

Introduction

Title Card:

Marlon Manuel

Senior Advisor, Namati

Magandang araw po! That's good day in Filipino. My name is Marlon Manuel. I am a senior advisor at Namati. And it is my honor to welcome you to Legal Empowerment 101. We are so glad that you have joined us. In this course, we are going to share how justice seekers know the law, use the law and shape the law. How they are combining the power of the law with the power of the people to make real and lasting change.

More than half the world's population lack meaningful access to justice. People are driven from their land, denied basic services and intimidated by violence. The recent pandemic has exposed what these deep breakdowns in our systems look like. From prisoners subject to mass infections, to migrants at risk of hunger, to people whose lands were grabbed by corporations who treated a crisis like an opportunity. The need to respond is urgent.

At Namati and in the Legal Empowerment Network, we have seen how grassroots justice groups use legal empowerment to resolve justice issues for individual cases and pursue systemic changes to reshape unjust systems. For more than 2 decades, I have worked in the Philippines with farmers, fisherfolk, workers, indigenous communities and other marginalized groups.

I started my legal empowerment journey in a legal resource organisation called SAlegal.

And then later, I became the coordinator of the alternative law groups or ALG; a coalition of legal empowerment organisations in the Philippines. In this course, you will learn how legal

empowerment groups like SAlegal and ALG support communities to take steps along the legal empowerment cycle to know the law, use the law and shape the law.

You will have the opportunity to engage deeply with a few case studies to unpack how the process of legal empowerment has been successful in different contexts. You will also be introduced to members of the legal

empowerment network who will share the methods and strategies they use to work alongside communities where they work. You will learn how numerous justice organisations have bonded together in the legal empowerment network to advocate for new global norms for justice.

During this process, you will be challenged to identify and consider how an injustice in your own community, in your own context might be tackled by legal empowerment. In each section, you will find short videos followed by brief quizzes that will check your understanding. The discussion prompts at the end of the sections will ask you to share how you might be able to apply what you've learned in the section that you have completed to problems of injustice where you live and work.

I encourage you to engage with each other's discussion posts and to offer your advice, recommendation, inspiration or encouragement or even to ask questions. The more actively you participate in the course, the more we will all learn and grow from each other's experiences.

In this first section, we ask that you watch a brief animated video to get an overview of how legal empowerment can be used to address real life challenges. Then you will answer some

questions that will help us understand what you already know about legal empowerment. We want to start with where you are with your own experiences. Lastly, please add a discussion post that introduces yourself and shares an experience of how you see the law as out of reach or not working fairly for people where you live or work.

Again, welcome to Legal Empowerment 101. We are glad that you are here and if you are ready let us start.

Namati Legal Empowerment Script 1

Meet Elias. He lives in a village in Mozambique. When he fell ill a local clinic refused to give him an HIV test until he paid a bribe.

Meet Farzana, she lives in Bangladesh. Because she's from the Urdu speaking minority, government officials denied her a birth certificate and passport.

Meet Jose. His community's land was sold to a company growing sugarcane. Now he can't plant crops for his family.

These are just three of the four billion people around the world who live without the protection of the law.

A lack of legal protection is a source of repression and conflict, a root cause of deprivation and an affront to human dignity.

...

But there is a solution. Legal empowerment.

It puts the power of the law into the hands of people who previously knew little about their rights or saw the law as something to fear.

It can trace its roots to the 1950s in South Africa, when grassroots advocates - known as community paralegals - began to help people survive and resist apartheid.

Today legal empowerment programs all over the world provide concrete solutions to deprivation and injustice.

...

But too often legal empowerment programs operate in isolation and at a small scale.

Namati works with inspiring groups in many countries to deploy frontline legal advocates. These advocates are taking on some of the greatest challenges of our times:

Making healthcare accountable to patients, helping historically marginalized stateless people to secure citizenship, protecting community land rights and enforcing environmental laws,

Instead of solving problems on behalf of their clients, our community paralegals solve problems together with their clients, putting them in a stronger position to tackle similar problems in the future.

From every one of these cases, the paralegals collect data, which we use to advocate for policy changes that can improve the lives of millions.

We are building a legal empowerment movement that already represents over hundreds of organizations. That makes thousands of grassroots legal advocates, learning from each other and empowering communities across the globe. Join us at namati.org.

Lesson 1

MAKING THE LAW WORK FOR PEOPLE

A Handbook on Legal
Empowerment and
Inclusive Innovation



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Acknowledgments

The principal authors for this handbook are Matthew Burnett (Open Society Justice Initiative) and Pascal Soboll (Daylight Design). The case studies were written by Beth Dunlap (Open Society Foundations) and Connor Smith (Open Society Foundations), who also authored the chapter on Sustainability and Scale. Layout and illustrations are by Johanna Gieseler (Daylight Design).

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We are also grateful to the following organizations for providing us with background information for the case studies included in this handbook: Sex Workers Education & Advocacy Taskforce (SWEAT) in South Africa, the Asociacion Civil por la Igualdad y la Justicia (ACIJ) in Argentina, JustFix.nyc in the United States, and LET Station in North Macedonia.

