

NSO Governance for Better Justice Data



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Executive Summary

NSO Governance for Better Justice Data

SDG16 is arguably the most ambitious of the sustainable development goals—including because of its overlap with other goals, which creates significant challenges with measuring and reporting on progress. In addition to its twelve parts, SDG16 has 24-related SDG targets. Collecting reliable data through government agencies—including National Statistical Offices (NSOs)—is of paramount importance to assessing progress on and implementing SDG16.3 and its related targets.

To date, SDG16.3 indicators, as well as the global community's capacity to measure the full scope of access to justice remain underdeveloped. Two important gaps have been identified. First, many countries lack mechanisms to sufficiently collect data on how society receives the meaning and scope of justice, i.e., “people-centered data collection.”¹ This type of data is essential when trying to monitor and accomplish goals such as SDG16.3 because it allows for precise, experience-driven feedback regarding how government services relate to populations dependent on those services, including with respect to how access to justice issues have been addressed in the past, as well as policy gaps remaining to be addressed. Second, NSO governance standards have not developed sufficiently to allow NSOs generally to design and implement the types of people-centered data collection that are integral to monitoring and ensuring progress on SDG16.3, including by improving the ability of NSOs to help other government agencies further SDG16.3 goals and reporting.

State practice and experience strongly suggests that the design and collection of justice data—and the ability of NSOs then to work with other agencies of government on access to justice issues—would be enhanced by strengthening NSO governance standards with regard to NSO independence, accountability, and transparency (IAT). Specifically, better standardizing NSO governance through IAT principles would address both the challenge of collecting people-centered data and the underreporting of access to justice-related data. IAT standards would help ensure that justice data would be collected free from government and outside influence, which would reduce the potential for bias and induce greater trust in the credibility of the data and NSOs. Greater NSO independence also would

encourage greater freedom and innovation in developing data collection methodologies, strengthening NSO capacity to address the people-centered data collection essential to SDG16.3 reporting, while also strengthening the ability of NSOs to work with other government agencies in implementing SDG16.3. IAT NSO standards also would enhance the accountability of justice data, which would help ensure that NSOs—and the line-agencies engaged in access to justice—live up to expectations set out in the SDG16.3, including as to both data providers and civil society.

The work of the European Union in institutionalizing Eurostat and its Code of Practice shows that states can effectively implement IAT governance principles into NSO structures. As discussed below, Eurostat—the European Union’s Statistical Office—provides objective and people-centered statistical information to EU institutions, and its Code of Practice actively promotes the harmonization of statistical methods across EU Member States. Using the Eurostat Code of Practice to institutionalize IAT governance principles into European NSO structures has allowed Eurostat members to develop and collect people-centered data that addresses areas of justice underreporting. This, in turn, has helped other agencies of government consider policies to address that data.

Significantly, the Eurostat Code of Practice does not mandate a single approach for achieving IAT principles. Rather, it allows state-specific approaches within a principled framework. Using the Code of Practice has allowed EU NSOs to implement:

- Institutional independence in NSO administrative structures by setting NSOs apart from national or local government. Institutionally independent NSOs may be set up as distinctive legal entities—rather than falling under the authority of a ministry—or may be established through mechanisms that insulate them from legislative and executive influence.
- Personal independence by mandating how NSO highest-level executives are appointed, as well as the circumstances under which they may be removed, and their autonomy to decide on statistical methodologies and the publication of official statistics.
- Financial independence by insulating an NSO’s ability to decide how to receive and allocate its budget from control or pressure from other governmental institutions. Eurostat’s Code of Practice does not require that NSOs be financially independent from other governmental institutions, but freedom from budget pressure is paramount.
- Functional independence by ensuring that NSOs have the authority and ability to set data-collection goals, methodology, and schedules. Thus, while national legislatures may mandate data to be collected, under the Eurostat Code of Practice, NSO heads have the sole responsibility for deciding on

statistical methods, standards and procedures, and on the content and timing of statistical releases.

- Legal accountability by having NSOs abide by ethical codes or codes of professional conduct which are based on a collection of existing EU and UN codes of ethical standards.
- Administrative accountability by establishing mechanisms that improve transparency regarding how NSOs carry-out their work, and includes reporting requirements to the government or the public, as well as procedures for appointing or removing high-level NSO executives.
- Financial accountability by establishing rules by which NSO funding can be monitored by governments, but without otherwise undermining NSO independence in the design, collection or reporting of statistics.
- Institutional accountability by establishing oversight mechanisms that assure that NSO standards remain high, again without compromising NSO independence. Typically, this has involved a “checks and balances” approach involving advisory and other expert boards of review which work with NSOs, such that NSOs remain accountable to other agencies of government. In the EU, some NSOs also are accountable in some fashion to the general public, which has enhanced public trust in those NSOs.
- With respect to transparency, the Eurostat Code of Practice requires that statistics be presented in a clear and understandable form, released in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.
- Using the Code of Practice to institutionalize IAT governance principles into their NSO structures has allowed Eurostat members to develop and collect subjective data necessary to assess and bolster SDG16 progress. By reviewing the approaches taken by Finland, France, the Netherlands, and the United Kingdom, the discussion below shows how the Eurostat Code of Practice could be implemented across states, and how it could be implemented within the broader NSO system. The Eurostat example also shows that these IAT governance principles are measurable, as demonstrated by the European Peer Reviews on Member State compliance to the Code of Practice. Thus, progress on IAT governance principles could be measured as part of the Voluntary National Reviews Database, which is already encouraging UN member states to track progress on SDG16. As such, a global standard on IAT governance principles for NSOs would further strengthen UN initiatives to enhance NSO capacity in implementing the 2030 Agenda.

Introduction

The promise of justice for all under SDG16—and specifically Target 16.3—is arguably the most ambitious of the sustainable development goals, especially because of its overlap with other goals.² SDG 16.3 encourages states to “promote the rule of law at the national and international levels, and ensures equal access to justice for all.”³ Governments and civil society organizations alike recognize that access to justice and legal empowerment not only are fundamental rights, but also are instrumental in achieving inclusive and sustainable growth by guaranteeing opportunities for all.⁴ The collection of reliable data through government agencies—including national statistical organizations—is of paramount importance given the scope and depth of SDG16.3 and its related SDG targets, the challenges of using data to move forward on rule of law and access to justice issues, and the challenges of using data to allow government agencies to work together to further access to justice and the rule of law.⁵

To date, SDG16.3 indicators as well as the global community's capacity to measure the full scope of access to justice⁶ remain underdeveloped.⁷ Indeed, how access to justice is broadly imagined and implemented has sparked a global conversation over measurement. As to access to criminal justice, for example, one focus is on the scope of the SDG indicators, which are limited to crime reporting and detention data. But the discussion also has turned to how we assess access to civil justice as an SDG16.3 indicator in its own right. Consequently, the international community now acknowledges that measurement methodologies should be further developed, particularly with respect to the civil justice sector.⁸

Two important gaps have been identified as impeding the measuring process of SDG 16.3. First, many countries lack mechanisms to sufficiently collect data on how society receives the meaning and scope of justice. This report refers to this type of data collection as “people-centered data collection.”⁹ This type of data is essential when trying to monitor and accomplish goals such as SDG16.3 because it allows for precise, experience-driven feedback regarding how government services relate to populations dependent on those services, including with respect to how access to justice issues have been addressed in the past, as well as policy gaps remaining to be addressed. Second, the governance standards for National Statistical Offices (NSOs) have not developed sufficiently to allow NSOs to design and implement the types of people-centered data collection that are integral to monitoring and ensuring progress on SDG16.3, including by NSOs being able to help other government line-agencies further SDG16.3 goals.

Looking across and beyond formal institutions focusing on people experiences, the World Justice Project (WJP) found that when people are faced with civil justice problems, they do not always

turn to formal institutions, such as courts. Seeking justice, more than half of those surveyed turn to family members or friends. Less than half of those people reported that they were able to access expert help.¹⁰ That report also highlighted the importance of including civil justice in access to justice measuring. Surveying people's experiences in accessing civil justice, the report found consumer and land disputes were among the most commonly referenced.¹¹ Thus, the report highlights that issues crucial to measuring access to justice for the SDGs are not being measured now, resulting in gaps in justice data collection, including because NSOs are not focusing on people-centered data and capacity issues at the domestic level.

Recognizing that gaps exist between data needed for 2030 Agenda targets and existing statistical practice, the General Assembly established the Inter-Agency and Expert Group (IAEG), tasked with identifying SDG indicators and ensuring the full implementation of related data development programs.¹² As part of its program, the IAEG recommended strengthening the capacity of NSOs, the principal reporting mechanisms on the SDGs.¹³ But, while the IAEG's recommendation (including through the important work of the UN Statistical Commission's Praia City Group on Governance Statistics¹⁴ and the Global Action Plan for Sustainable Development Data)¹⁵ focused on improving the quality of NSO data production, that initiative generally does not address the equally important and overarching issue of NSO governance with respect to data gathering by NSOs and how NSOs are best positioned to work with the line-agencies of government directly involved in delivering rule of law and access to justice services.¹⁶

State practice and experience strongly suggests that the design and collection of justice data—and the ability of NSOs then to work with other agencies of government on access to justice issues—would be enhanced from strengthening NSO governance standards with regard to NSO independence, accountability, and transparency (IAT). Existing and well-established State practice shows that adopting NSO IAT governance principles allows States to collect better and more globally comparable data. Indeed, NSOs that are sufficiently independent, accountable and transparent are best positioned to design and implement innovative data collection methodologies, work with other government agencies on access to justice issues, and instill trust in citizens and civil society with respect to access to justice data collection and use.

Specifically, better standardizing NSO governance through IAT principles would address both the challenge of collecting people-centered data and the underreporting of access to justice-related data. IAT standards would help ensure that justice data could be collected free from government and outside influence, which would reduce the potential for bias and induce greater trust in the credibility of the data and NSOs. Greater NSO independence also would encourage greater freedom in developing data collection methodologies, strengthening NSO capacity to address the

people-centered data collection essential to SDG16.3 reporting. IAT NSO standards also would enhance the accountability of justice data, which would help ensure that NSOs—and the line-agencies engaged in access to justice—live up to expectations set out in the SDG16.3, including as to both data providers and civil society. Thus, the act of collecting data itself should not raise rule of law and access to justice issues, and standardizing NSO governance principles would further SDG16.3 by helping to build more accountable and effective government institutions, and by ensuring greater public access to information—both essential goals of SDG 16.¹⁷ Finally, when data collection methodologies are more freely available line-agencies of government, civil society and citizens will be able to better understand and hold NSOs accountable for the quality of data. This type of transparency will help drive innovation that can further improve collaboration between governments and civil society on how we measure access to justice.

As shown below, well-established state practice suggests a path for bringing IAT governance principles to NSOs, particularly with respect to the collection of people-centered data and overall on SDG16.3. The work of the European Union in institutionalizing Eurostat and its Code of Practice shows that states can effectively implement IAT governance principles into NSO structures. As discussed below, Eurostat—the European Union's Statistical Office—provides objective and people-centered statistical information to EU institutions, and its Code of Practice actively promotes the harmonization of statistical methods across EU Member States.¹⁸ Eurostat deems its IAT requirements—particularly as to independence—as integral to conducting reliable comparisons among EU countries and regions for policy-development purposes.¹⁹ Using the Eurostat Code of Practice to institutionalize IAT governance principles into European NSO structures has allowed Eurostat members to develop and collect people-centered data that addresses areas of justice underreporting. Notably, this approach also is similar to data collection approaches used by the WHO to obtain quality people-centered data.²⁰

A global standard on IAT governance principles for NSOs would further strengthen UN initiatives to enhance NSO capacity in implementing the 2030 Agenda. Part I, below, outlines existing gaps in access to justice data collection. Part II reviews the current international framework for statistics collection by NSOs, which framework only has focused on IAT to a limited degree. Part III discusses the international principles for IAT; and Part IV then examines EU State practice for institutionalizing IAT governance principles by reviewing approaches used by Finland, France, the Netherlands, and the United Kingdom.²¹ Part V then offers brief recommendations for applying IAT principles to NSOs.

Gaps in Justice Data Collection

Standardizing NSO governance through IAT principles is particularly relevant to measuring progress on access to justice under SDG16.3. Justice data covers a broad range of issues that can only be measured when objective data is supplemented by people-centered surveys that measure how individuals seek and receive justice, raising the particular need for user confidence in how data is collected and presented. This highlights two key issues: (i) the need for people-centered data, and (b) the need for more data.

