisations (IGOs)**; **international nongovernmental organisations (INGOs)**; **private sector legal practitioners**; and **funders and philanthropies**. At the national level, the same conceptualisation holds, but would also include **academic institutions**. Other relevant subsectors we have decided to exclude from our sample frame include public sector legal practitioners and national nongovernmental organisations.³ Organisations falling into these subsectors often vary greatly in structure, focus, and capacity across countries, making it difficult to draw meaningful comparisons at a global level. Additionally, such comparisons may not yield significant policy changes across similar organisations in different countries. As such, the subsectors considered in this paper offer a more coherent framework for assessing gender equality and leadership representation, with clear and measurable data points that can be consistently applied across different regions and contexts.

A focus on organisations enables an assessment of workplace policies that promote and/or ensure equality of career advancement opportunity amongst individuals of divergent backgrounds within the sector. To enable a global level analysis, this discussion primarily focuses on global level organisations, which G5050 defines as organisations with a presence in at least three countries. These organisations have policies and operations that transcend national borders, often setting precedents or benchmarks that influence international standards, shaping norms and driving systemic change. Regional organisations which operate within specific geopolitical zones catering to nuanced cultural contexts and challenges are included within this global level conceptualisation to better capture the middle ground between global mandates and localised execution, which can be critical in diverse global regions. However, in instances where a subsector assessment at global/regional level may yield limited actionable information, international comparisons of national bodies are proposed.

SUMMARY OF OPTIONS FOR A SAMPLING FRAMEWORK

In this paper we have identified three options for a sampling frame – see Figure 2, with illustrative numbers of organisations to be included.

1. Option A = global level only
2. Option B = global level plus national level from one subsector only
3. Option C = global level plus national level from three subsectors

³ We recognise that NGOs at national level are important, but in the experience of GH5050 in order to select NGOs for inclusion it requires the existence of a national register of NGOs and clear criteria for inclusion/exclusion. GH5050 will endeavour to explore the feasibility of including national level NGOs in future analyses, but they are not included at this phase of our work.

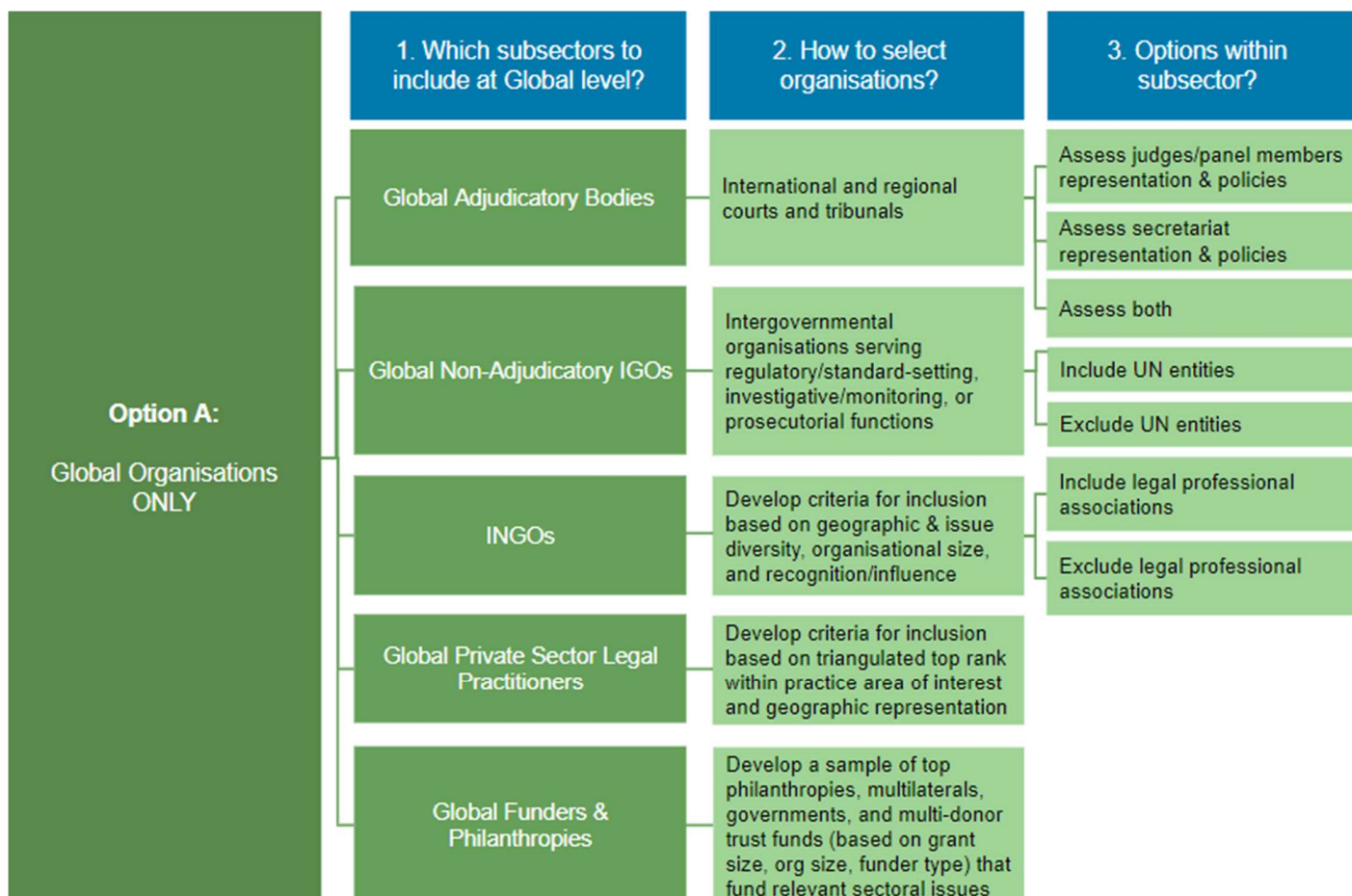
Figure 2. Illustrative samples, Options A, B and C