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INTRODUCTION: PUTTING THE POWER OF LAW INTO PEOPLE'S HANDS

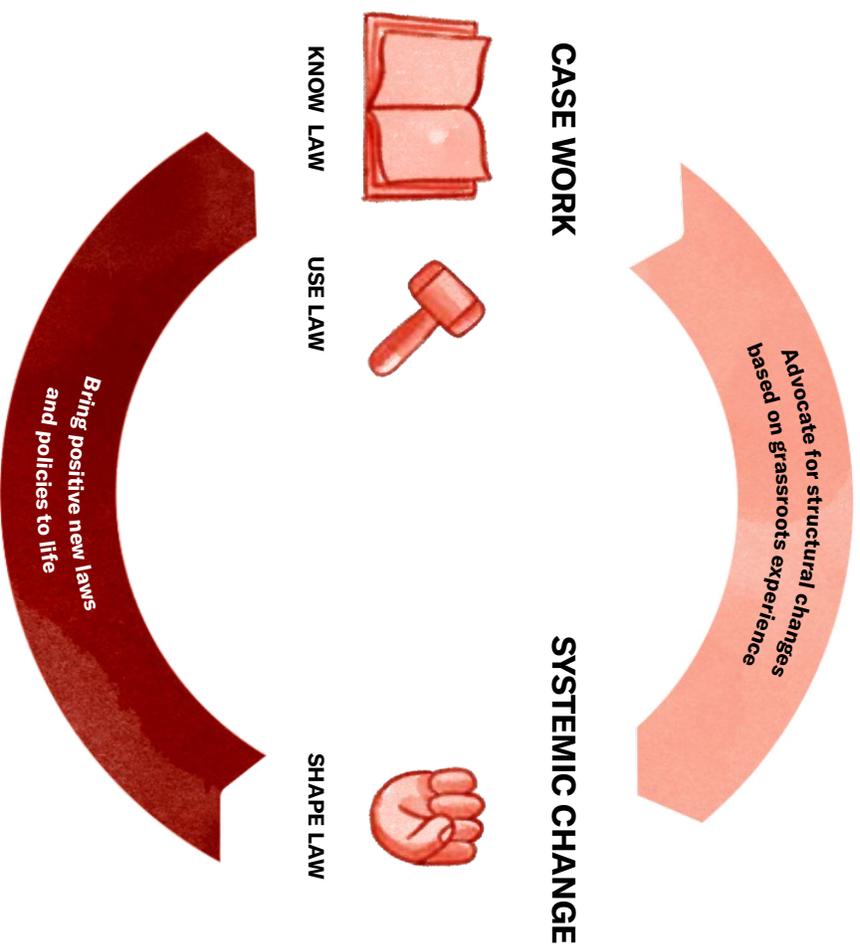
In nearly every part of the world, grassroots legal empowerment organizations work to address our collective, systemic, and sustained failure to protect and defend the rights of vulnerable and marginalized individuals and communities.

Core to this work is a fundamental critique of the law and systems of justice: that they are largely designed to protect those in power, and that any meaningful, equitable, and accessible system of justice must put the power of law into the hands of everyday people.

Our question is this: if access to the law and legal protections are largely designed to safeguard the interests of the privileged and powerful, how might they be re-designed and re-imagined to protect and promote the rights and interests of the most vulnerable?



A paralegal who helps women get identity papers in Nepal.
© Kishor Sharma for the Open Society Foundations



The legal empowerment model consists of three pillars of individual and community action: know law, use law, and shape law. These pillars form the legal empowerment cycle. The legal empowerment approach is bottom-up, rather than top-down. When individuals and communities are empowered to know and use the law, this opens up new possibilities to shape and remake it. Effective legal empowerment interventions thus inform new ways of knowing and applying the law, as well as addressing systemic change. Dismantling systems of rationed justice and arbitrary power and creating systemic change are fundamental to the legal empowerment approach.

This gets to the heart of why we have created this handbook. Transforming systems requires innovation and experimentation, but most efforts to increase access to justice are focused only on designing solutions to address the first half of the equation—making existing laws more accessible and entrenched legal systems more usable—rather than designing solutions for systemic change. This handbook guides organizations on how to bridge both ends of this spectrum, giving teams that are pushing boundaries within the legal empowerment field access to innovative tools and approaches that will help them design solutions to increase access to existing laws and legal remedies as well as to share approaches for shaping innovations that are focused on systemic change. Along the way, we pay special attention to providing practical ways to co-design inclusive innovations that are designed with, not for, affected communities.

Finally, this handbook is intentionally designed to be conversational and visual; it is a practical, applied resource that includes real-world case studies and lessons from frontline organizations. Its audience is legal empowerment practitioners as well as designers, researchers, and policy makers working with legal empowerment organizations. We pay particular attention to how to apply these tools in ways that are aligned with core values and objectives of the legal empowerment field, including an overall approach that explicitly centers equity and inclusion throughout. The work of legal empowerment changes constantly, and grassroots advocates and civil society organizations around the world are driving the field ahead. This handbook represents a modest contribution, which would not be possible without the work and dedication of the thousands of legal empowerment practitioners and frontline groups that work tirelessly in the pursuit of justice for all.

LEGAL EMPOWERMENT PRINCIPLES AND APPROACHES

Legal empowerment is both an approach and an outcome. As an approach, it seeks to increase knowledge of the law and design better pathways to justice. As an outcome, individuals and communities are better able to use the law themselves to advance their own interests and rights. The promise of the rule of law and access to justice remain far away concepts for communities that have only experienced the systemic deprivation of rights and entrenched barriers to accessing effective legal remedies. The goal of legal empowerment is to advance equality, fairness, rights, and justice by helping people to understand, use, and shape the laws that affect them and their communities. It seeks to enable poor and marginalized individuals and communities to challenge injustices and to hold power to account.