The need for people-centered data

People-centered data collection recognizes that access to justice is a multidimensional concept, which “heavily depends on how society receives the meaning and scope of justice.”²² As such, people-centered data collection describes the broad scope of justice data collection derived from a consistent and systematic gathering of opinions and perceptions,²³ and the subjective thoughts and experiences of affected populations which can then be compared and contrasted with objective information produced by justice system providers.²⁴

The need for this type of data has been acknowledged in discussions on how to effectively measure justice data for SDG 16.3. As part of the IEAG’s discussions has been an awareness that data collection cannot be limited to objective data.²⁵ Although objective data—such as data numbers of court cases commenced or ended, incarceration rates, homicide rates, or domestic violence reports to police—is important, it is equally important to understand why people do or do not use the justice system and how they resolve disputes based on their perceptions of how effective a justice system is. Thus, the concept of justice extends beyond “formal process to informal dispute resolution and ultimately to social justice and the distribution of welfare, resources and opportunity.”²⁶

One approach to addressing this challenge in data collection are legal needs surveys, which primarily focus on experiences.²⁷ Legal needs surveys identify the scope of legal needs in a community or country by adopting an individual—rather than an institutional—perspective. This methodology looks beyond institutional data to investigate how people addressed justiciable problems actually faced. Legal needs surveys identify and explore the full range of responses to problems.²⁸ For example, they can ask whether people have tried to or would seek help in resolving civil justice issues through free (pro bono) attorneys, legal assistants or community advocates, neighbors, family, or the internet.²⁹ Increasingly, government agencies, NSOs, as well as civil society organizations

are attempting to conduct legal needs surveys at the national level.³⁰

While state-led legal needs surveys are being attempted, their use is not yet widespread. One reason for this is that in confronting the need to gather people-centered data, NSOs may encounter issues around reviewing the performance or shortcomings of their own government.³¹ Moreover, people-centered data can be challenging for governments to collect because the collection process requires that the interviewer have sufficient trust from respondents. This is especially the case in surveying populations that perceive themselves as underserved by the government that controls the NSO.³²

The need for more data on SDG16.3 progress

The challenge of SDG 16.3 underreporting has appeared *inter alia* from a comprehensive review of voluntary national reviews (“VNRs”) by the Global Alliance for Reporting Progress on Peaceful, Just, and Inclusive Societies. On the one hand, reporting on SDG16 indicators has increased in 2018, as compared to 2016 and 2017, and most UN Member States have provided detailed government data for at least some justice indicators.³³ Nonetheless, Member States have highlighted the lack of data for certain quantitative reporting. The VNR process also has revealed data and methodological gaps that mirror analyses prepared by non-governmental organizations that also analyze SDG16 data and reporting, which organizations have highlighted the absence of official government data across important SDG16 areas, including data that would allow SDG16 progress to be assessed and compared across UN Member States. Out of SDG16’s 24 indicators, only 7 have available data from 90% of nations, at least 8 indicators have data from less than 50% of countries; and some of the most important indicators (such as those relating to violence against children, sexual violence, and a general issue of the underreporting of violence) are comparable for less than 40% of countries.³⁴ In addition, access to justice challenges, particularly those faced by vulnerable populations, including the very poor, are widely unreported.³⁵

The VNR process and the work of non-governmental organizations has highlighted important factors contributing to underreporting. First, statistical capacity is often insufficient. While NSOs are supposed to be responsible for gathering UN-recognized data to assess SDG16 progress, it is recognized that NSOs still are in the process of building and implementing the necessary capabilities to do so.³⁶ Second, institutional challenges are a recognized cause for under-collection. For example, as noted above, for various SDG16 indicators, like 16.5.1, on corruption, or 16.10.1, on the killing/detention of journalists/human rights activists, it is challenging for NSOs to measure activities that may call into question government actions.³⁷ Third, many nations have not fully explained their collection and calculation methods, which creates

uncertainties both as to the data collected and how comparable it may be to data from other states. This lack of accountability and transparency not only diminishes our ability to assess the comparability of justice, but compounds the scope of underreporting on access to justice.

International efforts to strengthen data collection capacity

At the multilateral level

In 1994, the UN addressed standards of data collection by adopting the Fundamental Principles of Official Statistics (FPOS).³⁸ These principles have enjoyed broad international recognition since their adoption by the UN General Assembly in January 2014.³⁹ The FPOS aim to ensure that national statistical systems produce appropriate and reliable data that adheres to professional and scientific standards.⁴⁰ Moreover, they recognize that independence and accountability are the foundation of credible data collection. Indeed, according to their preamble, “the essential trust of the public in the integrity of official statistical systems and its confidence in statistics depend to a large extent on respect for the fundamental values and principles that are the basis of any society seeking to understand itself . . . and, in this context, the professional independence and accountability of statistical agencies are crucial.”⁴¹ But, while the Principles set valuable guidelines, in substance they focus predominantly on the collection of data and not on global standards for NSO governance.⁴²

For example, recognizing the data challenges presented by the SDG process, the General Assembly mandated the UN Statistical Commission to develop a global indicator framework relating to the 2030 sustainable development agenda. This initiative led to the establishment of the Inter-agency and Expert Group on SDG indicators (IAEG-SDGs), which was tasked with identifying the indicators and ensuring the full implementation of the related data development programs. The global indicator framework was adopted by ECOSOC in 2016.⁴³ Again, however, these initiatives do not directly address the governance challenges faced by NSOs in collecting more and different data, especially people-centered data, on SDG16.3 progress, or in collaborating more effectively with other government agencies that collect and use access to justice data.⁴⁴

Efforts by International Organizations to fill data gaps

Importantly, people-centered data, collected and reported using recognized statistical and reporting methods, has become a mainstay of important UN-related work, particularly in areas of public health and economic development that touch directly on SDG16.3.

For example, in the WHO Multi-Country Study on Women's Health and Domestic Violence against Women, the WHO used a combined taskforce of university professors, NGO specialists, and WHO experts to train and coordinate a series of collaborative research teams established within each of the fifteen participating countries.⁴⁵ Each team generally consisted of representatives of research organizations experienced in conducting survey research, NGOs with experience in providing services to the polled population (i.e. women experiencing violence) and, in some places, the government and NSO.⁴⁶ The approach allowed for the collection of highly-credible and globally-comparable people-centered data on domestic violence.⁴⁷

Similarly, in March 2014, the European Union Agency for Fundamental Rights (FRA)⁴⁸ published an EU-wide survey on violence against women based on interviews with 42,000 women across 28 Member States regarding experiences of physical, sexual and psychological violence.⁴⁹ The impetus for the report was the absence of comprehensive and comparable data relating to violence against women, both at the EU and Member State level, which absence was hampering policy initiatives.⁵⁰ As with the WHO study, FRA reached out to an array of experts to design surveys for collecting accurate people-centered data.⁵¹ The data collected provides invaluable insights relevant to SDG16 that objective data cannot: For example, the data collected can now be compared with criminal justice statistics—which are reliant on women reporting their experiences of victimization to the authorities—thus not only illustrating the reporting gap in gender violence, but also allowing insight into causes for that gap.⁵²

Both reports highlight the efficacy, usefulness and importance of people-centered data collected by independent and accountable institutions. In terms of formulating government policies to respond to domestic violence, the WHO report found that women were more at risk for violence in intimate relationships than anywhere else,⁵³ and that responding effectively to intimate partner violence was especially difficult because many women accepted it as “normal.”⁵⁴ This is information not available from purely objective sources, and required application of people-centered data methodologies not normally captured by the SDG16 indicators. Similarly, while the health sector has a unique potential to address certain issues of violence against women, the WHO report showed that this potential is far from realized, partly due to stigma and fear among women, but also because medical

professionals often lack training in identifying and responding to evidence of intimate partner violence.⁵⁵ Again, this gap as to health services required people-centered data collection not otherwise reflected in objective data on medical visits. Moreover, the WHO report revealed significant cross-country variations suggesting that domestic violence is not inevitable.⁵⁶

By allowing better analysis of domestic violence issues, the people-centered data developed by the WHO and FRA reports also highlights how this type of data can improve cooperation among line-agencies of government tasked with access to justice. The data developed in these reports will allow for better government policies relating to how police and court systems can address domestic violence (including steps to improve the likelihood of reporting), how medical professional can be better trained to recognize and address this issue, and how states can address the economic and educational challenges faced by women who are victims to intimate partner violence—all goals that fit squarely within SDG16.

These reports underscore gaps in reporting tied to objective data on SDG16 issues, and the value of people-centered data relating to access to justice issues. But, the WHO study on domestic violence covered only ten countries.⁵⁷ The previously mentioned WJP survey reached 45 countries.⁵⁸ While vitally important, these types of surveys cannot, by themselves, reach the global scope of justice data needed for measuring SDG 16.3 progress.

Conceptualizing International Principles of Independence, Accountability and Transparency

Recognizing the challenges posed in areas like security, election monitoring, and financial and competitive market regulation when government agencies are expected to measure and monitor processes that are inextricably intertwined with political policies and values, many governments have focused on IAT governance issues with regard to the design, collection, and reporting of statistical data. For example, the European Union and OECD have encouraged the establishment of independent administrative entities,⁵⁹ that is, semi-autonomous organizations that operate at arm's length from government in order to carry out public tasks, implement policies, regulate markets and policy sectors, or deliver public services.⁶⁰ The literature relating to these efforts shows how IAT governance principles of NSOs should be understood.

Independence

NSO independence is necessary to free data collection from political pressure, "particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out."⁶¹ Recognized criteria for independence focus on four pillars: institutional, personal, financial and functional.⁶² Institutional independence is the legal independence from government, i.e. whether the NSO is set-up as a distinctive legal entity and whether there is hierarchy or direct right of control or instruction by a government.⁶³ Personal independence addresses the way the highest members of the NSO are appointed, including their status and whether and under what circumstances they can be removed.⁶⁴ Financial independence refers to the ability of having a set budget, and whether the NSO has independent status to decide on that budget.⁶⁵ Functional independence addresses the competencies of an NSO based on the level of delegation it is granted.⁶⁶ Independence can be particularly important to an NSO setting goals for collecting objective and

people-centered data.⁶⁷ Relying on these criteria, an independent NSO is one that can work as a full-fledged partner to other government agencies, including those linked to data collection, in developing and implementing innovative ideas, especially as regards people-centered data collection and the implementation of legal-needs surveys.

Accountability

Accountability and independence are often presented as two sides of the same coin.⁶⁸ An organization cannot be accountable towards a state or international organization without having some level of dependence on them. In other words, absolute independence could foster unaccountability.⁶⁹ As such, it is well-recognized that in delegating regulatory power to independent agencies there also must be a pairing with a more sophisticated system of accountability than that normally used to monitor the behavior of directed bureaucratic agents.⁷⁰ Accountability, in this sense refers to “a process in which an actor explains conduct and gives information to others, in which a judgment or assessment of that conduct is rendered on the basis of prior established rules or principles and in which it may be possible for some form of sanction (formal or informal) to be imposed on the actor.”⁷¹ It is important that an NSO remain accountable to the government it works with in order to remain a trusted, and most importantly, a useful partner in efforts to understand effective access to justice and other fundamental SDG needs.

There are five elements usually cited as mechanisms of accountability for NSOs: legal, administrative, financial, institutional, and reputational accountability.⁷² Legal accountability refers to the requirement that NSOs abide by and be accountable to formal rules.⁷³ Legal accountability may arise through standard-setting, for instance through the adoption of a Codes of Conduct or standards for methodology.⁷⁴ This may be implemented through either soft or hard law instruments that include remedies for violation of such instruments. Administrative accountability would encompass processes for appointing and removing NSO leaders and executive teams, and rules surrounding NSO reporting.⁷⁵ Financial accountability refers to mechanisms through which funding agencies can monitor NSO performance without undermining NSO independence to design and implement data designs and collection.⁷⁶ Institutional mechanisms would most commonly include accountability through national parliaments, as well as oversight systems through specialized institutions or ministries, which systems can themselves create reputational, social and political accountability.⁷⁷

Transparency

Transparency relates to how information on which data-collection decisions are based is then made available to potential data-users.⁷⁸ Transparency and access to information in decision making can ensure that other government agencies and civil

society can hold NSOs accountable, which in turn, provides a way to increase public trust in institutions and their reported results. As such, transparency increases both credibility and legitimacy, and is a critical element to accomplishing accountability, especially towards the wider public.⁷⁹Indeed, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, Member States acknowledged the need for greater transparency in generating data, stating that: “greater transparency is essential and can be provided by publishing timely, comprehensive and forward-looking information on development activities in a common, open, electronic format, as appropriate. Access to reliable data and statistics helps Governments to make informed decisions, and enables all stakeholders to track progress and understand trade-offs, and creates mutual accountability.”⁸⁰ As such, increasing NSO transparency would also be essential to other government institutions tasked with collecting people-centered data on access to justice, including through legal-needs surveys.

IAT Governance Principles in the European Statistical System

Eurostat is at the forefront of implementing standards governing the administration of EU NSOs and cooperation between NSOs and European governments (and government agencies), including through IAT governance standards. Eurostat has developed and implemented IAT guidelines for European NSOs, thus helping to ensure the production of more reliable data, better cooperation between state agencies and NSOs, as well as the comparability of key data across European states. Moreover, Eurostat has implemented oversight systems meant to control, review, and encourage how states implement these guidelines, especially through peer review systems. The rationale for enacting IAT governance standards for European NSO's, and the resulting domestic implementation serve as a useful guide in considering IAT standards to strengthen access to justice data design, collection and reporting.