Option A. 200 Global Organisations	Option B. 150 Global & 50 National Organisations	Option C. 140 Global & 60 National Organisations
<u>40</u> Global Adjudicatory Bodies	<u>30</u> Global Adjudicatory Bodies	<u>28</u> Global Adjudicatory Bodies
<u>40</u> Global Non- Adjudicatory IGOs	<u>30</u> Global Non- Adjudicatory IGOs	<u>28</u> Global Non- Adjudicatory IGOs
<u>40</u> INGOs	<u>30</u> INGOs	<u>28</u> INGOs
<u>40</u> Global Private Sector Legal Practitioners	<u>30</u> Global Private Sector Legal Practitioners	<u>28</u> Global Private Sector Legal Practitioners
<u>40</u> Global Funders & Philanthropies	<u>30</u> Global Funders & Philanthropies	<u>28</u> Global Funders & Philanthropies
	Highest court in <u>50</u> countries (1 per country)	Highest court in <u>20</u> countries (1 per country)
		Private sector legal practitioners in <u>20</u> countries (1 per country)
		Law schools in <u>20</u> countries (1 per country)

On the first page of the survey you will be asked whether you select Option A or Option B or Option C. Included within each of the major Options (A, B and C) are the same five global level subsectors. In all three Options (A, B, C) you will be asked to advise us whether each of these subsectors should remain in the sample or not. For some subsectors there are additional options for your consideration, and these are set out below.

OPTION A

Figure 3. Option A – Global level organisations only



DESCRIPTIONS OF GLOBAL LEVEL SUBSECTORS

SUBSECTOR 1: GLOBAL ADJUDICATORY BODIES

International and regional courts and tribunals adjudicating legal issues arising from more than one country or conflict within one state (e.g., International Court of Justice, African Court on Human and Peoples' Rights)

Brief description of subsector

Adjudicatory bodies, organised as courts or tribunals, consist of one or more judges/tribunal members who are meant to serve as impartial entities empowered to adjudicate disputes and administer justice. A core function of adjudicatory bodies is to render decisions that are binding on parties involved. International and regional courts are created by treaty wherein state parties submit to their jurisdiction to resolve disputes within its subject matter jurisdiction. Judges are typically elected or appointed per its governing statute. Although the distinction between courts and tribunals are not always clear, tribunals are often more specialised adjudicatory bodies created for specific purposes or to handle particular situations (e.g., war crimes, human rights violations, maritime disputes). They may be dissolved once their mandate is fulfilled. Additionally, these bodies may have a registrar or secretariat that handles administrative tasks, staffing, recordkeeping, and communications, either as a separate entity or integrated within the adjudicatory body itself.