Unlike traditional legal aid, legal empowerment is not primarily nor exclusively focused on transactional legal assistance, although casework plays an important role. Rather, it uses popular education, organizing, participatory research and data collection, and storytelling and narrative strategies that amplify and uplift the experiences of rights-deprived people and communities. Legal empowerment centers paralegals and non-lawyer advocates with lived experience in communities as the primary agents of change. It focuses on people's everyday experience of the law and injustice, and on people-centered approaches to legal needs and designing effective and inclusive solutions. Legal empowerment is community-based and grounded in specific experiences and geographies. It meets people where they are and frames problems and success from the perspective of communities themselves.



KNOW LAW

Understanding the law not only helps individuals and communities to know their rights, but also how both formal and informal justice systems operate, and the ways in which they can use the law to assert their rights and access remedies.



USE LAW

The ability to use the law is often facilitated through paralegals, legal advocates, and others with lived experience of injustice that provide legal assistance and accompaniment to individuals and groups in their own communities, including dispute resolution, administrative claims, and mounting legal actions against government or corporate interests based on their deprivation of rights or illegal behavior.



SHAPE LAW

Legal empowerment is focused on systemic change, including community monitoring, building evidence, organizing, challenging legislation and regulations, exposing bad actors, and securing rights through strategic litigation and advocacy.

CASE STUDY: SEX WORKER LEGAL EMPOWERMENT IN SOUTH AFRICA

In 1994, as South Africa was transitioning from apartheid to democracy Shane Petzer, a sex worker, and Ilse Pauw, a clinical psychologist, founded Sex Workers Education and Advocacy Taskforce (SWEAT). The organization's goal was to provide safe sex education for sex workers. Since that time, SWEAT's work has expanded significantly: it has built a network and organization that has become a leading voice for services in the sex worker community—including crisis counseling, legal advice, and training. As they learned directly from sex workers about their needs and challenges, while also witnessing South Africa's constitutional and legislative changes, SWEAT leadership saw an opportunity to expand their work into centering the rights and livelihoods of sex workers and advocating for the decriminalization of sex work. The organization's overall vision also grew to include the legal empowerment of sex workers to fight discrimination, stigma, violence, and persecution.

Since SWEAT's inception, the organization worked with many legal centers, and in 2009, SWEAT launched a collaboration with the Women's Legal Centre (WLC) to begin bringing lawsuits focused on decriminalization. Underpinning SWEAT and WLC's efforts was their wider collaboration with Sisonke, a national sex worker movement in South Africa, and Sonke Gender Justice's team. SWEAT and WLC had two goals: offer sex workers legal support for their immediate needs and document their stories and purported legal violations, thus building a body of evidence towards decriminalization efforts. Initially, a lawyer was available at the community space for sex workers, ready to provide free legal advice. After a month, the legal team observed that very few people took up the lawyer's services, and they began to understand that sex workers' fear and distrust of the law extended even to those invited to what they might have considered a trusted location.

With the recognition that this first effort wasn't working, they searched for another way to meet their goals. The clinic lawyer suggested a new approach: asking that SWEAT's peer educators take on the role of legal education in addition to their existing community outreach work. With relationships of trust and candor more likely to develop, the peer educators were better positioned to provide legal advice and document the legal violations that sex workers were experiencing.

Based on this experience, lawyers trained peer educators as paralegals, and together they developed the documentation tools to collect stories and provide advice. At the outset, the paralegals were trained to collect a very small amount of information, and then hand the case over to the lawyer, who would follow up and collect more information. However, they soon realized they needed to collect the bulk of the information during that first conversation to prepare for a consultation. Due to the nature of sex workers' jobs and the precarity in which they are forced to live, finding them and building trust for follow-up conversations is very difficult. This challenge also led to another program iteration—equipping paralegals with more legal information to share at their first meeting to bring more immediate value to sex workers. They also expanded services to address the legal issues that sex workers faced daily—particularly since many sex workers were less interested in lengthy impact litigation when their rights were being violated daily. This new process focused on documenting and providing legal information to sex workers, and crucially, actively assisting them in exercising their rights.

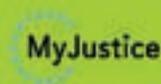
With this approach, lawyers, paralegals, and peers from SWEAT became close collaborators. For example, if a sex worker needed assistance with a fine for loitering, the lawyer would give legal advice, the paralegal would assist the client with completing legal forms (which were meant to motivate the prosecutor to withdraw charges), and the peer educator would provide moral and emotional support. On the day that the client had to be in court, all three were present. As the project progressed and the prosecutors of the court became familiar with the paralegals, and the paralegals became familiar with the process, the client and the paralegal went alone, and eventually, some sex workers felt empowered to attend court on their own. This approach eventually became so successful that, in one court, the prosecutor began unilaterally withdrawing all sex work-related charges.

Using this model, paralegals were able to assist with creating a strong body of evidence and research about rights violations that SWEAT, Sisonke, and WLC used to advocate for decriminalization and contribute to litigating on sex work cases.

As this work moved forward, SWEAT made another key pivot and in 2016 they registered as a law centre and brought the legal advisors from the WLC directly into their organization. Though the intermediary arrangement made sense for the initial testing phase, SWEAT and WLC saw the potential for greater efficiencies and team integration by forming a new arrangement under SWEAT with the Sex Worker Legal Defense Centre. More recently, SWEAT has also launched a micro-planning model, where paralegals and peer educators are embedded within communities and in the geographic areas where sex workers are based, creating even stronger relationships and connections with sex workers. This model allows for a more seamless connection among localized data collection, services, advocacy, and media outreach specific to locations such as Cape Town, KwaZulu-Natal, Johannesburg, and Limpopo. This local level collaboration and action has been key to meeting sex workers' immediate needs while providing critical data for national litigation and advocacy efforts.