Eurostat

Eurostat oversees the development, production and dissemination of European statistics, as well as the development of statistical standards, methods, and procedures. Article 338 of the Treaty on the Functioning of the European Union (TFEU)⁸¹ requests that the European Parliament and Council adopt measures for the production of statistics where necessary for the performance of Union activities.⁸² It states that "production of Union statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators."⁸³

The framework for common standards regarding EU statistics is set out by EU Statistics Regulation No 223/2009,⁸⁴ by the Commission's Recommendation on the independence, integrity and accountability of the national and Community statistical authorities⁸⁵ as well as by the Code of Practice on European Statistics.⁸⁶

EU Statistics Regulation (Regulation 223/2009)⁸⁷

The EU Statistics Regulation establishes a legal framework for the

development, production and dissemination of European statistics, and aims to enhance trust in European statistics. It requires EU NSOs to have strict standards of professional independence, impartiality and quality as to the production of statistics under TFEU Art. 338(2). Founded in 1953 to meet the requirements of the Coal and Steel Community, the entity known as Eurostat ultimately became a Directorate-General (DG) of the European Commission.⁸⁸ Today, Eurostat is part of the portfolio of the Commissioner for Employment, Social Affairs, Skills and Labour mobility, and its key role is to supply statistics to other DGs, the Commission and other European Institutions so they can define, implement and analyze Community policies.⁸⁹

The EU Statistics Regulation provides legal recognition for the European Statistical System (ESS),⁹⁰ setting it out as a partnership between Eurostat and NSOs of EU and EFTA⁹¹ Member States.⁹² The ESS has committed to “provid[ing] the European Union and the world with high quality information on the economy and society at the European, national and regional levels and make the information available to everyone for decision-making purposes, research and debate.”⁹³ The Regulation also establishes the ESS Committee, which provides professional guidance to the ESS, and is involved in methodology, quality, priority-setting, and international cooperation.⁹⁴

The EU Statistics Regulation also provides a framework for the European statistical program—later implemented by separate Regulation—setting out the main fields and objectives of actions.⁹⁵ The European statistical program needs to be implemented in accordance with the principles of the Code of Practice with a view to producing and disseminating high quality, harmonized and comparable European statistics, and ensuring the proper functioning of the ESS.⁹⁶

European Commission Decision on Eurostat

Based on the EU Statistics Regulation, the European Commission institutionalized Eurostat by decision.⁹⁷ Eurostat is entrusted to steer the European Statistical System and to strengthen cooperation among its partners with international organizations, and with third-countries in order to facilitate the comparability of European statistics with statistics produced in other statistical systems.⁹⁸

Where appropriate, Eurostat also supports non-Member states in the improvement of their own statistical systems.⁹⁹

Code of Practice on European Statistics

To develop minimum European standards of independence, and to enhance the independence of Eurostat, the Commission issued

the Communication on the independence, integrity, and accountability of national and EU statistical authorities, presenting the Code of Practice on European Statistics.¹⁰⁰ The Code contains 16 Principles covering institutional environment, statistical processes and statistical output. It sets IAT standards for national and EU statistical authorities, and provides a further guarantee for the good functioning of the ESS and the production of high quality and reliable statistics.

To ensure independence and accountability, Eurostat monitors the effective implementation of the European statistics Code of Practice by national statistical authorities.¹⁰¹ The European Commission reports biennially to the European Parliament and to the European Council on progress made on the implementation of the statistical principles contained in the Code of Practice. Additionally, the ESGAB prepares an annual report, assessing the implementation of the Code of Practice in the ESS.¹⁰²

Domestic Application of IAT: Four European Case Studies

Four European case-studies—Finland, France, the Netherlands and the United Kingdom—highlight the workings of IAT standards at NSOs and how the Eurostat Principles and Code of Practice can be used to implement IAT standards.

Independence

A standard of IAT would ensure that justice data globally would be collected free from government and outside interference. Delinking the influence of governments from the capacity to collect data—especially people-centered data—diminishes potential for bias and induces trust and credibility as to NSOs and other government agencies tasked with collecting and using this type of data. Moreover, NSO independence leads to greater freedom in developing data collection methodologies, strengthening NSO (and other government agency) capacity to deal with people-centered data collection to measure access to justice and implement SDG16.3. By enhancing trust in data providers, the independence of statistical-gathering agencies will catalyze response rates and thus the quality and quantity of data collection. Four elements are important in establishing NSO independence: (i) institutional independence; (ii) personal independence; (iii) financial independence; and (iv) functional independence.

Institutional Independence

Institutional independence pertains to the administrative structure of the NSO setting it apart from national or local government. Institutionally independent NSOs may be set up as distinctive legal entities—rather than falling under the authority of a ministry—or may be established through mechanisms that insulate them from legislative and executive influence.

Eurostat mandates that NSOs and Eurostat be independent from political and other external interference in developing, producing and disseminating statistics.¹⁰³ EU Member States have adopted a variety of organizational models to implement the institutional independence standard mandated by Eurostat (showing the multiple models are acceptable). Most commonly, states either (a) create an advisory board charged with oversight over promoting and safeguarding NSO independence in the production and publication of official statistics, as well as the quality and good practice of official statistics production; (b) safeguard the independence of the NSO through express administrative law; or (c) establish the NSO as an independent administrative agency. The major difference between these three models is the hierarchical relationship between the NSO and the government. When states create an advisory board, these administrative authorities are legally accountable to Parliament. Conversely, NSOs as independent administrative agencies detach the NSO from any a hierarchical relationship with the government. As explained below, the latter model requires more intricate systems to guarantee sufficient accountability in light of the high level of independence granted.

France and the UK are examples of the independent advisory board model. The UK, through the Statistics and Registration Service Act of 2007, created its Statistics Board as an independent, non-ministerial department accountable to Parliament (and the devolved legislatures), including through the presentation of annual progress reports.¹⁰⁴ Similarly, France established the National Statistical Governance Advisory Board (NSGAB),¹⁰⁵ which is tasked with monitoring and enforcing professional independence in the “conception, production, and diffusion” of public statistics.¹⁰⁶ The advisory board guarantees independence by monitoring the accordance between the statistical program and statistical needs expressed by users of official statistics, receiving feedback on the NSO’s independence from a wide range of private and public data users.¹⁰⁷

Finland is an example of a state that safeguards independence through administrative law. Statistics Finland is a government agency operating under the Ministry of Finance.¹⁰⁸ However, the Ministry’s role is limited to the setting of targets regarding the resources and main results as well as to the monitoring and controlling of the resources used and the results achieved.¹⁰⁹ The statistical legal framework provides provisions to ensure that Statistics Finland and other authorities that compile official statistics operate independently, objectively, reliably and cost-efficiently, and that they ensure the protection of statistical confidentiality.¹¹⁰

Finally, the Netherlands has adopted a model in which the NSO was established as an independent administrative agency.¹¹¹ The Netherlands may be the country granting its NSO the highest level of independence in this respect. In 2004, Statistics Netherlands¹¹² was granted the status of an autonomous administrative body under the Dutch Autonomous Administrative Authorities Framework Act.¹¹³ This means that Statistics Netherlands performs public service tasks, but

operates independently and not under the direct authority of a Dutch ministry, a standard of independence that has been recognized as strong by the Eurostat Peer review.¹¹⁴

Personal Independence

Personal independence relates to how the NSO's highest-level executives are appointed, as well as on the circumstances under which they may be removed, and their autonomy to decide on statistical methodologies and the publication of official statistics.

Section 4.2 of the Eurostat Code of Practice underscores that independence is granted through the autonomy of the Director-General in deciding on statistical methodologies and publication of results.¹¹⁵ The heads of EU NSOs and of Eurostat and, where appropriate, the heads of other statistical authorities must have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.¹¹⁶ As acknowledged by Eurostat and many governments, this mechanism stands as the foundation for independent NSOs whose executives will be above political influence. For example, the Explanatory Memorandum for Statistics Netherlands states that “the professional independence of official statistics is guaranteed by codification of the Director-General's autonomy.”¹¹⁷

State practice evidences at least four ways in which personal independence is assured. First, the appointment of the head of the NSO by a minister or ministerial decree guarantees independence. In the UK, the Crown appoints the National Statistician, the government's principal adviser on official statistics and head of the NSO.¹¹⁸ The Dutch Director General is appointed by the Minister of Economics.¹¹⁹ France with its decentralized statistical system has both the president of the advisory board (NSGAB)¹²⁰ and the executive director of the NSO (INSEE) nominated by a decree of the Council of Ministers.¹²¹

Second, there is the length of the appointment. States recognize that NSO heads need to be appointed for a term that allows them sufficient time to make decisions in a calm manner. Therefore, France and Finland grant a term of five to six years¹²² and the Netherlands mandates an initial term of seven years.

Third, under French law, the NSGAB Chairperson may not be reappointed, eliminating any pressure over pleasing or not pleasing the appointing authority.¹²³ Other states have not implemented this idea.¹²⁴

Fourth, personal independence is fostered by codifying the Director General's autonomy to develop statistical methodologies and publish results.¹²⁵ In the Netherlands, UK and France the law guarantees the NSO's independence regarding the use of methodologies for data collection, warranting that the director general has autonomy over the development of statistical methodologies and the publication of results.¹²⁶ In the UK, similarly, the National Statistician is the principal adviser on (a) the quality of official statistics, (b) good practice in relation to official statistics, and (c) the comprehensiveness of official statistics.¹²⁷ Collectively,

these four approaches carry-out the Code of Practice mandate that ministers not interfere with the substance and context of statistical research, the commissioning of new statistical research or amending of existing research.¹²⁸ The autonomy of the Director-General “excludes political influence and limits ministerial responsibility.”¹²⁹

Financial Independence

Financial independence refers to insulation from budget-related pressures, as determined by the NSO's ability to decide how to receive and allocate its budget independent of control or pressure from other governmental institutions. Eurostat's Code of Practice does not require that NSOs be financially independent from other governmental institutions, but freedom from budget pressure is paramount. Recognizing this, different EU members have attempted to at least insulate NSOs from budget-related pressures.

The Netherlands and Finland have adopted budget approval processes whereby the Government—the Netherlands Minister of Economic Affairs, and the combined Parliament and Finnish Ministry of Finance and Statistics¹³⁰—is politically responsible for the overall budget, while the NSO decides independently on the activities, services, and statistics to be provided with that budget.¹³¹ The fact that the budget is not tied to the nature of the NSO's activities counterbalances the loss of independence that a state-provided budget otherwise generates. The system attempts to exclude political influence on official statistics and restricts ministerial oversight. France recently opted for a system aimed at accomplishing similar goals through a new law—the “LOLF” (*Loi Organique Relative aux Lois de Finances*)—which attempts to create more financial independence through multi-annual budgeting¹³² and more autonomy through a more project-oriented¹³³ allocation of resources.¹³⁴ In Finland, the NSO is free to use the money it receives through the budget process, but is monitored by the government through an annual performance agreement, in which Statistics Finland undertakes to use the resources it receives to achieve targets set for improving its productivity, efficiency and services.¹³⁵

Functional Independence

Functional independence relates to the level of delegation granted to the NSO and the NSO's ability to set its own data-collection goals, methodology, and schedule. Thus, while national legislatures may mandate much of the data to be collected, under the Eurostat Code of Practice, NSO heads have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.¹³⁶

For example, Statistics Finland takes care of all the strategic planning of official statistics, common standards and classifications, development of statistical methods, shared data collection and dissemination rules.¹³⁷ Similarly, the Netherlands has

enshrined in law that Ministers cannot interfere with the substance and context of statistical research, nor commission new statistical research or amend existing research.¹³⁸ Moreover, when Statistics Netherlands needs a new statistical program approved, it is to the country's Advisory Council¹³⁹—an independent committee—that Statistics Netherlands turns to for approval.¹⁴⁰

In France, it is exclusively the role of the directors of the national statistics institutes and of Eurostat to decide which methods, norms, and procedures are used, as well as the content of studies and the diffusion date of statistical publications. However, this power is to be exercised within the framework approved by NSAC, the organization linking users and providers of data.¹⁴¹ Hence, the French statistical system is characterized by an elaborate governance and coordination mechanism, which ensures independence through “checks and balances” of sorts.

In the UK, the current level of delegation from government to NSO officials is limited in that there is no strict division between the statistical and administrative roles within the Government Statistical Service (GSS), which could impede on the independence of official statistics.¹⁴² Eurostat Code of Practice indicator 1.4¹⁴³ states that the Head of Profession¹⁴⁴—the leader of the GSS—should have the “sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.”¹⁴⁵ Though this practice is not yet fully implemented, the UK has recognized the importance of striving towards the Eurostat model.