Should we include this subsector?

- Pros of inclusion: Assesses a key subsector at the global level
- Challenges of inclusion: Because judges are primarily appointed or elected by governments or their proxies, assessing gender equality variables may not significantly impact equality of opportunity within the sector
Examining the equality of opportunity for the supportive functions of courts/tribunals (i.e. Registrar, Registry Staff, Secretariat) may not catalyse any meaningful shift to gender equality in the sector

If this subsector is included, what are the options within it?

Three options:

- 1) Include only judges/panel members,
- 2) Include Registrar, Registry Staff, Secretariat, or
- 3) Include both

Considerations

- Could focus on equality and diversity supportive policies of *non-UN secretariats* (because an analysis of policies for the registrar/staff of UN-affiliated courts would essentially be an analysis of UN staff policies; such analysis may not be very actionable.)

SUBSECTOR 2: GLOBAL NON-ADJUDICATORY INTERGOVERNMENTAL ORGANISATIONS (IGOs)

- An intergovernmental entity (that is not a court or tribunal) serving regulatory/standard-setting, investigative/monitoring, or prosecutorial functions, and impacts the development, implementation and accountability within the law, governance, rule of law, and justice (e.g., International Law Commission, African Commission on Human and Peoples' Rights)
- Exclude entities:
 - that serve legislative functions (e.g., UN General Assembly)
 - whose members are appointed (e.g., Community Parliament of ECOWAS)
 - that primarily serve an administrative function to support another entity that is involved more directly in the development, implementation and accountability work within the sector (e.g. UN Office of Administration of Justice)

Brief description of subsector

Non-adjudicatory intergovernmental bodies at the international level serve legislative, regulatory, administrative, investigative, or prosecutorial functions. In democracies, legislative bodies create laws by proposing, debating, and voting on proposed laws. Regulatory bodies further develop laws passed by legislative bodies into more specific rules, regulations, or standards often within specific sectors (e.g., finance, environment). Administrative bodies support the implementation of laws and regulations set by legislative and regulatory bodies. Investigative bodies are tasked with uncovering wrongdoing by investigating crimes, fraud, or other legal violations by gathering evidence and preparing reports. Prosecutorial bodies use evidence gathered by investigators to prosecute violators of the law in court.

Should we include this subsector?

- Pros of inclusion: Assesses key IGOs across the law and justice sector
- Challenges of inclusion: For many of these bodies (i.e. UN entities), an analysis of policies for the registrar/staff would essentially be an analysis of UN staff policies. Such analysis may not be very actionable
Many UN entities share a secretariat/registrar (e.g., several Human Rights Treaty bodies are supported by OHCHR)

If this subsector is included, what are the options within it?

Two options:

- 1) Include UN entities
- 2) Exclude UN entities

Considerations

- Analysis focusing on *non-UN secretariats and staff* is more actionable than focusing on UN policies, but many important IGOs across the law and justice sector (e.g., International Law Commission, International Labour Organization) would be excluded
- Could develop additional criteria for inclusion of certain UN-IGOs based on different ways organisations may influence the sector, for example:
 - Organisation works on several areas within/across the law and justice sector, rather just one issue
 - Organisation size

SUBSECTOR 3: INTERNATIONAL NGOs (INGOs)

A non-governmental not-for-profit entity working in a minimum of three countries that is predominantly focused on law, governance, rule of law, and/or justice, in the form of policy advocacy and/or legal services for individual cases (e.g., Human Rights Watch, Center for Justice and International Law)