The SWEAT community—including staff, partners, and the sex workers they serve—continue to experiment with their legal empowerment model, serving the needs of the sex worker community and advocating for the decriminalization of sex work in South Africa. Testing new models, ensuring that sex workers are always centered in their approach, and iterating upon what the teams learned based on the real life implications for sex workers have been critical to SWEAT's learning and progress towards their goals and impact.





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Guide



A stylized illustration of two women shaking hands. The woman on the left is wearing a light blue long-sleeved shirt, dark blue trousers, and a pink hat. She is holding a white folder. The woman on the right is wearing a light green long-sleeved shirt and dark green trousers. They are standing on a white horizontal line.

2019

To Organizing and Working With
Community-Based Paralegals

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02

WHAT ARE COMMUNITY- BASED PARALEGALS?

'Community-based paralegals', also known as 'grassroots legal advocates', use knowledge of law and skills, like mediation, organisation, education, and advocacy, to seek concrete solutions to instances of injustice. Community-based paralegals provide a bridge between the law and real life. They form a dynamic and creative frontline that can engage formal and traditional institutions alike.

Instead of treating their clients as victims requiring an expert service— 'I will solve this problem for you'— community paralegals focus on legal empowerment: 'We will solve this together, and when we're done you will be in a stronger position to tackle problems like these in the future'.



We will solve this together,
and when we're done you will be in a stronger position
to tackle problems like these in the future.

1. Conventional paralegals are people, qualified by education, training, or work experience, who are employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and who performs specifically delegated substantive legal work. In a sense, they can be thought of as lawyers' assistants.

Community-based paralegals are different from conventional paralegals¹ in that their primary role is not to assist lawyers but rather to work directly with the communities they serve. Paralegals use appropriate approaches, such as (i) awareness-raising education with (ii) mediation, (iii) organisation, (iv) facilitation, (v) documentation, (vi) advocacy, and (vii) monitoring to reflect the needs of the client, the community, and issues they face in different contexts and situations.

Community-based paralegals are from and stay within the community. They walk the pathway of legal empowerment with their clients, helping them to know, use, and shape law. They do not work for quick fixes or short-term solutions. They focus on the sustainable legal empowerment of their clients and the community.

Paralegals are not case brokers. They do not ask for payment from clients or the community. Paralegals are not willing to 'do anything' to resolve a case, such as bribing officials or using other questionable means. They follow the law and try to push local officials to do the same. Paralegals do not engage in corruption and advise clients not to pay bribes.



We aspire to treat the people with whom we work as agents rather than as victims requiring a service.



Our interventions should raise our clients' knowledge of law, capacity and confidence to stand up for themselves to solve problems on their own whenever possible.

As of May 2018, the world population was estimated to have reached 7.6 billion people. The UN estimates that more than four billion people around the world live outside the protection of the law. There are certainly not enough lawyers, or even paralegals, to be able to address all the injustices these people face. If we are truly invested in a world where access to justice is universal, people themselves must become a capable, empowered, and transformative force.

Namati sees legal empowerment as a part of a larger democratic vision. It is about equipping every person to hold bad actors to account and to shape the rules and institutions that affect everyone. A legally empowered citizen can participate in governance on a daily basis by making use of laws whenever they wish.