Accountability

As noted above, accountability must be balanced against independence, and is seen as important to the quality of data produced.¹⁴⁶ Therefore, a framework guaranteeing accountability must be implemented in parallel with existing systems providing for independence. NSO accountability ensures that NSOs can be held responsible for complying with data collection methodologies. Additionally, accountability ensures that NSO's live-up to expectations set out in the indicators of SDG16.3 for instance in the delivery of their products and their behavior towards data providers, such that the act of collecting and reporting data should not raise rule of law and access to justice issues. Standardizing NSO governance principles thus is part of the process for building accountable and effective institutions, and to ensuring public access to information—both goals of SDG16.¹⁴⁷

Legal Accountability

Generally, the countries studied for this report have their NSOs abide by an ethical code or a code of professional conduct, based on a combination of the Declaration on Professional Ethics of the International Statistical Institute (ISI), the basic principles of official UN statistics, and recommendations issued by the European Union, including the 2005 recommendation on the independence, integrity and accountability of the national and Community statistical authorities.¹⁴⁸ Thus, in addition to the European Council Regulation

No 322/97 on Community Statistics, which lays down the most important ethical principles of official statistics in the Community, countries have developed their own codes of conduct.

In Finland, the Statistics Act prescribes that good statistical practice shall be observed in the handling and processing of data and information, following the international recommendations and procedures generally observed in the statistical sector. "All statistics producers signed the "Quality Assurance of Official Statistics of Finland" at the start of 2013, committing themselves to the principles that steer statistical production (Eurostat Code of Practice Principle 4), and in general there are formal agreements between Statistics Finland and the producers and register owners."¹⁴⁹ In the UK, in addition to the Statistics and Registration Service Act of 2007, which created the UK Statistics Authority,¹⁵⁰ official statistical activities have been supported by the National Statistics Code of Practice in 2000, which ensures that statistical releases are distinguished and issued separately from political and policy statements.¹⁵¹ The UK Code of Practice extends to statisticians and all other officials and advisors either involved in the production of official statistics or who use those statistics. The Statistics Netherlands Act constitutes the legal basis for Statistics Netherlands,¹⁵² but Statistics Netherlands also has enacted a Code of Conduct, which outlines that users have no authority to influence the methods and techniques of data collection.¹⁵³

In addition, some countries rely on advisory boards to resolve ethical problems. That is the case of Finland, where the NSO may consult the committee and request an opinion on a problematic issue.¹⁵⁴ Even outside of Eurostat, this idea has been used. For example, in Switzerland, the Ethical Council is an independent and autonomous body created to see that fundamental principles of the public statistics Charter be respected and applied.¹⁵⁵ The Council also takes on the role of mediator when the need arises.¹⁵⁶

Administrative Accountability

Administrative accountability relates to mechanisms that improve transparency regarding how NSOs carry-out their work, and includes reporting requirements to the government or the public, as well as procedures for appointing or removing high-level NSO executives.¹⁵⁷

Eurostat requires that statistical work programs be published and periodic reports describing progress made.¹⁵⁸ The UK Statistics Authority, for example, is directly accountable to Parliament through its Public Administration Select Committee (PASC) and to the devolved legislatures (Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly).¹⁵⁹ The Authority must produce an annual report on (i) what it has done during the previous year; (ii) what it has found during the previous year; and (iii) what it intends to do during the following year.¹⁶⁰ This report will cover official statistics produced and published by the Statistics Board itself¹⁶¹ as well as official statistics produced and published by ministerial departments under monitoring by the Statistics Board.¹⁶² The report must be published as soon as possible after being presented to the Parliaments.¹⁶³ Similarly, in France, regulations task NSAC with publishing an annual report containing

an analysis of the execution of their annual and mid-term work program by statistics-producing institutions.¹⁶⁴

Eurostat also mandates that procedures for recruiting and appointing the heads of the NSOs must be transparent and based on professional criteria only.¹⁶⁵ Moreover, the reasons for which dismissal may occur must be specified in the NSO's legal framework, and cannot include reasons compromising professional or scientific independence.¹⁶⁶ Based on these standards, EU nations generally have recruited NSO heads through open competition, fixing a longer term for the head of the statistical agency than the government's term of office, implementing merit-based appointment procedures based on consultation with multiple bodies, placing the head of the statistical bureau at the same rank as top officials in other departments, or by a combination of these approaches. Thus, in Finland, the Director General of Statistics Finland is recruited through open competition. The requirements for the post are "a higher level academic degree, management skills and management experience proven in practice as well as broad-based experience required by the position."¹⁶⁷ The Director General is nominated by the Council of State upon recommendation made by the Ministry of Finance for a fixed but renewable seven-year term. The Director General has the same rank as top officials in government departments. Dismissal conditions for a Director General are the same as for any other senior civil servant, and are set out in the Civil Servants' Act (750/1994).¹⁶⁸

In France, the Director General of INSEE is at the same level as the heads of other government departments, which is the same as the level of the highest non-political public servant.¹⁶⁹ Like other top public servants, the Director General of INSEE is appointed and removed by the French President through a decree of the Council of Ministers, and the term of office generally extends beyond the government's term of office.¹⁷⁰ The Director General cannot be removed from office by a single minister, only by a decision of the Council of Ministers.¹⁷¹ NSGAB comprises nine nominated members of high standing, with the President appointed for 6 years by decree of the Council of Ministers on the basis of his qualifications in the legal, economic and technical spheres. He cannot be removed, except if he/she quits, or is guilty of a serious fault (at the discretion of the Authority).¹⁷²

In the Netherlands, the members of the Advisory Council—the autonomous body responsible for management and strategic direction of Statistics Netherlands—are appointed by the Minister of Economic Affairs on the basis of recommendations by the Council itself.¹⁷³ The Secretary to the Council, however, is an employee of Statistics Netherlands and is designated by Statistics Netherlands' Director General. In return, the Advisory Council participates in the appointment of Statistics Netherlands' Director General by recommending, sometimes quite actively,¹⁷⁴ to the Minister a candidate for the position. These forms of accountability ensure an integrated and effective system of accountability in which executives assume not only authority, but also responsibility for their decisions and, if necessary, answer for their decisions in the context

of the governance structure of NSOs.¹⁷⁵

Financial Accountability

Financial accountability focuses on how NSOs are funded so as to allow for governmental oversight (which supports accountability and transparency), but in ways that do not otherwise undermine NSO independence to carry out statistical design, collection and reporting. This mechanism presumes that governments can require NSO reporting, and sanction non-compliant NSO budgetary allocations, including by influencing future NSO budgets.¹⁷⁶ Depending on the chosen organizational model, EU NSO's have implemented different financial accountability mechanisms.

For example, in Finland, this mechanism is very much interwoven with regular government budgeting, aiming to find a midpoint between NSO independence and accountability. Finnish government ministries draw up budgets for their administrative fields from the proposals of agencies and institutions.¹⁷⁷ Statistics Finland draws up a budget proposal containing estimates of the organization's income and appropriations in the coming year.¹⁷⁸ That plan presumably would conform to the agency's operational targets for the coming year as specified in the performance agreement drawn up between Statistics Finland and the Ministry of Finance.¹⁷⁹ The Ministry of Finance then provides the framework of resources on the basis of Statistics Finland's budget plans.¹⁸⁰ The budgets are next approved by the Finnish Parliament.¹⁸¹ Any supplementary budgets are then also decided by the Parliament.¹⁸²

In the Netherlands, financial accountability is ensured by requiring the director general to hold the financial resources of the Statistics Netherlands on current account with the Minister of Finance. This means that the Minister may adopt rules for the format of the budget, and the director general is required to send the budget to the Minister before April 1 of each year.¹⁸³

Institutional Accountability

Institutional accountability generally relates to oversight mechanisms that assure that NSO standards remain high without compromising NSO independence.¹⁸⁴ Eurostat achieves institutional accountability in its own structure through the use of Advisory Boards tasked with monitoring statistical bureaus' work and independence. In Europe, the European Statistical System (ESS) harmonizes EU statistics to provide comparable data at EU level and is flanked by the European Statistical Governance Advisory Board (ESGAB).¹⁸⁵ The ESGAB oversees professional independence, accountability and integrity of the European Statistical system. In turn, the European Statistical Advisory Committee (ESAC),¹⁸⁶ ensures that user requirements are taken into account in developing statistical programs.¹⁸⁷

Although Eurostat does not require that Member States mirror this structure, several states have adopted a similar "checks and balances" approach. Thus, in France, the structure closely

parallels that of Eurostat: The NSGAB¹⁸⁸ performs work similar to Eurostat's ESGAB and is one of the three pillars of official statistical governance, alongside NSAC¹⁸⁹ and the units composing the official statistical service.¹⁹⁰ Like Eurostat's ESAC, NSAC is in charge of organizing consultations between producers and users of official statistics, while the units perform the statistical work.¹⁹¹ As at the Eurostat level, NSAC and the NSGAB operate under very different remits: the first issues recommendations, while the second oversees the system's integrity and independence. Moreover, the Official Statistics Quality Label Committee (OSQLC) assesses the technical quality of all new surveys that will be listed in the official statistical program and must award them a quality label before they can be included in the program. All existing surveys are also subject to this certification process as the quality label must be renewed after five years in all cases.¹⁹²

In the UK, the Statistics Authority, an independent body established by the Statistics and Registration Service Act 2007, operates at arm's length from the government as a non-ministerial department, directly accountable to Parliament. The Authority¹⁹³ is tasked with overseeing the Government Statistical Service (GSS), and is also directly accountable to Parliament through its Public Administration Select Committee (PASC) as well as to the devolved legislatures (Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly).¹⁹⁴ The main functions of the UK Statistics Authority are oversight of the production and publication of official statistics across the UK statistical system, as well as monitoring of quality, comprehensiveness and good practice in relation to all official statistics.¹⁹⁵ Indeed, the UK Statistics Authority issued the current UK Code of Practice in January 2009. Since that time, the Authority has systematically assessed the quality of official statistics against the UK Code of Practice and monitored statistical releases and use of statistics by government and public institutions, commenting publicly on any misuse observed.

Finland and the Netherlands have opted for ministry-based institutional accountability, in addition to specialized advisory oversight bodies. For example, Statistics Finland is independently responsible for its activities, services and statistics, but the organization operates under the Ministry of Finance and is managed by results.¹⁹⁶ The agency's operational targets for the coming year are specified in a performance agreement¹⁹⁷ between Statistics Finland and the Ministry of Finance. The achievement of the targets is reported on biannually.¹⁹⁸ To achieve its goals, Statistics Finland also has access to a number of advisory groups, such as the Advisory Board of Statistics Finland,¹⁹⁹ the Scientific Advisory Board, the Advisory Board of the Library of Statistics, the Co-operation Group for Official Statistics on EU Matters, and the Co-operation Group with the Bank of Finland.²⁰⁰ In the Netherlands, institutional accountability is ensured by requiring that the director general report on the statistical program to the Minister of Economic Affairs, who can reject a statistics program based on non-compliance with budgetary constraints.²⁰¹ In addition, to ensure independence from the government while also checking the power of Statistics

Netherlands, decisions on data collection and publication of data by the director-general and corresponding budgetary allocations are subject to the advice of the Advisory Council of Statistics Netherlands. The Advisory Council serves as an independent committee overseeing the independence, impartiality, relevance, quality and continuity of the statistical programs.²⁰²

Societal Accountability

Some countries have taken a final step to enhance accountability by making their NSOs accountable to the general public. This form of accountability may be especially helpful in aiding the collection of accurate people-centered data, as it fosters trust in the NSO, as well as understanding of the NSO's missions throughout society.

For example, Statistics Finland has become a well-known and trusted agency in Finland through some of its outreach work. According to a 2005 survey, 81% of the country's citizens knew at least roughly what Statistics Finland did.²⁰³ According to the same survey, 86% of those who knew the organization considered its statistics as very or fairly reliable. To accomplish such high ratings, the agency opens its doors to visitors: Thousands of persons visit Statistics Finland and its Library of Statistics per year as customers, trainees, and visitors.²⁰⁴ The institution also obtains information about the operating environment through regular corporate image surveys, customer satisfaction surveys, customer feedback and media monitoring, as well as with a Strategic Intelligence system tailored for Statistics Finland's needs.²⁰⁵ This, too, supports Statistics Finland's credibility as an impartial, autonomous and independent agency. This being said, the peer review noted that the establishment of a Statistical Council, opened to all categories of users to organize dialogue between producers and users of official statistics, ranging from identification of areas to be covered to evaluation of statistical operations would reinforce the voice of users.²⁰⁶

The French statistical system also has taken steps to hold itself accountable to the general public. To remedy the absence of an objective definition for "relevance," INSEE conducts satisfaction surveys targeting different categories of users, such as the general public, but also journalists, researchers, academics, businesses, non-profits, local governments, parliamentarians, and the executive. The French NSO (INSEE) consults these data users to verify the relevance and usefulness of existing statistics in light of users' current, as well as anticipated needs and priorities. Priority needs are then taken into account and reflected in the following year's work program.²⁰⁷ Similarly, before submitting its work program to NSAC,²⁰⁸ INSEE receives the organization's advice regarding existing statistics and potential new subjects for investigation. This advice is often the result of a collection process, either through administrative resources, or via survey. Throughout this process, NSAC relies on data users, and more specifically, on a special committee of users to make a decision.²⁰⁹

