

JUSTICE 2015

SUCCESSFUL MODELS FOR PARTNERSHIP AND IMPLEMENTATION

An estimated four billion people around the world live outside the protection of the law, mostly because they are poor. To combat this, efforts to strengthen access to justice are making tangible and measurable impacts on development outcomes across a wide range of sectors, from health to gender equity to the environment.

As with other challenges tackled by the Millennium Development Goals, the scale of the problem demands collaborative responses—from governments, business, civil society, international organizations, and citizens. The post-2015 development agenda offers an opportunity to learn from the creative partnerships we've seen to date, and to endorse comprehensive strategies to end extreme poverty.

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Sierra Leone — one of the world’s poorest countries—is home to some of the most innovative and effective partnerships providing access to justice. This is particularly striking given the country’s emergence from a horrific 11-year civil war, ending in 2002. Sierra Leone is still fragile and poverty-stricken, with two thirds of the nation’s population living on less than US\$2 a day. Most people do not have access to the formal justice system (fewer than 200 lawyers service a country of approximately 5.5 million), though the country’s Truth and Reconciliation Commission concluded that the maladministration of justice and arbitrariness in governance were among the root causes of the war. The government recognized that justice was needed to get the country back on track. But a new way of delivering justice had to be found.

The Sierra Leonean government, together with the World Bank, the Sierra Leonean organization Timap for Justice, the Open Society Justice Initiative, and four other local civil society organizations, partnered to develop a national approach to justice services. This effort relied on the work of community-based paralegals, supported by a small corps of public interest lawyers, to address the day to day injustices that deny the poor their basic rights to dignity, safety, and livelihood.

The impact is notable. Seventy-five paralegals help resolve more than 10,000 problems each year. In one instance, paralegals helped remote villagers resolve a contract dispute that stalled the drilling of a community well. Completion of the well reduced the distance women walked to obtain water, thereby freeing up their productive time and increasing their personal safety. Paralegals also helped communities obtain redress from an international mining company that left their land in a dangerous and unusable state. Affected communities were connected to *pro bono* lawyers in the United Kingdom, where the mining company is based. Lawyers lodged a formal complaint and prompted the company to repair the damage and enter negotiations for compensation.

Due to the success of the paralegal model, efforts have been scaled up over the past three years. Approximately 40% of the country now has access to paralegal services. A new legal aid law, passed in 2012, also sets up a national framework that endorses a range of legal aid providers, including **paralegal organizations, university law clinics**, and the country’s **bar association**. By explicitly providing for the deployment of paralegals in each of Sierra Leone’s 149 chiefdoms, the legal aid law aims to provide a flexible and cost-effective method of delivering justice services to large parts of the population, reducing the access-to-justice deficit.

Indonesia is another prime example of a successful partnership dedicated to improving justice outcomes. Indonesia’s government recognized that a lack of access to justice was a significant constraint on sustainable growth and development. In response, it supported a multi-stakeholder process to develop the 2009 National Strategy on Access to Justice. This strategy envisioned a legal aid law that would recognize and implement the state’s obligation to fund legal aid through financial support to civil society organizations—expanding support for community paralegalism as well as clinical legal education. The passage of Indonesia’s *Law on Legal Assistance* in October 2011 realized this vision, paving the way for further justice reforms designed to benefit the poor.

The strategy guarantees more than just access to criminal legal aid—it also provides for access to assistance to secure rights and entitlements including food, education, health, labor, and housing. To implement this ambitious strategy, the Indonesian government joined up with a range of international and domestic partners. The **Open Society Foundations** has been working closely with the Indonesian government since 2010 to support the successful implementation of the national strategy through paralegal programs, legal clinics, and financial support to legal aid organizations. The **United Nations Development Programme (UNDP)** and the **Indonesian development agency BAPPENAS**, continue to work together on the Legal Empowerment and Assistance of the Disadvantaged (LEAD) project, focusing on access to legal services, legal and human rights awareness efforts, and legal capacity development. More generally, the strategy is based on partnerships with Indonesian civil society, **members of the private bar association**, and universities to ensure that comprehensive assistance services are delivered across the country

Similarly, in **Canada**, the government of Ontario has acknowledged the important role that expanding access to justice plays in building a fair and equitable society. A survey conducted for the Canadian Department of Justice revealed that nearly 45% of respondents reported at least one dispute over the previous three years and that unresolved disputes result in a greater likelihood of health and social problems. In an effort to improve the lives of low-income Ontarians, the province established a public-private partnership for the delivery of holistic legal aid services to poor and marginalized communities. Like Sierra Leone and Indonesia, the legal aid partnership provides diverse legal services including legal assistance for criminal law matters, as well as family law, immigration/refugee and mental health issues, a system of legal clinics, and a legal help line. The legal aid service is publicly funded, but draws on 4,000 private sector lawyers who bill at reduced rates and limit their billable hours for legal services provided to poor clients. The contribution of these private sector lawyers allows the legal aid service to run its duty counsel services for people who arrive in criminal, family, or youth courts without a lawyer. These private practitioners also enable the legal service to provide low-income clients with a certificate that enables them to retain private counsel. There has been enormous

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demand for these services. In 2007-2008, for example, 263,982 applications for criminal legal aid and 208,239 applications for civil legal aid were approved. In 2006, more than 50,000 people called the hotline for legal advice.

In Ukraine, the government worked with **local civil society organizations, law schools,** and the **International Renaissance Foundation** to develop a nationwide legal services scheme for those who need it most. This growing partnership, with in-kind and volunteer support from local communities, has opened 40 community legal centers across the country, helping citizens negotiate the judicial system or the apparatus of government. It relies on a mix of lawyers, local paralegals, and trained community volunteers. These centers provide important legal information and assistance to communities and, when appropriate, provide support for strategic litigation and representation. Since 2010, the centers have handled more than 70,000 cases; in 2011 this was at an average cost of US\$8.70 per case. Now, because of strong community support for the centers, elected local governments are starting to fund more of the centers' costs, while they continue to receive support from the centralized network of providers.

**LET'S MAKE ACCESS TO JUSTICE
PART OF THE GLOBAL DEVELOPMENT AGENDA.**



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