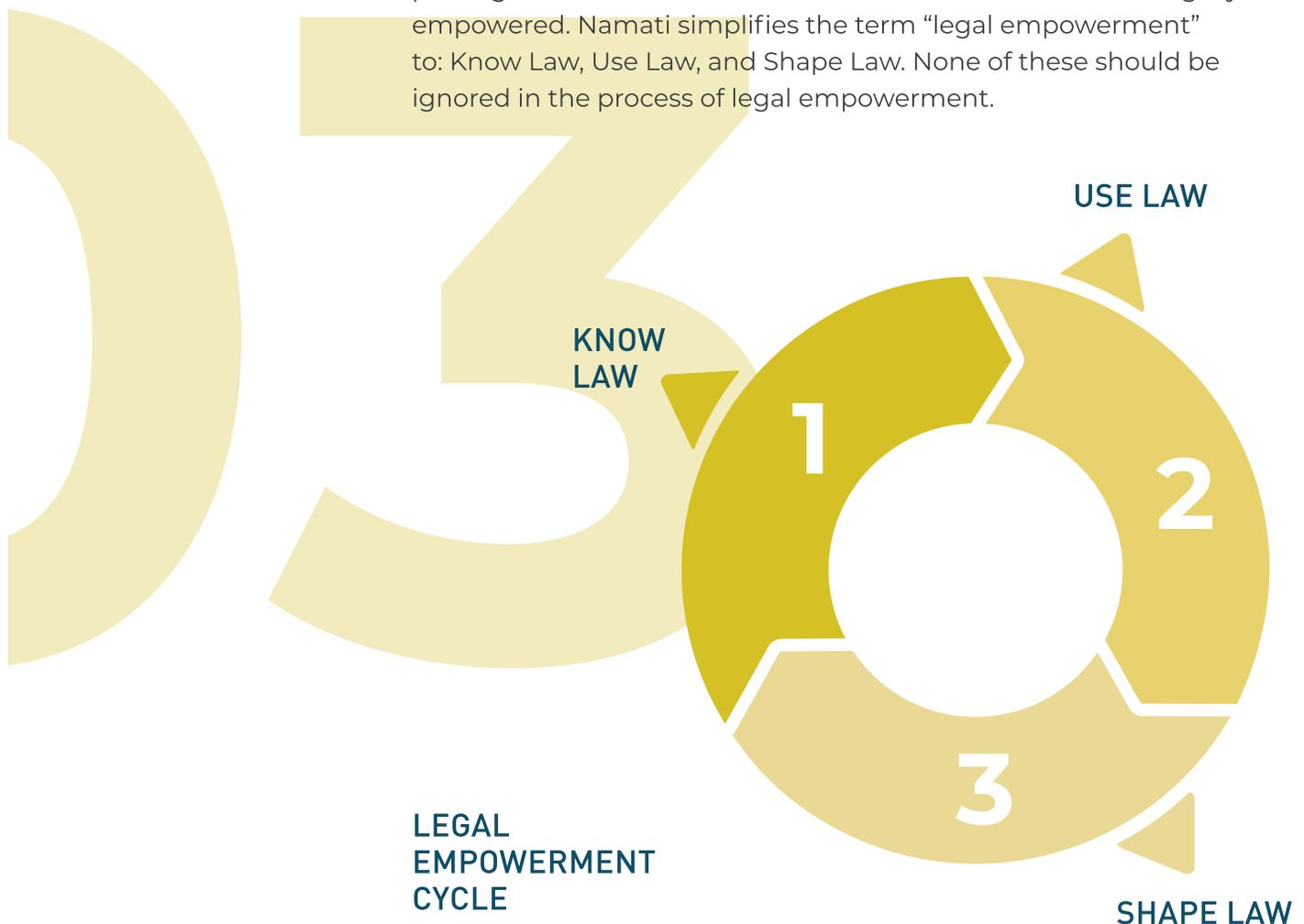


3 Key basic criteria of a community-based paralegal

- Have and use basic knowledge and understanding of law in their work
- Have and use essential skills and experiences in helping their community and clients to get justice on cases with imbalance of power
- Have and use strong understanding of local context, customs, and naturally being attached to the community in their work.

WHAT DO COMMUNITY- BASED PARALEGALS DO?

Legal empowerment is the primary focus of community-based paralegals. Both individuals and communities can become legally empowered. Namati simplifies the term “legal empowerment” to: Know Law, Use Law, and Shape Law. None of these should be ignored in the process of legal empowerment.



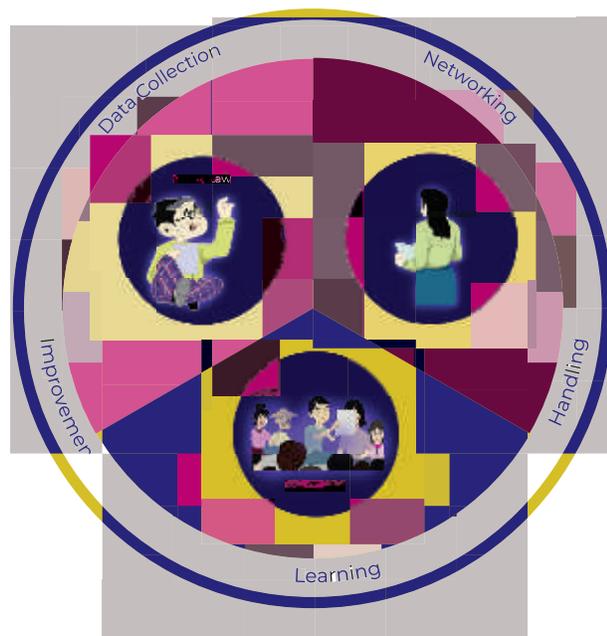
3.1 KNOW LAW

Paralegals help the community and their clients to know what the law is. They discuss and explain how these laws affect their daily lives. It is not just a one-time event of conducting an education session. Paralegals work to ensure that the community understands and has the ability to apply knowledge of the law in daily life.

This manual includes a sample training agenda in Section 8.

3.2 USE LAW

Paralegals guide their clients and community on how the law can be used to solve their concrete problems. Paralegals, their clients, and the community work together to use the law for issues and matters of justice. Empowering a client in the process of using law is about being very intentional with every interaction.



3.3 SHAPE LAW

Through their experience of using laws and engaging with government institutions, paralegals and clients will often notice gaps and failings in the law and the procedures by which it is enacted. The experiences and evidence gathered from their actual application are valuable for the improvement of the law, systems, and policies. As the clients and the community are empowered, they take part in the process of addressing systemic injustices rather than just individual grievances.

Community-based paralegals turn the wheel of legal empowerment by conducting the following five main activities:

1. Raising legal awareness and growing the movement of justice in the community
2. Consulting and case handling
3. Collecting data and gathering evidence for cases and systemic changes
4. Networking and coordinating with other stakeholders
5. Continuous learning and self-improvement

Title Card:

Marlon Manuel

Senior Advisor, Namati

Welcome back. Again, my name is Marlon Manuel and I'm a senior advisor at Namati. In this lesson, you will start to learn more about the key elements of legal empowerment. Vivek Maru, founder and CEO of Namati, will share how we use the legal empowerment cycle to help communities know, use and shape the law. After that, and to get a glimpse of the rich history of legal empowerment, you will watch my conversation with Tshenolo Tshoaedi, from CAOSA or community advice officers in South Africa and Hector Soliman one of the founders of the alternative law groups or ALG in the Philippines.