Brief description of subsector

INGOs are organisations independent from the state/government and the market/business sector working across country borders and focus on various issues, including rule of law, legal reform, access to justice, human rights, environmental protection, or gender justice. They can be powerful advocates for legal reform by researching laws, identifying gaps, and lobbying governments and international organisations to improve legal frameworks. They may also monitor abuses or violations of international law, raise public awareness, and pressure governments to uphold the law. Some provide legal aid or other assistance to individuals or communities who lack access to justice. They can also work with governments and businesses to ensure they comply with national and international law. Some play a role in peacebuilding efforts and conflict resolution by providing legal expertise in peace negotiations, promoting human rights principles in post-conflict situations, or supporting the development of rule of law institutions.

Should we include this subsector?

- Pros of inclusion: Allows for comparison of equality of opportunities across the subsector within and across countries
- Challenges of inclusion: Issue Diversity - Not possible for the entire breadth of law and justice issues areas to be represented
Geographic Diversity - Emphasis on geographic diversity shifts focus away from the largest INGOs in the law and justice sector
Organisational Size - Collecting this information is time consuming, and may not yield meaningful differences to impact inclusion

If this subsector is included, what are the options within it?

Legal professional associations (sometimes referred to as bar associations in Anglo-American traditions) bring together law professionals, promote professional development, set ethical standards, and/or advocate for policies relevant to their profession. There are likely thousands of such “bar associations” that can be formed based on a geographical jurisdiction and/or subject matter. They can play a significant role in influencing equality of opportunity in the profession by creating programs that support legal professionals of diverse backgrounds, which can lead to a more equitable legal profession. Their impact can vary depending on the level (local, national, regional, and international). If they should be included in the sample frame, consider including in the INGO subsector, particularly those formed as NGOs focused on the legal profession.

Two options:

- 1) Include legal professional associations
- 2) Exclude legal professional associations

Considerations

Define below criteria to select INGOs:

- Recognition - Select INGOs that “lead” or “included in” international discussions on their area of law and justice work; ECOSOC status
 - Issue Diversity - Select INGOs that focused on a diversity and breadth of law and justice issue areas (i.e., public and private international law)
 - Geographic Diversity of Headquarters - Select a specified number across country income classifications and geographic regions (e.g. 4 from each of the 6 World Bank regions)
 - Organisational Size - Minimum staff size, minimum general operating budget
- Analysis to focus on the headquarters/secretariat.

SUBSECTOR 4: GLOBAL PRIVATE SECTOR LEGAL PRACTITIONERS

Legal professional organisations formed as for-profit entities (i.e., law firms, partnerships, chambers, etc.) that provide legal services to clients, ranging from individuals, to governments, to multinational corporations (e.g., Freshfields Bruckhaus Deringer, Kim & Chang)

* **International Firm** primarily practises the laws of their home country, but has relationships with foreign lawyers, allowing each to call on the other where the client needs it. **Multinational Firm** practises both home and local laws of another country and may be formed as a single worldwide partnership while partners may participate in local operating entities governed by local regulations as well. **Global Firm** thinks and acts globally without any jurisdiction being called “home,” “foreign/overseas,” or “headquarters.”

Brief description of subsector

In the private sector, legal professional organisations can be organised in different corporate forms, including law firms, partnerships, and chambers. Excluding sole practitioners, law firms, partnerships, or chambers are business entities where multiple lawyers come together to share resources and expertise. They can range in size from small boutique firms with a handful of lawyers to large international firms with hundreds or even thousands of lawyers spread across different offices globally.

Should we include this subsector?

- Pros of inclusion: Given this subsector’s ability to serve as a pipeline into other subsectors, particularly when individuals reach partnership levels, it is an important subsector to include
Relies on rankings (American Lawyer Global 200, Chambers Global Guide, Legal 500) that already account for entities’ reputation/import within the industry
- Challenges of inclusion: It may be difficult to distinguish between international, multinational, and global firms; if this level of analysis is not feasible, then defer to rankings’ definition of “global firm”
Use of Legal 500 requires an initial selection of the country-level jurisdiction of interest and practice area before offering a ranking, which can be time consuming. Also, different jurisdictions may not have comparable practice areas