In the UK, societal accountability is granted by the rebuttals policy in place (letters to editors), publicly available on the website of the Office of National Statistics (ONS).²¹⁰ The basic principle of this

policy is that ONS should respond if there is a factual inaccuracy or if the professionalism, honesty or independence of the organization is called into question. Moreover, similarly to what INSEE does in France, the ONS has close contact with users and consults them frequently on various aspects of its activities.²¹¹

Transparency

Transparency enhances the accountability of NSOs and how governments use data. Transparency is also a driver of innovation that can improve collaboration within and among governments, and between governments and civil society.²¹² Transparency involves two key concepts. First, users must be kept informed about the methodologies used in gathering and integrating data, as well as about the quality of statistical outputs.²¹³ Second, in disseminating data, governments must use modern information and communication technology and platforms, and use open data standards.²¹⁴

The Eurostat Code of Practice requires that European statistics be presented in a clear and understandable form, released in a suitable and convenient manner, available and accessible on an impartial basis with supporting metadata and guidance.²¹⁵ EU standards of transparency are then furthered by national laws protecting rights in information.²¹⁶ In the EU, data transparency has strengthened the relationship between NSOs and data providers. In Finland, for example, where the official statistics bureau actively reaches out to the general public on a regular basis, the response rates to obligatory business surveys are usually over 90%, and voluntary household surveys reach response rates of 70-80%.²¹⁷

Informing Users

Finland, the Netherlands, the UK and France all publish their methodologies, projects and results. For instance, Statistics Netherlands publishes an annual plan outlining activities for the year ahead and changes in the program made. French users are informed of the methodology used to produce published statistics, including of the way administrative data is used.²¹⁸ In the UK, the Authority follows advice from the National Statistician, and is required to publish a statement when it rejects the advice of the National Statistician in relation to the development and maintenance of definitions, methodologies, classifications and standards for official statistics, or as to the application to any statistics produced.²¹⁹

Indeed, European NSOs have sometimes gone further, implementing systems to prevent the misuse and erroneous interpretation of statistics. For example, Statistics Finland monitors the use of statistics in research and in the media and offers training and guidance to statistics users, particularly in connection with the publication of new statistics. Statistics Finland also provides training and instruction to key disseminators of statistical data, such as the mass media and research institutes. Around 30 courses are arranged every year on statistical methodology, sources of statistical

information and topical themes (e.g. the state of the economy, consumption trends, unemployment, and ageing). Similarly, Statistics Netherlands publically comments on statistical questions such as criticism regarding statistics or abuse of statistics,²²⁰ and in France, the national institute of statistics communicates with the public regarding statistics questions, including regarding criteria and any abusive use of statistics.²²¹

Using Modern Information and Communications Technologies

European NSOs have also complied with this Eurostat requirement by making their data available on line, in published form, on CDs, and through public information events.

Trust-Creation and the Collection of People-Centered Data

The EU experience also has underscored the importance of IAT governance principles in helping to develop strong practices regarding the collection and use of people-centered data. This, in turn, has increased the quality and comparability of data, including as relevant to SDG16.3.

IAT principles foster trust

The EU has recognized the importance of IAT principles in improving data relevance and accuracy. In the words of INSEE's former Director-General Edmond Malinvaud: "Independence and ethics are not decreed; they are built up over the long run through the practices of ministerial authorities, management, and staff." In this regard, the British example is telling: In the 1980s, the government had wanted to restrict the role of public statistics to the production of information necessary to conduct national affairs. A national debate ensued, resulting in an independent national Statistics Authority that set about rebuilding public credibility.²²² As noted above,²²³ the ESS was confronted with a similar issue based on the conduct of a few Member States, and used the Code of Practice and new institutions (such as the European Statistical Governance Advisory Board) to reinforce IAT principles and public trust in the ESS.

Enhanced trust has encouraged the development and collection of people-centered data

The European countries studied all leverage IAT principles in developing and collecting people-centered data necessary to bolster the work of other government agencies and other statistical analyses used by EU governments.

For example, in the UK, people-centered data is collected in the “Measuring National Well-being” program, which provides a more detailed look at life in the UK through *both* objective data and people-centered data.²²⁴ In measuring the well-being of young people, the program looks not only at absolute educational attainment, but also at surveyed populations' sense of belonging to their neighborhood.²²⁵ The program generated international interest around the question of how to coherently measure the progress of societies—their economic performance, quality of life, and environmental sustainability, considering that “quality of life,” or “well-being” are both highly subjective notions.²²⁶

As an independent authority, Statistics Netherlands measures people-centered information such as opinions and attitudes on an ongoing basis through various types of surveys.²²⁷ To guarantee accountability for people-centered data collection, Statistics Netherlands follows its Code of Practice to adhere to strict guidelines in the development of specific methodologies. These guidelines are established to guarantee that the measuring of people-centered data is conducted in the most objective and standardized manner. In the development of the survey questions, Statistics Netherlands complies with international guidelines,²²⁸ as well as internal methodology methods based on these guidelines.²²⁹ Transparency also is assured by the guidelines being publicly available.

The French statistical system also relies heavily on people-centered data. INSEE alone has a workforce of over 5,500 people, and works in collaboration with other institutions, such as INED and the Ministries' statistical offices to collect people-centered data. Indeed, one of INSEE's principal functions is to carry out general interest surveys of businesses and families. To do so, INSEE relies on INED and its “major surveys.” INED has developed, for example, both life course surveys and methods for following cohorts and panels prospectively. INED researchers also have been at the forefront of surveying particular subpopulations, such as the poor and disadvantaged, for example launching the first surveys of homeless people in France. Today these surveys are conducted by INSEE, with INED a partner in data collection, as during the most recent edition of the *Enquete sans domicile* 2012.²³⁰

Finally, Statistics Finland relies on cooperation with other organizations to collect people-centered data, including by sharing information with non-governmental organizations and interest groups. The institution believes that independence in decision-making is based on a vast co-operative network, and that to maintain relevance and high quality of official statistics, statistical authorities cannot function in a vacuum or work alone. Rather, they need to have a constant dialogue with users and data providers, with researchers and the media. Statistics Finland has thus built up a wide and varied collaborative network with government bodies, other data users and data providers, universities and research institutes, and other interest groups. Moreover, in Finland, there are almost twenty other agencies producing statistics for public use. The statistics produced focus on diverse areas, such as agriculture and forestry, social security and

health, the environment and natural resources, and foreign trade. The co-operative network is maintained both at the expert level and at the management level. Several permanent advisory cooperative groups have been established, and play an important role in the development of statistics production.²³¹

Applying IAT Governance Principles to NSOs

Although NSOs are not the sole collectors or users of SDG-related data, they have a crucial and unique role to play. SDG16.3 underscores the need for reliable data—both objective and people-centered—that also is comparable across nations. NSOs are essential in measuring SDG progress, including by working with government line-agencies and civil society alike in developing and collecting better data. Indeed, as underscored by the work of WHO, FRA and Eurostat, the process of designing and gathering people-centered data has the potential to bridge existing divides between governments and civil society, while creating important and comparable data.

As discussed above, Eurostat has been working on developing and implementing IAT governance principles across 28 nations. These standards have helped the European Union develop workable data that focuses not only on objective information, but on the lived experiences of Europeans as measured through people-centered data. This data is an important resource, providing insights into issues and needs crucial to SDG16.3 and its related targets. The IAT governance principles developed and implemented under the Eurostat Code of Practice have the added advantage of being measurable, as demonstrated by the European Peer Reviews on Member State compliance to the Code of Practice. Thus, progress on IAT governance principles could be measured as part of the Voluntary National Reviews Database, which is already encouraging UN Member States to conduct regular reviews on SDG16 progress.

Developing IAT governance principles for NSOs based on EU experience and state practice would further and strengthen current UN initiatives for enhancing NSO capacity in support of the 2030 Agenda. Based on the EU experience, these principles would improve data gathering, allow UN Member States to better compare data, and help states better direct resources and expertise to progressing SDG16.3 and its related SDG targets. In addition, based on EU experience, use of IAT principles could hasten the develop of the types of people-centered data that would enable governments to better measure progress on SDG16.3, including by helping states better understand the access

to justice issues facing their most vulnerable and marginalized populations, which are most in need of the promise of SDG16.3.²³²

Endnotes

- ¹ See Section 2(b), see also OECD & OSJI Legal Needs Surveys Report (2018) at 132.
- ² In addition to the twelve parts of SDG16, there are 24 related SDG targets. These are SDG 4.7 on a culture of peace, non-violence and global citizenship; 5.2 on violence against women and girls; 5.3 on child marriage and female genital mutilation; 8.7 on child labor and soldiers; 10.7 on safe migration; 8.7 on forced and modern slavery and human trafficking; 11.7, 11.1, 11.2, 8.8 and 4a on safe public spaces, housing, transport, workplaces and education facilities; 8.5 on equal pay for equal work; 8.8 on labor rights; 10.3 on equal opportunities, laws, policies and practices; 10.4 on policies for greater equality; 5c on policies and legislation for gender equality; 5.1 on discrimination against women and girls; 4.5 on all forms of discrimination in education; 1b on institutions and policies for poverty reduction; 17.3 on tax collection; 11.3 on inclusive urbanization; 10.7 on migration policies; 10.5 and 10.6 on global financial and economic institutions; 17.10 on an equitable trade system; 10.2 on political, social and economic inclusion; and 5.5 on women's participation and leadership. As used in this memorandum, SDG16 refers to SDG16 itself and these related target indicators.
- ³ See for an overview on SDG 16, <https://sustainabledevelopment.un.org/sdg16>.
- ⁴ OECD & OSJI Legal Needs Surveys and Access to Justice (2018) at 3.
- ⁵ INSTITUTE FOR ECONOMICS & PEACE, SDG 16 PROGRESS REPORT: A COMPREHENSIVE GLOBAL AUDIT OF PROGRESS ON AVAILABLE SDG16 INDICATORS (hereinafter "IEP SDG 16 Progress Report") (2017) at 2.
- ⁶ Access to justice generally covers the broad scope of abilities of people to obtain just resolution of justiciable problems and enforce their rights, in compliance with human rights standards, if necessary, through impartial formal or informal institutions of justice and with appropriate legal support. See OECD & OSJI, LEGAL NEEDS SURVEYS AND ACCESS TO JUSTICE (2018) 22 (hereinafter "OECD & OSJI Legal Needs Surveys Report") ("In its "descriptive aspect", access to justice "denotes the general subject of the extent to which citizens are able to gain access to the legal services necessary to protect and vindicate their legal rights." In functional terms, this does not mean that use of legal services is necessary to ensure access to justice, only that appropriate services are available for those who are unable to achieve otherwise appropriate solutions to justiciable problems.").
- ⁷ OECD, 2018 Legal Needs Survey and Access to Justice, at 3.
- ⁸ Recommendations by the Inter-Agency and Expert Group (IAEG), the UN-body responsible for developing global indicators to measure progress towards the SDGs, recognize a global need to supplement criminal indicators with an indicator focused on "access to civil justice." See Report of the Inter-agency and Expert Group on Sustainable Development Goal Indicators, E/CN.3/2017/2 (2016) annex V, available at <https://unstats.un.org/unsd/statcom/48th-session/documents/2017-2-IAEG-SDGs-E.pdf>. See also Peter Chapman & Alejandro Ponce, *How Do We Measure Access to Justice? A Global Survey of Legal Needs Shows the Way*, Open Society Justice Initiative (March 16, 2018), available at <https://www.opensocietyfoundations.org/voices/how-do-we-measure-access-justice-global-survey-legal-needs-shows-way>
- ⁹ See Section 2(b), see also OECD & OSJI Legal Needs Surveys Report (2018) at 132.
- ¹⁰ WORLD JUSTICE PROJECT, GLOBAL INSIGHTS ON ACCESS TO JUSTICE, available at <https://worldjusticeproject.org/our-work/wip-rule-law-index/special-reports/global-insights-access-justice>. See also OSJI, *How Do We Measure Access to Justice*. *Id.*
- ¹² Global Action Plan for sustainable Development Data, with the aim to outline the necessary actions to generate quality and timely data on a routine basis to inform sustainable development at the requested level of disaggregation and population coverage, including for the most vulnerable and hard-to-reach groups. The plan is also intended to fully account, communicate, and coordinate existing efforts, as well as to identify new and strategic ways to efficiently mobilize resources and thereby address the recommendations of the IEAG, see High-level Group for Partnership, coordination and capacity-Building for statistics for the 2030 Agenda for sustainable Development, CAPE TOWN GLOBAL ACTION PLAN FOR SUSTAINABLE DEVELOPMENT DATA, available at <https://unstats.un.org/sdgs/hlg/cape-town-global-action-plan/>.
- ¹³ The work of Nso's is supplemented with data and analysis from civil society, academia and the private sector. See General Assembly Resolution 69/313, Addis Ababa Action Agenda of the Third international conference on Financing for Development (Addis Ababa Action Agenda) (July 27, 2015), at para. 125.
- ¹⁴ The Praia city Group (aiming to "encourage countries to produce governance statistics based on sound and documented methodologies and to address the conceptualisation, methodology and instruments needed to produce such statistics.")
- ¹⁵ High-level Group for Partnership, coordination and capacity-Building for statistics for the 2030 Agenda for sustainable Development, CAPE TOWN GLOBAL ACTION PLAN FOR SUSTAINABLE DEVELOPMENT DATA, available at <https://unstats.un.org/sdgs/hlg/cape-town-global-action-plan/>.
- ¹⁶ See for the terms or reference of the Praia Group, E/CN.3/2015/17 available at <http://ine.cv/praiagroup/linkDocuments/Link%20ToR%20-%20Praia%20Group.pdf>.
- ¹⁷ SDG 16.6, see for an overview on SDG 16, available at <https://sustainabledevelopment.un.org/sdg16>.
- ¹⁸ See EUROSTAT AND THE EUROPEAN STATISTICAL SYSTEM (April 2018), available at https://ec.europa.eu/eurostat/statistics-explained/index.php/Eurostat_and_the_European_Statistical_System#Legal_framework_of_Eurostat.
- ¹⁹ *Id.*