Then I will help you dig into some brief readings that provide a frame work for legal empowerment before you take a short quiz.

Lastly, you will have the opportunity to post on the discussion board, to consider the experience of injustice in your own context. We ask that you consider the injustice that you mentioned in the last section, where you saw a gap in how the law reaches people in your area.

Please share your reflection on how legal empowerment might offer a helpful frame work for responding to that particular injustice.

After you've added your post, I encourage you to take a moment to look at the other posts and provide your comments or reflections. Remember, all of our learning will be richer when we engage on these topics together.

Title Card:

Vivek Maru

CEO, NAMATI

Namaste, my name is Vivek Maru and I started Namati alongside Marlon Manuel and justice leaders from all over. And in today's session I want to introduce what we mean by combining the power of people with the power of law.

In particular, I want to do two things; I want to describe how it's possible to fuse legal knowledge and legal strategy into the process of organizing to build community power.

(Text on screen)

LEGAL EMPOWERMENT CYCLE:

KNOWING LAW

USING LAW

SHAPING LAW

And secondly, I want to talk about what we call the legal empowerment cycle which is about knowing law, using law and shaping law. This is Makpele. It is a rainforest region in eastern Sierra Leone and in 2012, a European oil pump company managed to secure a lease agreement for 75,000 acres of rainforest for 50 years for only \$2 an acre per year without the consent of the 22,000 people who live and depend on that land. Makpele is not the only place where things like this go down.

I was part of an international task force on justice and we looked at data from over 100 countries and we estimated that worldwide 5.1 billion people live with grave injustices that they cannot remedy.

(Text on screen)

5.1 BILLION PEOPLE

LIVE WITH GRAVE

INJUSTICE THEY CANNOT REMEDY.

These are people whose lands are being stolen from them or destroyed. People who face ethnic or gender or racial discrimination. People who are being denied access to essential services like basic health care or education. And on top of all of that we are living with the pandemic, with the climate emergency and

with serious threats to democracy itself. The scale of injustice can be overwhelming, I feel overwhelmed at times. What can we do about it?

(Text on screen)

**COMBINE THE POWER OF PEOPLE
WITH THE POWER OF LAW**

Combine the power of people with the power of law. This is Mrs. Mita Moinya Jalloh. She's born and raised in Makpele and she has known disaster before.

In the 1990s during Sierra Leone civil war, Mrs. Jalloh fled with her family to Guinea and when she heard about this lease agreement she said, I didn't want to become a refugee again. I didn't want to lose my home.

And so, despite never having been to school, despite not knowing how to read, Mrs. Jalloh fought back. She got organized. She organized a residence association and that crew reached out to a pair of community paralegals named Tommy Abdulai and Baindu Koroma. What are community paralegals?

(Text on screen)

**COMMUNITY PARALEGALS:
ORGANIZERS WHO HAVE KNOWLEDGE OF
LAW
&
SUPPORT COMMUNITIES TO
PURSUE PRACTICAL SOLUTIONS.**

Community paralegals are organizers who have knowledge of law and workings of government and who help people to use that information to pursue practical solutions. And so, Mrs. Jalloh, Tommy, Baindu, the resident's association, they sat down, they did some analysis and they found that the lease agreement was clearly in violation of Sierra Leonean land law. And armed with that information, the community demonstrated en masse, they confronted the company regularly, they invoked law with specificity and with authority and after a year and a half of this, the company backed down. Faced with the prospect of mass noncooperation and the prospect of litigation, the company acknowledged that that

lease agreement, that piece of paper they had, was not valid.

Mrs. Jalloh's community has a partnership with the Gola National Rainforest park and they are looking to expand that partnership now that they've been able to beat back the attempted land grab by the oil pump company.

Mrs. Jalloh said to me, I want to find a way of flourishing, a way of developing that involves stewarding our lands rather than destroying them. And she said, I learned through this process that no one can take my land, no one can bend my hand, I learned my rights.

(Text on screen)

NO ONE CAN TAKE MY LAND.

NO ONE CAN BEND MY HAND.

I LEARNED MY RIGHTS.

That is the difference that law and organizing can make. And I want to zoom out a little bit to sort of characterize the contrast between a law and organizing approach and the way law has functioned traditionally in society.

(Text on screen)

(Left) TRADITIONAL LAW

Driven by experts

Highly technical

Distant from, and sometimes exploitative of, affected communities

(Right) LAW & ORGANIZING

Driven by ordinary people

Technical channels used in tandem with others, including direct action

Focus on building collective power, among communities facing harm

Traditionally law has been dominated by elites, lawyers in particular. Law and organizing means putting ordinary people in the driver seat. Traditionally, law has focused on highly technical channels; so technical that they're often impossible to understand. Law and organizing means demystifying those channels, making them accessible and then using them in tandem with other tools like nonviolent direct action. Traditionally, law has often been distant from outright exploitive of communities who are affected.

Law and organizing in contrast has an unrelenting focus on building power among communities facing harm.

Every struggle like the one that Mrs. Jalloh was a part of, is vital. Every struggle against injustice like that is vital. But as a movement we can't stop with struggles like those. We need to build even further, we need to move even further towards fundamental changes in the laws and systems that make the injustice possible. Mrs. Jalloh today she is part of a movement of people from across Sierra Leone who are pushing for a new land law that would grant every community across the country the right to free prior informed consent over any industrial activity on their territory. The new law would also ban industrial activity in old growth forests and ecologically sensitive zones. The new law would empower local land use committees and mandate that those committees be made up of by at least 30% women.