Considerations

- Need to specify practice areas of interest, particularly for Chambers Global Guide and Legal 500
- Need to determine whether firms have a decentralised model regarding policies, or is it all dictated from headquarters to regions (e.g. London with regional input)
- Need to decide on total number of firms and barristers’ chambers to include in the sample; may also want to specify a certain number of firms with arbitration practices
- Indicator of Interest: Partnership Levels - Gender representation/diversity of partners (distinguish between equity partners and managing partners) in a firm is a key metric
- Indicator of Interest: Existence of Mentorship/Sponsorship Programs for historically underrepresented groups

SUBSECTOR 6: GLOBAL FUNDERS & PHILANTHROPIES

Global funders and philanthropies that have a stated interest in funding the law and justice sector and offer grants in a minimum of three countries (e.g., World Bank International Development Association, The Ford Foundation)

Brief description of subsector

Funders and philanthropy have great potential for significant influence in the law and justice sector, but their direct influence in the sector depends on which subsector is under consideration. Funders can invest more in accountability mechanisms and hold organisations accountable for shaping inclusive and equitable workplaces. Some law and justice subsectors rely on funders and philanthropies to operate, while others, such as private sector law firms, do not. For instance, most of the funding for international rule of law assistance comes from one of four sources: (1) multilateral organisations, (2) governments, (3) private philanthropy, and (4) multi-donor trust funds. Different types of funders tend to support different sub-sectors in the domain. For example, multilateral organisations and governments tend to support international tribunals, while NGOs are more likely to be primarily funded by private funding from individuals and philanthropy.

Should we include this subsector?

- Pros of inclusion: Assesses a key subsector at the global level
Could lead to additional funding for recommendations made in the report
- Challenges of inclusion: There is not universal terminology and data on funding within the law and justice sector

Considerations

Select a sample from the top private philanthropy and top multilaterals, governments, and multi-donor trust funds in the sector, based on:

- Grant size - Grant at least X million dollars annually
- Organisation size - Foundation must employ at least X # of employees
- Funder Type - More influence in the subsector might be made by focusing on private foundations and maybe multilaterals, than funding from governments.

Triangulate categorised data from Advancing Human Rights Initiative and OECD to look at top overall human rights funders, and those that fund issues areas of relevance to the law and justice domain.

OPTION B

Figure 4. Option B – Five global level subsectors plus one national level subsector across 50 countries