- ²⁰ WHO Accountability Framework, March 2015.
- ²¹ The State practices reviewed show that many of the challenges posed by the relationships among and between national, regional and international processes can be managed using governance and administrative models that focus on IAT principles and which are already in use. See Anne van Aaken, Richard Chambers, *Accountability and Independence of International Election Observers*, 6 INT'L ORG. L. REV. 541 (2009), 546.
- ²² See also OECD & OSJI Legal Needs Surveys Report (2018) at 132.
- ²³ See for example United Nations Development Programme (2012).
- ²⁴ Generally collected through legal needs surveys. Distinct from other forms of access to justice assessment surveys in their comprehensive approach, legal needs surveys discussed below primarily focus on experience, see OECD & OSJI Legal Needs Surveys Report (2018) at 23.
- ²⁵ OECD & OSJI Legal Needs Surveys Report (2018) at 16.
- ²⁶ *Id.*
- ²⁷ OECD & OSJI Legal Needs Surveys Report (2018) at 2, 23.
- ²⁸ OECD & OSJI Legal Needs Surveys Report (2018) at 23.
- ²⁹ OSJI Report (2018) at 2.
- ³⁰ As reported by OSJI, countries have conducted various types of national surveys:
- Governments have invested in stand-alone surveys focused on justice needs, such as the 2017 *Justice Gap* survey in the United States and the 2018 legal needs survey initiated by the judiciary of the Republic of Korea.
 - Statistical agencies are experimenting with including legal needs methodologies in ongoing, general-interest state surveys, for example by Statistics South Africa, the Kenya National Bureau of Statistics, Indonesia's Planning Agency, and Colombia's National Planning Department.
 - Civil society organizations continue to fund national legal needs surveys, including in Mongolia, Ukraine, Nepal, and Sierra Leone in 2017, as well as population-specific surveys in Moldova and Macedonia.
 - Global actors are expanding coverage across countries. The Hague Institute for the Innovation of Law has used its *Justice Needs and Satisfaction* survey tool to more than a dozen countries, including recently in Bangladesh and Kenya. The WJP has developed a global *Paths to Justice* civil justice module that will cover more than 100 countries by 2018, and is the first globally comparable civil legal needs data set. See OSJI Report (2018), at 3.
- ³¹ See Section 2(b), see also OECD & OSJI Legal Needs Surveys Report (2018) at 132.
- ³² IEP SDG 16 Progress Report (2017) at 8 (using results from the MDG process to demonstrate difficulties related to building capacity to capture relevant data for the goals in fragile states. Particularly, it turned out hard to measure progress on goals aimed to halve the proportion of people whose income was less than \$1.25 a day")
- ³³ See Global Alliance, available at www.un-globalalliance.org.
- ³⁴ IEP SDG 16 Progress Report Excerpt (2017) at 2; see also HILL, JUSTICE DIALOGUE BARRIERS TO JUSTICE INNOVATION, Peace Palace (December 7, 2017) at 7.
- ³⁵ WORLD JUSTICE PROJECT, RULE OF LAW INDEX 2017-2018 (2018) at 166. HILL, JUSTICE DIALOGUE BARRIERS TO JUSTICE INNOVATION, Peace Palace (December 7, 2017), OPEN SOCIETY FOUNDATIONS, *When Pretrial Justice Fails*, Justice 2030, Time For Action at 3; Benjamin Gray, Emma R Barton, Alisha R Davies, Sara J Long, Janine Roderick, *A shared data approach more accurately represents the rates and patterns of violence with injury assaults*, OPEN ACCESS (January 9, 2018).
- ³⁶ IEP SDG Progress Report (2017) at 2-3.
- ³⁷ IEP SDG 16 Progress Report (2017) at 3.
- ³⁸ General Assembly, 68/261, Fundamental Principles of Official Statistics (March 3, 2014), see also United Nations Statistics Division, *Fundamental Principles of National Official Statistics*, available at <https://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>.
- ³⁹ General Assembly, 68/261, Fundamental Principles of Official Statistics (March 3, 2014).
- ⁴⁰ United Nations Statistics Division, *Fundamental Principles of National Official Statistics*, available at <https://unstats.un.org/unsd/dnss/gp/fundprinciples.aspx>, see also Economic and Social Council, 2013/21, Fundamental Principles of Official Statistics (July 24, 2013), preamble.
- ⁴¹ Economic and Social Council, 2013/21, Fundamental Principles of Official Statistics (July 24, 2013), preamble. The Fundamental Principles were earlier set out the Economic Commission for Europe's Decision C (47), but incorporated a revised preamble.
- ⁴² The Principles apply to statistics broadly. In essence, they "represent the basic fundamental values and principles that govern statistical work that have to be guaranteed by legal and institutional frameworks and respected at all political levels and by all stakeholders in national statistical systems." See General Assembly, A/RES/71/313, Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (July 10, 2017).
- ⁴³ Cape Town Global Action Plan for Sustainable Data, available at <https://unstats.un.org/sdgs/hlg/cape-town-global-action-plan/>.
- ⁴⁴ The international community's initiatives have focused on the quality and methodology of data collection. Highlighting this is the Addis Ababa Action Agenda of the Third International Conference on Financing for Development focusses heavily on the increase and use of high-quality, timely and reliable data disaggregated by sex, age, geography, income, race, ethnicity, migratory status, disability and other characteristics relevant in national contexts. General Assembly Resolution 69/313 (July 27, 2015), at p. 58. While states acknowledged the need for greater transparency in generating data, the document did not mention IAT principles as to data collection. The General Assembly subsequently requested the Statistical Commission to coordinate the development of "international statistical standards, methods and guidelines, and where necessary, to fully implement the global indicator framework to follow up and review the Sustainable Development Goals and targets." General Assembly,

A/RES/71/313, at OP2. But again, the focus in this mandate is on data collection, rather than on NSO governance. See *id.* 58-59 (States further emphasized that data access alone is insufficient “to realize the potential data can offer to both achieving and monitoring and reviewing sustainable development goals.” Rather: “[w]e should endeavour to ensure broad access to the tools necessary to turn data into useful, actionable information. We will support efforts to make data standards interoperable, allowing data from different sources to be more easily compared and used. We call on relevant public and private actors to put forward proposals to achieve a significant increase in global data literacy, accessibility and use, in support of the post-2015 development agenda.”).

⁴⁵ WORLD HEALTH ORGANIZATION, WHO MULTI-COUNTRY STUDY ON WOMEN’S HEALTH AND DOMESTIC VIOLENCE AGAINST WOMEN, at ix-x, xii, 7-8.

⁴⁶ *Id.* at 7-8.

⁴⁷ *Id.*

⁴⁸ The European Union Agency for Fundamental Rights (FRA) is one of the decentralized European agencies set up to provide expert advice to the institutions of the EU and the Member States on its area of expertise, in FRA’s case the protection of fundamental rights in the Union. See European Union Agency for Fundamental Rights, About FRA, available at <https://fra.europa.eu/en/about-fra>.

⁴⁹ FRA, Violence against women: an EU-wide survey - Main results, at 8, available at <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> (click on the “en” icon in the “downloads” section in the middle of the page).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ World Health Organization, WHO Multi-country Study on Women’s Health and Domestic Violence against Women, Summary Report, Foreword.

⁵⁴ WHO Summary Report re Violence Against Women, Foreword.

⁵⁵ *Id.*

⁵⁶ *Id.* at section 2.

⁵⁷ *Id.* Overview.

⁵⁸ Global Insights on Access to Justice Report.

⁵⁹ Majone (2005), at 126.

⁶⁰ A. Sajo, *Independent Regulatory Authorities as Constitutional Actors: A Comparative Perspective*, *Annales Universitatis Scientiarum Budapestinensis de Rolando Eotvos Nominatae: Sectio Iuridica*, 48 (2007), 5-52

K. Verhoest, S. van Thiel, G. Bouckaert, and P. Laegreid (eds), ‘Government Agencies: Practices and Lessons from 30 Countries,’ LONDON: PALGRAVE MACMILLAN (2012), 3, C Pollit, J Caulfield, A Smullen, and C Talbot, *Agencies: How Governments Do Things Through Semi-Autonomous Organizations* BASINGSTOKE: PALGRAVE MACMILLAN (2004); C Talbot, *The Agency Idea: Sometimes Old, Sometimes New, Sometimes Borrowed, Sometimes Untrue* in C Pollitt and C Talbot (eds), ‘Unbundled Government: a Critical Analysis of the Global Trend to Agencies’ QUANGOS AND CONTRACTUALISATION LONDON AND NEW YORK: ROUTLEDGE (2004), 3-21.

⁶¹ Article 10 of Council Regulation (EC) No 322/97 specifies that independence is “an impartial and objective manner of collecting data, free from any political pressure, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out.” See also Heli Jeskanen-Sundstrom, *Independence of Official Statistics - a Finnish Experience* (February 23, 2007).

⁶² A. v. Aaken, *Independent Administrative Authorities in Germany*, in R. Caranta et al, ‘Independent Administrative Authorities: The European Way(s)’ BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW, LONDON (2005) 65-91. Van Aaken applies these four criteria for independence similarly to the institution of election observers, see A. Van Aaken, R. Chambers, *Accountability and Independence of International Election Observers*, *Int. Org. L. Rev.* 6 (2009) 559. Discussions on independence also proliferated in areas such as central banks, audit courts, anti-trust bodies and anti-corruption commissions, see M. Quintyn, *Independent Agencies - More than a Cheap Copy of Independent Central Banks? Constitutional Political Economy* (2009). In addition, independence of NSO’s also involves responsibility: responsibility that the information produced is error-free and of high quality in all respects, and that it meets social information needs. See Heli Jeskanen-Sundstrom, *Independence of Official Statistics - a Finnish Experience*.

⁶³ Van Aaken (2009) 559.

⁶⁴ *Id.*

⁶⁵ *Id.* at 560.

⁶⁶ *Id.* at 560.

⁶⁷ *Id.*

⁶⁸ A. Ottow, *MARKET AND COMPETITION AUTHORITIES: GOOD AGENCY PRINCIPLES*, OXFORD PRESS (2015).

⁶⁹ A. Van Aaken, R. Chambers, *Accountability and Independence of International Election Observers*, *INT. ORG. L. REV.* 6 (2009), 565.

⁷⁰ See G. Hafner, *Accountability of International Organizations*, 97 *AM. SOC. INT. L. PROCEEDINGS* (2003), 236, see also J. Crawford, ‘The International Law Commission’s Articles on State Responsibility’ CAMBRIDGE UNIVERSITY PRESS (2002).

⁷¹ Thus, accountability is not a legal notion *per se*, but spans political science, administrative science and international law. Hence, Keohane and Grant defined accountability as “the justification of an actor’s performance vis-a-vis others, the assessment or judgment of that performance against certain standards, and the possible imposition of consequences if the actor fails to live up to applicable standards.” Accountability thus “implies that some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of

these standards, and to impose sanctions if they determine that these responsibilities have not been met."

See R. W. Grant and R. Keohane, *Accountability and Abuses of Power in World Politics*, 99 AM. POL. SCIENCE & VIEW (2005), 29-30. See also D. Curtin and A. Nollkaemper, *Conceptualizing Accountability in International and European Law* XXXVI Netherlands Yearbook of International Law (2005), at 8, citing M. Bovens, *Analysing and Assessing Public Accountability. A Conceptual Framework*, European Governance Papers No. C-06-01, EUROGOV, 2006, available at <http://www.connex-network.org/eurogov/>.

⁷² Curtin and A. Nollkaemper (2007), 9, Kingsbury (2015), see also Steward (2014), 245 (distinguishing different yet similar categories of accountability mechanisms namely, electoral, hierarchical, supervisory, fiscal, and legal).

⁷³ R.W. Grant and R.O. Keohane, *Accountability and Abuses of Power in World Politics*, 99 AM. POL. SCIENCE REV. (2005) 36.

⁷⁴ Curtin and A. Nollkaemper (2007) 11; Kingsbury (2015) 58.

⁷⁵ Curtin and A. Nollkaemper (2007) 12.

⁷⁶ Grant and Keohane (2005) 36, Curtin and A. Nollkaemper (2007) 12.