This new law, it didn't come out of nowhere, it grew directly out of a decade of grassroots struggles against land grabs, against pollution that were waged by paralegals and communities.

And this is what we call the legal empowerment cycle; communities can understand and use existing rules, no matter how imperfect those rules are, to take on lived immediate threats against their rights, against their lives, against their livelihoods and then people can come together across many cases like that to pursue better rules.

(Text on screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

With learning and leadership from grassroots struggle, pursue structural change

(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

And in particular there are two very powerful things that grow out of grassroots struggles that can help with the pursuit of systemic change; Learning and leadership.

(Text on screen)

LEARNING & LEADERSHIP

What I mean by learning is that many cases like Mrs. Jalloh's offer a portrait of how a system is working in practice and that is information that often nobody else has. It can show you how a system is failing, where it's breaking down and it can help you envision how a system could get better.

(Text on screen)

THE STARTING POINT OF LEADERSHIP

FOR MANY PEOPLE AROUND THE WORLD IS ONE OF

DISAFFECTION AND FEAR

And what I mean by leadership is that the starting point is one of disaffection and sometimes even one of fear. And this process of learning and using existing rules to take part in a battle in a fight against a lived immediate harm, that process can be a journey through which people grow their own sense of agency, their confidence, their ability to stand up for their community and also for everyone, for a system that works for everyone. And we have seen in several different places that it is possible to grow, to draw on the learning and the leadership from grassroots struggles to then fight for and win major fundamental changes in laws and systems.

(Text on screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

With learning and leadership from grassroots struggles, pursue structural change

(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

The reason we call it the cycle and not a one way street is that if you do get a law passed or if you do win a new policy commitment, those things don't typically implement themselves, they become new levers and hooks which communities and paralegals can bring into the process of solving concrete problems and thereby breathe life into those new commitments, insist on their implementation. It's not a one-way street, it's a wheel and there are people all around the world fighting hard to turn this wheel as we speak.

Admittedly, it doesn't always go the way I just described and there are countries where the conditions are so repressive that no matter how organized communities are, it's going to be difficult to achieve changes in laws and policies using this grassroots approach but we can't give up on that possibility. We have got to play the long game, we have got to stay in the fight. I take inspiration from South Africa where community paralegals first emerged in the 1950s as part of the struggle against apartheid. South African

people they fought for decades before they won against apartheid in 1994 and there are paralegals and communities in South Africa to this day who are working to fulfill the promise of South Africa's democratic constitution.

(Text on screen)

KNOWING LAW

USING LAW

SHAPING LAW

This path way of knowing law, using law and shaping law, of blending law and organizing, this pathway is one that all of us, everyone can walk. It is a crucial part of how we confront massive challenges like climate change and violence and poverty.

It is also part of how collectively we can deepen democracy and I look forward to walking this pathway with all of you.

Title Card:

Marlon Manuel

Senior Advisor, Namati

The two countries that have some of the oldest and richest experiences with community legal empowerment work. Dating back to the 1950s during apartheid for South Africa and the 1970s under the Marcos dictatorship for the Philippines respectively.

And we look up to South Africa and the Philippines as early models of combining law and organising power of law and power of people to strengthen communities in their struggle to protect their rights and to resist repressive actions of government.

We are joined in this conversation by two leading justice advocates who will share their experiences of South Africa and the Philippines.

Let me introduce them.

I'll start with Tshenolo. Tshenolo Tshoaedi is the executive director of CAOSA or community advice officer South Africa. CAOSA is a coalition of community advice offices spread out throughout the country. Tshenolo is a paralegal herself with over a decade of experience in housing rights, deceased estates, corporate covenants and other justice issues.

Thank you for joining us Tshenolo.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

Thank you so much for having me Marlon.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Next we have Hector Soliman. Hector is a public interest lawyer with around four decades of experience with non-governmental legal service organisations. Private sector and government. He was a founding officer of the alternative law groups or ALG. A coalition of community oriented legal service organisations in the Philippines. Hector is currently senior advisor for access to justice, justice hector reform program, governance and justice 2 or GOJUST2. Thank you Hector for joining us.

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

You are most welcome, I am happy to be here.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Let's start the conversation.

***(On Screen)* How did communities use law and organizing in their struggle for justice in difficult times?**

I'll start by asking the two of you to give us brief descriptions of how communities organise and use law and legal processes in the struggle for justice during the very difficult times of apartheid in South Africa and Marcos dictatorship in the Philippines.

We'll start with Tshenolo.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

The heart of paralegalism in South Africa was really born out of the struggle during apartheid, where the law was something that was intentionally not made available particularly to the black African communities and that is where the premise of actually wanting to access the very same law that was being denied came from.

And so community advice officers paid a critical role in not only just organizing communities but also creating a link between those legal professionals who saw the injustice in how the law was being promulgated in the country and wanted to work close with communities but obviously the divide is that they were not enabling them to do that.

And so the advice officers became the bridge to connect the legal professionals to the communities that were in need. So people who struggled with arbitrary arrest, people who had to locate their loved ones who were arrested unlawfully and trying to get them access to lawyers and to assistance, other types of assistance. And so you had different structures being part of this organizing.