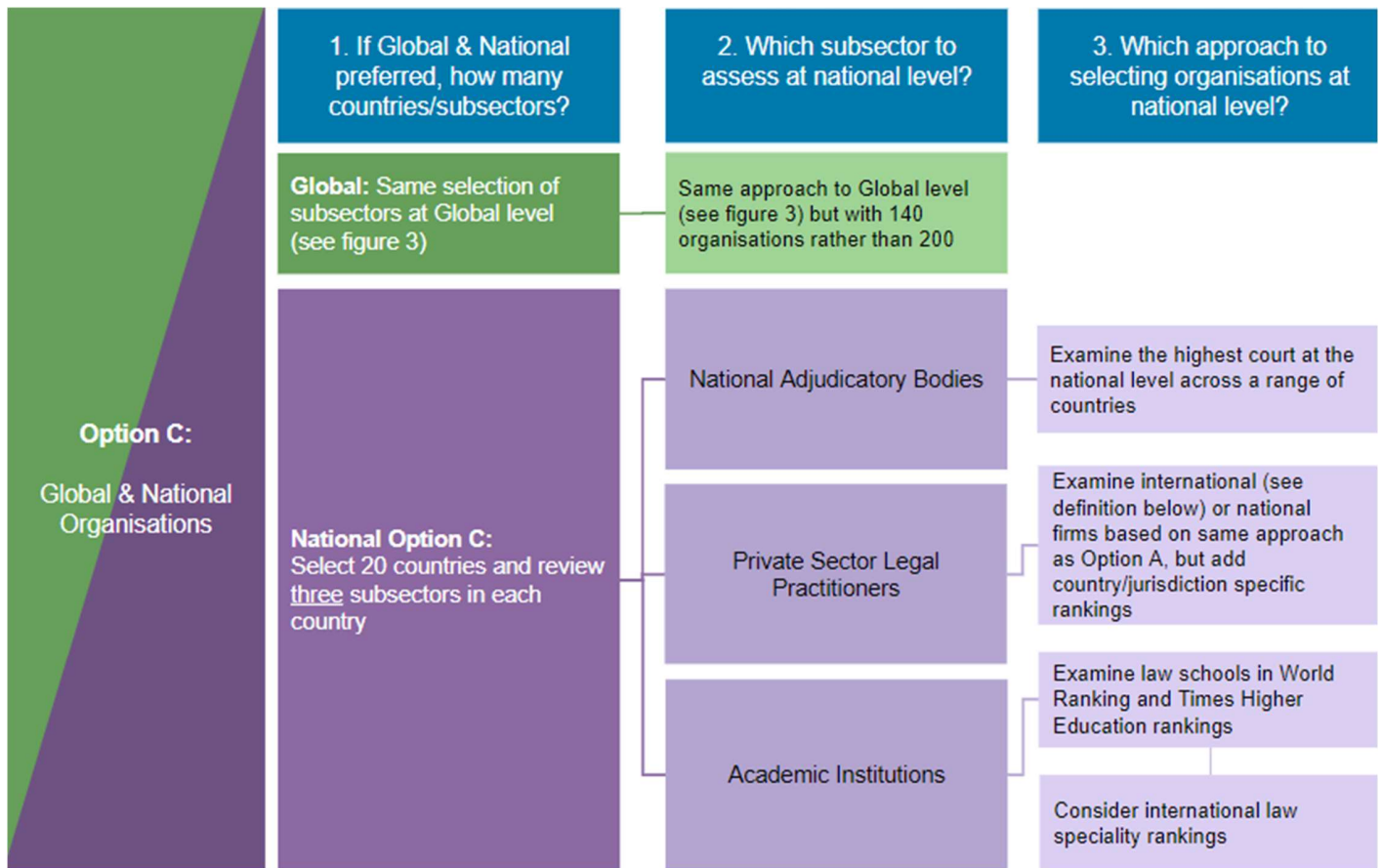


Option B supplements the same selection of sub-sectors considered at the global level in Option A with one national level subsector (national adjudicatory bodies) assessed across 50 countries. Country selection will aim for a geographically diverse, internationally representative sample, to be determined along country characteristics including, but not limited to, economic development level, regional location, legal systems, and cultural diversity. At present, we seek your input on:

- 1) whether you choose Option B over Option A or Option C, and
- 2) if you select Option B: whether all five subsectors should be included at the global level

OPTION C

Figure 5. Option C – Five global level subsectors plus all three national level subsectors across 20 countries



Option C supplements the same selection of subsectors considered at the global level in Option A and Option B with three national level subsectors assessed across 20 countries: 1) national adjudicatory bodies, 2) private sector legal practitioners, and 3) academic institutions. Country selection will aim for a geographically diverse, internationally representative sample, to be determined along country characteristics including, but not limited to, economic development level, regional location, legal systems. At present, we seek your input on:

- 1) whether you choose Option C over Option A or Option B, and
- 2) if you select Option C: whether all five subsectors should be included at the global level

DESCRIPTIONS OF NATIONAL LEVEL SUBSECTORS

Option B and Option C

SUBSECTOR: NATIONAL ADJUDICATORY BODIES Highest court at the national level for international comparison
Brief description of subsector
Judicial subsector at the highest court at the national level. National courts are established by a government with a hierarchy of judges who preside over legal proceedings (e.g., trial court, appellate court, high court) over which they have jurisdiction. The highest court is often referred to as the Supreme Court or Constitutional Court, depending on the jurisdiction, and serves as the ultimate interpreter of constitutional, legal, or appellate matters. Judges are selected by three main methods globally: 1) appointment; 2) competitive exam; and 3) election. Appointment is the most common method of selection, with various criteria for selection typically carried out by the executive, but sometimes with roles for the minister of justice or the judiciary.
Should we include this subsector?
<ul style="list-style-type: none">• Pros of inclusion: Adds comparison at national level, where an assessment of gender equality variables has greater potential to impact policy and practice in a way that may not be possible at global level• Challenges of inclusion: May encounter same issue as in international courts wherein judges/members are appointed
Considerations
<ul style="list-style-type: none">• Need to decide on how to choose a geographically diverse, internationally representative sample of the highest court at national level (may also want to ensure representation from varying legal traditions, e.g., common law, civil law)• Need to determine which policies exist at national level that support equality of opportunity (e.g., constitutional amendments requiring certain demographics of judges)