⁷⁷ Societal or reputational accountability is a form of "soft power," defined as "the ability to shape the preferences of others." Nye (2004) 5. This form of accountability acknowledges that NSO's are checked by the way in which other actors such as superior organizations, governments, the international community and citizens take the reputation of NSO agents into account. Grant and Keohane (2005) 37.

⁷⁸ The OECD describes transparency as a fundamental right of access to public information. See OECD GOV/SIGMA, THE RIGHT TO OPEN PUBLIC ADMINISTRATIONS IN EUROPE: EMERGING LEGAL STANDARDS (2002), 6, OECD GOVERNANCE OF REGULATORS' PRACTICES: ACCOUNTABILITY, TRANSPARENCY AND CO-ORDINATION (2016). See also OPEN DATA BAROMETER, ODB GLOBAL REPORT, 3rd ed. World Wide Web Foundation (2015) (recognizing that for progress on SDG16 goals open data, that is, "data which is freely available and sharable online," is essential to building accountable and effective institutions, and to ensuring public access to information.). In the literature on central banks, transparency is "the extent to which [regulators] disclose information that is related to the policy-making process" See S. Eijffinger and P. Geraats, *How Transparent Are Central Banks?*, Discussion paper No. 3188, London, Centre for Economic Policy Research (2002), 2.

⁷⁹ *Id.*

⁸⁰ General Assembly Resolution 69/313 (July 27, 2015), at 58-59 (States further emphasized the need to "learn from existing transparency initiatives and open data standards, and take note of the International Aid Transparency Initiative. We further recognize the importance of national ownership of the post-2015 development agenda, and stress the importance of preparing country needs assessments for the different priority areas to allow for greater transparency and efficiency by linking needs and support, in particular in developing countries.").

⁸¹ Consolidated version of the Treaty on the Functioning of the European Union, Official Journal C 326, 26.10.2012 ("TFEU").

⁸² Consolidated version of the Treaty on the Functioning of the European Union, Official Journal C 326, 26.10.2012 ("TFEU").

⁸³ *Id.*

⁸⁴ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programs of the European Communities, Official Journal L 87, 31.03.2009 ("EU Statistics Regulation").

⁸⁵ European Commission, Communication on the independence, integrity and accountability of the national and Community statistical authorities, COM/2005/0217 final, 25.05.2005.

⁸⁶ See EUROSTAT AND THE EUROPEAN STATISTICAL SYSTEM (April 2018), available at https://ec.europa.eu/eurostat/statistics-explained/index.php/Eurostat_and_the_European_Statistical_System#Legal_framework_of_Eurostat.

⁸⁷ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101 /2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programs of the European Communities, official Journal L 87, 31.03.2009 ("Eu Statistics Regulation").

⁸⁸ Eurostat, about Eurostat, Overview, available at <https://ec.europa.eu/eurostat/about/overview>.

⁸⁹ *Id.*

⁹⁰ The European Statistical System (ESS) is the partnership between the Community statistical authority, which is the Commission (Eurostat), and the so-called national statistical institutes and other national authorities responsible in each Member State for the development, production and dissemination of European statistics (i.e., referred to herein as NSOs). Eurostat, Overview, available at <https://ec.europa.eu/eurostat/web/european-statistical-system/overview?locale=fr>.

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- ⁹⁴ Arts. 5a, 11 EU Statistics Regulation.
- ⁹⁵ Art. 13 EU Statistics Regulation; and Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17, Official Journal L 39, 09.02.2013.
- ⁹⁶ Art. 5 Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17, Official Journal L 39, 09.02.2013.
- ⁹⁷ European Commission, Decision of 17 September 2012 on Eurostat, Official Journal L 251, 18.09.2012.
- ⁹⁸ Art. 6, European Commission, Decision of 17 September 2012 on Eurostat, Official Journal L 251, 18.09.2012.
- ⁹⁹ Art. 6, European Commission, Decision of 17 September 2012 on Eurostat, Official Journal L 251, 18.09.2012.
- ¹⁰⁰ European Commission, Communication on the independence, integrity and accountability of the national and Community statistical authorities, COM/2005/0217 final, 25.05.2005.
- ¹⁰¹ Art 11, European Commission, Decision of 17 September 2012 on Eurostat, Official Journal L 251, 18.09.2012.
- ¹⁰² Art. 2(1) Decision 235/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Governance Advisory Board, Official Journal L 73, 15.03.2008. In addition, states conduct peer reviews amongst themselves. Two rounds of peer reviews have taken place. A first round in 2006-2008, and a second round in 2013-2015.
- ¹⁰³ European Statistics Code of Practice, at 8 (2017). Accessible at: <https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7>.
- ¹⁰⁴ Statistics and Registration Service Act 2007, Article 27, Peer review (2015), 10; see also Eurostat (2008), 'Peer review report: On compliance with the Code of Practice and the coordination role of the National Statistical Institute United Kingdom,' 3; National Statistics, *Framework for National Statistics*, available at <https://www.statisticsauthority.gov.uk/archive/about-the-authority/uk-statistical-system/history/key-historical-documents/framework-for-national-statistics.pdf>.
- ¹⁰⁵ The NSGAB (Autorite de la Statistique publique - ASP), is tasked with guaranteeing the independence of official statisticians affirmed by law, along the lines of existing practices in several European countries. Its mission includes ensuring compliance with EU Statistics Code of Practice principles. In particular, it oversees the application of the principles of professional independence, objectivity, relevance, and quality at each stage in the design, production, and dissemination of official statistics. Missions de l'ASP, available at <https://www.autorite-statistique-publique.fr/presentation/missions-de-lasp/>.
- ¹⁰⁶ *Id.*
- ¹⁰⁷ See Peer Review Report, France, at 8, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FR-Report/156ad9fd-06eb-4f16-b20e-20cd6d5eb832>; CNIS, L'Autorite de la Statistique Publique, available at <https://www.cnis.fr/autorite-de-la-statistique-publique/>.
- ¹⁰⁸ Independence of Official Statistics - a Finnish Experience.
- ¹⁰⁹ Independence of Official Statistics - a Finnish Experience.
- ¹¹⁰ Peer Review Finland (2015), at 8 available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FI-Report/688a9a11-741e-4311-b2f8-a0943104c933>.
- ¹¹¹ Article 1 of the Dutch Autonomous Administrative Authorities Framework Act defines this as "an administrative agency of the central government that by law, administrative measure or ministerial decree is vested with public authority but is not hierarchically subordinate to a minister."
- ¹¹² In Dutch, *Centraal Bureau voor Statistiek*.
- ¹¹³ Statistics Netherlands Act (Jan. 2017), Section 2(3).
- ¹¹⁴ Eurostat (2015), 'Peer review report: On compliance with the Code of Practice and the coordination role of the National Statistical Institute Netherlands'
- ¹¹⁵ Eurostat Code of Practice Principle 4.2.
- ¹¹⁶ *Id.*
- ¹¹⁷ Explanatory memorandum to the Statistics Netherlands Act 2001-2002, 2877 nr. 3 (Apr. 4, 2002), section 1.2, available in Dutch at <https://zoek.officielebekendmakingen.nl/kst-28277-3.html> (hereinafter "Explanatory memorandum"). See also Statistics Netherlands Act (Jan. 2017) Section 2(a)(3), the director general may only be appointed, suspended or dismissed in consultation with an independent supervisory body, the Advisory Council. Oversight of this body further safeguards the independence of CBS.
- ¹¹⁸ Article 2.
- ¹¹⁹ Explanatory memorandum to the Statistics Netherlands Act 2001-2002, 2877 nr. 3 (Apr. 4, 2002), section 1.2 available in Dutch at <https://zoek.officielebekendmakingen.nl/kst-28277-3.html> (hereinafter "Explanatory memorandum"). See also Statistics Netherlands Act (Jan. 2017) Section 2(a)(3), the director general may only be appointed, suspended or dismissed in consultation with an independent supervisory body, the Advisory Council. Oversight of this body further safeguards the independence of CBS.
- ¹²⁰ In French, *Autorite de la Statistique Publique (ASP)*.
- ¹²¹ Insee, Principe 1: Independence professionnelle, available at <https://www.insee.fr/fr/information/2020257>. The term for the president of the French NSGAB is 6 years. The term of the president of the French NSO is undetermined and can vary, but is traditionally longer than the term of the government in office, but for exceptional circumstances. See Adrian Redmond et Al., Report of the Peer Review of the French Statistical Office (Insee) on the implementation of the European Statistics Code of Practice, 24-26 January 2007,
- ¹²² Insee, Definitions, Methodes, et Qualite, Principe 1: Independence Professionnelle, available at

<https://www.insee.fr/fr/information/2020257>.

- 123 In the Netherlands the Director General may be reappointed for a period of three years, see Statistics Netherlands Act (Jan. 2017), Section 2(a)(2).
- 124 Statistics Netherlands Act (Jan. 2017), Section 18, 3(2), see also Explanatory memorandum to the Statistics Netherlands Act 2001-2002, 2877 nr. 3 (Apr. 4, 2002), available in Dutch at <https://zoek.officielebekendmakingen.nl/kst-28277-3.html> (hereinafter “Explanatory memorandum”) section 1.2, see also section 4.2 stating that the Eurostat principle of independence is granted through the autonomy of the director-general regarding statistical methodologies and the publication of results.
- 125 Statistics Netherlands Act (Jan. 2017), Section 18, 3(2), see also Explanatory memorandum.
- 126 *Id.* at Article 30(1).
- 127 Explanatory memorandum at 2.5.
- 128 Explanatory memorandum, section 1.2.
- 129 The Ministry provides the framework of resources on the basis of annual midterm budgeting plans submitted by Statistics Finland. Independence of Official Statistics - a Finnish Experience. The budgets are approved by the Finnish Parliament at the Government’s proposal. *Id.* See also Peer Review Finland (2015), 8 (“Statistics Finland is financed by the State Budget, and manages their allocation independently. The 2013 budget amounted to about €65m, of which about €50m was granted from the State Budget for operating expenses. Income from charged activities and from other national or international bodies generally represents around 20% of the operating expenses.”).
- 130 For Finland, See, e.g. Independence of Official Statistics - a Finnish Experience at 6. For the Netherlands, Wettelijke evaluatie Centraal Bureau voor de Statistiek 2010-2015: het CBS in feiten en cijfers (Jan 9, 2017), available at https://www.eerstekamer.nl/overig/20170901/wettelijke_evaluatie_centraal/meta (“Wettelijke Evaluatie”).
- 131 The government now proposes a multi-annual spending program over the following three years. While this evolution allows to budget for a more long-term vision, which incentivizes deeper reforms, the Parliament still approves the State’s budget every year. See Direction du Budget, Forum de la Performance, available at <https://www.performance-publique.budget.gouv.fr/budget-comptes-etat/lof-cadre-organique-lois-finances/essentiel/s-informer/budget-etat-plus-lisible-plus-transparent#.XAMP22hKg2w>.
- 132 The budget is presented in the form of large-scale missions corresponding to the country’s public policies. See Direction du Budget, Forum de la Performance, available at <https://www.performance-publique.budget.gouv.fr/budget-comptes-etat/lof-cadre-organique-lois-finances/essentiel/s-informer/budget-etat-plus-lisible-plus-transparent#.XAMP22hKg2w>.
- 133 See Peer Review Report, France, at 11, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FR-Report/156ad9fd-06eb-4f16-b20e-20cd6d5eb832>.
- 134 Independence of Official Statistics - a Finnish Experience.
- 135 European Statistics Code of Practice, at 8 (2017), available at <https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7>.
- 136 This mandate to lead official statistics is given by the Act on Statistics Finland (48/1992). Independence of Official Statistics - a Finnish Experience.
- 137 Dutch Explanatory memorandum at 2.5.
- 138 Wettelijke evaluatie Centraal Bureau voor de Statistiek 2010-2015: het CBS in feiten en cijfers (Jan 9, 2017), available at https://www.eerstekamer.nl/overig/20170901/wettelijke_evaluatie_centraal/meta (“Wettelijke Evaluatie”).
- 139 Statistics Act Section 1 6.
- 140 National Statistical Advisory Committee or *Conseil National de l'Information Statistique* (CNIS) in French. NSAC acts as a forum for consultations between producers and users of official statistics, ranging from identification of areas to be covered to evaluation of surveys performed.
- 141 Peer review, United Kingdom, (2015), 23-24.
- 142 Principle 1 of the Eurostat Code of Practice on Professional Independence states that “Professional independence of statistical authorities from other policy, regulatory or administrative departments and bodies, as well as from private sector operators, ensures the credibility of European Statistics.” Principle 1.4 states that: “The heads of the National Statistical Institutes and of Eurostat and, where appropriate, the heads of other statistical authorities have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.” European Code of Practice, Principle 1.4 at 8, available at <https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7>.
- 143 Government Statistical Service, Roles and Responsibilities of Heads of Profession for Statistics, <https://gss.civilservice.gov.uk/policy-store/roles-and-responsibilities-of-heads-of-profession/>.
- 144 UK Peer review (2015), 23-24.
- 145 A. Van Aaken, R. Chambers, *Accountability and Independence of International Election Observers*,
- 146 SDG 16.6, see for an overview on SDG 16, <https://sustainabledevelopment.un.org/sdg16>.