Option C

SUBSECTOR: PRIVATE SECTOR LEGAL PRACTITIONERS Legal professional organisations formed as for-profit entities (i.e., law firms, partnerships, chambers, etc.) that provide legal services to clients, ranging from individuals, to governments, to multinational corporations
<small>* International Firm primarily practises the laws of their home country, but has relationships with foreign lawyers, allowing each to call on the other where the client needs it. Multinational Firm practises both home and local laws of another country and may be formed as a single worldwide partnership while partners may participate in local operating entities governed by local regulations as well. Global Firm thinks and acts globally without any jurisdiction being called "home," "foreign/overseas," or "headquarters."</small>
Brief description of subsector
top international firms (as described above, which may not have a presence in three countries) and/or national firms based in the same selected countries as other subsectors, using the same approach To ensure Geographic Diversity - <ul style="list-style-type: none">• <u>Legal 500</u> - Specify jurisdiction (from the selected jurisdictions of interest described in Option A), select practice areas of interest to see the leading ranking performers

Should we include this subsector?

- Pros of inclusion: Allows for regional comparison of top firms, which can be more influential for firms or chambers within their own market
 - Given this subsector's ability to serve as a pipeline into other subsectors, particularly when individuals reach partnership levels, it is an important subsector to include
 - Allows for inclusion of international law firm networks (e.g., Lex Mundi) Challenges of inclusion: It may be difficult to distinguish between international, multinational, and global firms; if this level of analysis is not feasible, then defer to rankings' definition of "global firm"
- Legal 500 requires selection of the country of interest and practice area before offering a ranking, which can be time consuming. Also, different jurisdictions may not have comparable practice areas

Considerations

- Indicator of Interest: Partnership Levels - Gender representation/diversity of partners (distinguish between equity partners and managing partners) in a firm is a key metric
- Indicator of Interest: Existence of Mentorship/Sponsorship Programs for historically underrepresented groups

SUBSECTOR: ACADEMIC INSTITUTIONS

Law schools that prepare individuals to practise as legal professionals and in the judiciary. Despite law schools' ability to influence international law and justice, law schools rarely have a presence in three countries and, therefore, do not meet G5050's "global" criteria.

Brief description of subsector

Academic legal institutions have the capacity to influence the behaviour of the law and justice sector, including its ability to achieve equal opportunity for people of diverse backgrounds. Law schools equip future lawyers with the knowledge and skills to navigate the legal system and advocate for their clients. Research institutions and legal publications (housed within law schools) contribute to the development of new legal theories and interpretations of existing law. Research and advocacy from legal academics influence legislative proposals and policy decisions related to the law and justice system. Legal scholarship and prominent legal journals can influence judges' reasoning and decision-making processes (e.g., when used in legal briefings/submissions to the court).

Should we include this subsector?

- Pros of inclusion: Includes a foundational subsector that undergirds the entire law and justice sector
- Challenges of inclusion: Time-consuming to determine which law schools produce international legal scholarship and research, provide education and training on international law (e.g., certificate or LLM), engage in normative conversations regarding international law (which would need to be further defined), and regularly welcome international students from more than 3 countries

Considerations

Compare equality of opportunities of law faculty across law schools that are in both QS World Ranking and Times Higher Education rankings.

- Select a certain number of schools that are at the top of both lists.

- Determine if the ranking should consider international law speciality (e.g., course/certificate/degree offerings and scholarship in international law)

Ensure geographic diversity by including a certain number of schools from each of the 6 World Bank regions