- 148 Statistics Finland, Statistics Finland Guidelines on Professional Ethics, available at https://tilastokeskus.fi/org/periaatteet/eettinenopas_en.pdf.
- 149 Peer Review Finland (2015)
- 150
- 151 Statistics and Registration Service Act 2007, available at <http://www.legislation.gov.Uk/ukpga/2007/18/contents>. Peer
- 152 review (2006), 9.
- 153 Further statutory provisions and acts regarding data supply include: Besluit gegevensverwerking CBS, Regeling statistieken goederenverkeer, Regeling verstrekking gegevens doodsoorzaken CBS.
- 154 Wettelijke evaluatie Centraal Bureau voor de Statistiek 2010-2015: het CBS in feiten en cijfers (Jan 9, 2017), available at https://www.eerstekamer.nl/overig/20170901/wettelijke_evaluatie_centraal/meta ("Wettelijke Evaluatie"), 82. Statistics
- 155 Finland, Statistics Finland Guidelines on Professional Ethics, available at https://tilastokeskus.fi/org/periaatteet/eettinenopas_en.pdf.
- 156
- 157 Conseil d'éthique Ethikrat, Code de Bonnes Pratiques de la Statistique Publique, available at
- 158 <http://www.conseilethique-stat.ch/>.
- 159
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- 160 *Id.*
- 161 See Curtin and A. Nollkaemper (2007), 12.
- 162 European Code of Practice, principle 1.5.
- 163
- 164 Statistics and Registration Service Act 2007, Article 27, Peer review (2015), 10.
- 165 Peer review (2006).
- 166
- 167 Statistics and Registration Service Act 2007, Article 27, Peer review (2015), Article 20.
- 168 Statistics and Registration Service Act 2007, Article 27, Peer review (2015), Article 8
- 169 Statistics and Registration Service Act 2007, Article 27, Peer review (2015), Article 27.
- 170 Insee, Information, available at <https://www.insee.fr/fr/information/2020257>.
- 171 Indicator 1.8.
- 172 Indicator 1.8.
- 173
- Section 4 of the Council of State Decree on Statistics Finland.
- 174 Peer Review Report, Finland, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FI-Report/688a9a11-741e-4311-b2f8-a0943104c933>, at 8, 9.
- 175 A. Redmond et Al., [Report of the Peer Review of the French Statistical Office \(Insee\) on the implementation of the European Statistics Code of Practice, 24-26 January 2007](#).
- 176
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- 177 *Id.*
- Insee, Information, available at <https://www.insee.fr/fr/information/2020257>.
- 178 *Id.*
- Peer Review Report, Netherlands, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-NL-Report/05d4a3fd-8013-4fa5-bd0e-b38c3f54702b>.
- In 2013, for example, the Advisory Council played a very active role in the entire recruitment process for the appointment of the new Director General up to it nominating the successful candidate to the Minister. See UN Doc. A/61/205 (2006), par. 120.
- Grant and Keohane (2005) 36: OECD REPORT, GOVERNANCE OF REGULATORS' PRACTICES: ACCOUNTABILITY, TRANSPARENCY AND CO-ORDINATION (2016) 31 available at https://read.oecd-ilibrary.org/governance/governance-of-regulators-practices_9789264255388-en#page32.
- 177 Statistics Finland, Planning, monitoring and development, available at https://www.stat.fi/org/tilastokeskus/vuosiohjelma_en.html.
- 178 *Id.*
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- 179 *Id.* See also, Independence of official Statistics, A Finnish Experience.
- 180 Independence of official Statistics, A Finnish Experience.
- 181 Independence of official Statistics, A Finnish Experience, at 3.
- 182 https://www.stat.fi/org/tilastokeskus/vuosiohjelma_en.html
- 183 Statistics Netherlands Act Part 2. Management and accountability, see also Explanatory memorandum, explaining that independence is limited by regulations that: (1) the director general is required to hold the financial resources of the CBS on current account with the Minister of Finance, (2) that CBS may not establish legal entities, (3) that CBS does not have loan authority, and (4) that salaries of personnel must comply with government salary scales.
- 184 *Id.*
- 185 The ESGAB has been established to enhance the professional independence, integrity and accountability of the European Statistical System, key elements of the Code of Practice, as well as to enhance the quality of European statistics. The ESGAB's tasks will be to prepare an annual report to the European Parliament and the Council on the implementation of the Code of Practice insofar as it relates to the Commission (Eurostat). The ESGAB will moreover advise the Commission (Eurostat) on appropriate measures to facilitate the implementation of the Code of Practice, on how to communicate the Code of Practice to users and data providers and on the updating of the Code of Practice. <https://ec.europa.eu/eurostat/web/esgab/introduction>.
- 186 The ESAC has 24 members representing users, respondents and other stakeholders of European Statistics (including the scientific community, social partners and civil society) as well as institutional users (e.g. the Council and the European Parliament). The Committee will play an important role in ensuring that user requirements as well as the response burden on information providers and producers are taken into account in developing the Statistical Program. It will deliver its opinion on the Multiannual Statistical Program, addressing in particular its relevance to the

- 187 Gouvernement .fr, Statistics, <https://www.gouvernement.fr/en/statistics>.
- 188 In French, *Autorite de la Statistique Publique* (ASP).
- 189 *Id.*
- 190 Paul Champsaur, France's Official Statistical Authority, at 2, available at <https://www.autorite-statistique-publique.fr/wp-content/uploads/2018/09/Frances-Official-Statistical-Authority-.pdf>.
- 191 The units comprise data-collection institutes like INSEE, and the Ministry Statistical Departments. See Peer Review Report, France, at 3, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FR-Report/156ad9fd-06eb-4f16-b20e-20cd6d5eb832>.
- 192 Peer Review Report, France, at 9, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FR-Report/156ad9fd-06eb-4f16-b20e-20cd6d5eb832>.
- 193 The Statistics and Registration Service Act 2007 created the UK Statistics Authority (referred to as the Statistics Board in the Act).
- 194 Statistics and Registration Service Act 2007, Article 27, Peer review (2015), 10.
- 195 Peer Review report, United Kingdom, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-UK-report/d44f7d3f-64c1-4450-8a37-bfad8542607>.
- 196 Statistics Finland, Planning, monitoring and development, available at https://www.stat.fi/org/tilastokeskus/vuosiohjelma_en.html.
- 197 Since 1995, performance management has been applied to the whole central government. The idea behind the reform was to emphasize outputs and results instead of inputs and rules and to improve target-setting and follow-up. . . . The contractual model has replaced the old hierarchical, compliance-based guidance and control system. Result negotiations and performance contracts represent decentralised and flexible ways of making government agencies more cost-conscious, responsible and accountable." Petri Usikyla and Petri Virtanen, Public Management Department, Finnish Ministry of Finance, Public Sector Performance Contracting in Finland, Executive Summary, <http://www.oecd.org/gov/budgeting/1902738.pdf>.
- 198 Statistics Finland, Planning, monitoring and development, available at https://www.stat.fi/org/tilastokeskus/vuosiohjelma_en.html.
- 199 The Advisory Board of Official Statistics of Finland acts as a joint forum for authorities producing statistics in order to advance the development policies of Official Statistics and the objectives of the national level co-ordination of the European System of Statistics. Statistics Finland, Advisory Board of Official Statistics of Finland, available at https://www.stat.fi/meta/svt/svt-ntk_en.html.
- 200 Independence of Official Statistics - A Finnish Experience, at 9.
- 201 Statistics Act Section 15.
- 202 Statistics Netherlands Act (Jan. 2017), Section 20(3)(b), see also Explanatory memorandum at 2.4, Wettelijke Evaluatie, 82.
- 203 Independence of Official Statistics - A Finnish Experience, at 5.
- 204 *Id.*
- 205 *Id.* at 4.
- 206 Peer Review Report, Finland, at 3, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FI-Report/688a9a11-741e-4311-b2f8-a0943104c933>.
- 207 See, e.g., Peer Review Report, France at 20, available at <https://ec.europa.eu/eurostat/documents/64157/4372828/2015-FR-Report/156ad9fd-06eb-4f16-b20e-20cd6d5eb832>.
- 208 In French, the CNIS. *Supra* fn 141.
- 209 See, e.g., A. Redmond et Al., Report of the Peer Review of the French Statistical Office (Insee) on the implementation of the European Statistics Code of Practice, at 7-8, 24-26 January 2007.
- 210 See Office for National Statistics, Freedom of Information (FOI), available at <https://www.ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi>; see also Peer review, United Kingdom, at 9 (2006).
- 211 Peer Review, United Kingdom, at 3 (2015); Office for National Statistics, Consultation Hub, available at <https://consultations.ons.gov.uk/>.
- 212 Open Data Barometer Report, Executive Summary.
- 213 *Id.*
- 214 *Id.*
- 215 Eurostat Code of Practice, Principle 15 at 18, available at <https://ec.europa.eu/eurostat/documents/4031688/8971242/KS-02-18-142-EN-N.pdf/e7f85f07-91db-4312-8118-f729c75878c7>.
- 216 For example, in Austria, the Czech Republic, Estonia, Germany, Italy, Poland, Portugal, Slovenia, Spain, and Sweden the right of access to information in administrative processes generally is incorporated in national administrative procedure codes, while in some other nations, like France, the right of access is by statute protected in individual cases. In the United Kingdom, the right is established through jurisprudence. See M. Savino, *The Right to Open Public*

- 217 A Finish Experience.
- 218 Insee, Information, available at <https://www.insee.fr/fr/information/2021755>.
- 219 Statistics and Registration Service Act 2007, Article 30(3).
- 220 Wettelijke evaluatie Centraal Bureau voor de Statistiek 2010-2015: het CBS in feiten en cijfers (Jan 9, 2017), 82.
- 221 Insee, Information, available at <https://www.insee.fr/fr/information/2020257>.
- 222 Autorite Statistique Publique, Independance de la Statistique Publique, available at http://www.autorite-statistique-publique.fr/asp/pdf/independance_statistique_publique.pdf.
- 223 See *supra* section on personal independence.
- 224 Office for National Statistics, *Measures of National Well-being Dashboard* (May 17, 2018), available at <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/measuresofnationalwellbeingdashboard/2018-04-25>.
- 225 Office for National Statistics, *Young People's Well-Being* (2017), available at <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/youngpeopleswellbeingandpersonalfinance/2017>.
- 226 *Id.* Writing in the Royal Statistical Society's RSS News in February 2012, the former director of ONS' national well-being program said: "What do we mean by the well-being of the nation ... of citizens overall? This question needs to be answered before we can properly measure it. However, it is proving quite challenging to come up with an agreed definition and a conceptual framework to describe the well-being of citizens and what drives or influences that. Indeed, while some quarters continue to call for a conceptual basis, others take a more pragmatic approach and settle for a framework for what we are measuring: national well-being is, at this stage at least, defined by the set of measures to be presented as measuring national well-being." The approach ultimately adopted is essentially to present a statistical description of all aspects of the economy, society and the state of the natural environment. See Office for National Statistics, *Young People's Well-Being* (2017), available at <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/youngpeopleswellbeingandpersonalfinance/2017>.
- 227 Interview with Statistics Netherlands, November 30th, 2018.
- 228 Brancato, G., Macchia, S., Murgia, M., Signore, M., Simeoni, G., Blanke, K., Korner, T., Nimmergut, A., Lima, P., Paulino, R. and Hoffmeyer-Zlotnik, J. *Handbook of Recommended Practices for Questionnaire Development and Testing in the European Statistical System*. (2006), http://ec.europa.eu/eurostat/ramon/statmanuals/files/Handbook_of_Practices_for_Quest.pdf.
- 229 Giesen, D., Meertens, V., Vis-Visschers, R. & Beukenhorst, D. *Vragenlijstontwikkeling*. Methodenreeks CBS Den Haag/Heerlen (2012), available at <https://www.cbs.nl//media/imported/onze%20diensten/methoden/gevalideerde%20methoden/input/documents/2012/48/2012-questionnaire-development-art.pdf?la=en-gb>.
- 230 Several other major surveys have been conducted jointly or through a partnership agreement with INSEE in recent years: notably, stages of the *Etude des Relations Familiales et Intergenerationnelles* (ERFI, the French version of the GGS) in 2008 and 2011, *Trajectories and Origins* (TeO) in 2008-2009, *Migrations, Family and Ageing* (MVF) in France's overseas *departements* in 2009-2010, *Family and Housing* (*Famille et logements*) in 2011 and *Study on individual and conjugal trajectories* (EPIC) in 2013. See Ined, *Partnership Strategy*, available at <https://www.ined.fr/en/institute/partnership-strategy/great-partners/>.
- 231 Independence of Official Statistics - A Finnish Experience, at 9.
- 232 Open Society Foundations, *How Do We Measure Access to Justice? A Global Survey of Legal Needs Shows the Way*, available at <https://www.opensocietyfoundations.org/voices/how-do-we-measure-access-justice-global-survey-legal-needs-shows-way>