The church was often times not the place where the police would interfere with the work of the church and so it also gave a little bit of a hiding space for advice officers to be able to continue doing legal empowerment and advocacy for community members to understand how the laws of the day were unjust and how the laws of the day were discriminatory to those particular communities.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Give us a brief description of the situation in the Philippines during the Marcos dictatorship and how communities organised and struggled to free themselves from the dictator. Hector.

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

The very dark period ran from the early 70s, 1972 to around 1986, so around 14 years.

And that period was characterised by a lot of arrests of prominent leaders of the legal unions, social movements, the farmers organisations, anybody who spoke against the regime and even invoked basic human rights like freedom of assembly, freedom from arbitrary arrest, was put in jail.

But the lawyers did not lose heart and took it upon themselves to use the law in order to combat what was a clearly unlawful and highly irregular situation. During that time the concept of paralegal training was very much institutionalised so to speak among social movements. Because the situation was that there were very few human rights lawyers around who were willing to defend political prisoners and social movements and therefore there was a need to reach out to various communities that were the victims of such an arrest and the lawyers who were defending them and thus was born the paralegal movement.

(Text on screen)

TWO STREAMS OF PARALEGAL MOVEMENT:

- 1. KNOWLEDGE OF RIGHTS**
- 2. HOW TO PROTECT THOSE RIGHTS**

The paralegal movement basically is composed of two streams; one is knowledge on what your rights are, the substantive law, and how to protect those rights. For example, early documentation, taking photographs of people who were arrested, making sure that they are visited in jail so that they don't get killed; simple techniques but life saving as I would say. But these are the kinds of things that were going on during the dark days of martial law. And we are

very grateful for those lawyers and those paralegals who stood up to the onslaught against human rights during those days.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector and I will ask Hector to continue the, the sharing for the Philippines in my next question.

And the next question we'll talk about the period that starts with the early 1990s, which is about the time when the Philippines came out of the dictatorship; South Africa also came out of apartheid.

(Text on screen)

WHAT ROLE DID LEGAL EMPOWERMENT PLAY IN THE NEW POLITICAL ENVIRONMENT?

After the end of the Marcos dictatorship in the Philippines and after the end of apartheid in South Africa, what role did legal empowerment, legal empowerment work play in the new social political environment?

I'll start with Hector and then Tshenolo.

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

Looking back at history, the whole world knows that in 1986 we had the people power revolution and we kicked out the dictator and the family and they were all transported to Hawaii. And in the aftermath of that revolution, the bloodless revolution so to speak, the first order of business was really to rebuild the fundamentals of democracy. And rebuilding the

fundamentals of democracy required the pre-drafting of a new constitution And the 1987 constitution, as it is now called, was a monumental piece of legislation that allowed the blossoming of various legal empowerment moves. Because now aside from the traditional bill of human rights that is usually found in many constitutions, that protect freedom of religion, freedom of assembly, all the various civil and political rights that we now know, a very extensive article on social and economic rights was also enshrined in the constitution and it enunciated the right to a healthful ecology, the rights of women, the rights of farmers and farm workers to the land that they till, the rights of fisherfolk to coastal communities, the right to health and many others. So therefore, the constitution provided a legal framework that allowed the blossoming of many many legal empowerment groups who decided to take all of these provisions seriously and advocate not only their legislation but their actual practice on the ground and that is a continuing struggle that we have been benefiting from since 1987.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector.

Tshenolo, let's talk about the post-apartheid period in South Africa.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

Yeah. I think the transition was a very difficult period because and this still happens. I think I like what Hector was sharing about the drafting process of the constitution. Very very important piece of legislation, ground breaking piece of legislation. and I think you would know that especially the South African constitution, one of the most respected constitution especially with regards to its provisions around the bill of rights and the fundamentals that are laid out in that constitution as being a document that is seeking to transform a nation that has come from a very very dark period into now a blossoming democracy. What happened at a community level

was that there was a disconnect because you know the drafting as it is was a lot of legal processes. Communities tend to be disconnected from the process and if you don't have legal empowerment advocates that are empowering communities as the drafting process is happening, then you have a situation where a country or certain members of society feel that that constitution is not for them. Which essentially would have been an injustice on its own because the idea of the constitution was that it should bring about that sense of equality and so the center in South Africa had to take almost a transformative role. They were no longer protecting but they were now educating and informing community members about the developments of what was happening and how that would then affect them as community members. And a lot of what we saw in that period was that the idea of the constitution being a document that could offer those protections that were not there before was sort of like a foreign concept and so the role of paralegals became one of making the idea of constitutionalism and equality real and tangible and it's something that is still needed even to date. You have the perception that the constitution is a document that sits high up there because it's the governing instrument of the country but a lot of communities still have a sense that it is not accessible to me and so the role of the paralegal comes into that space, to say no, actually, this is how you then access it and this is how you use the law and legal empowerment that is there.

I mean the fundamentals of legal empowerment are so strong throughout the whole entire provisions of the constitution right up to chapter 2 in the bill of rights but all the other sections talk about the importance of recognising the community and the society that South Africa is to become through the use of the constitution and so that transition was marked by a lot of community dialogue, community engagement, informing communities about this is where the process is at, these are the role players, so that people also get to have a sense of participating in the process even though they are not sitting in the room drafting the document and that has been and still the continuing role of advice officers to this day in South Africa.

You'd see, you would know that South Africa's inequality has grown exponentially over the past 25 years despite the constitution being in place and this is the space that paralegals are

trying to close that gap by saying that the constitution is there, how do we capacitate communities to begin utilizing it in the way that is going to actually bring about that equality or that sense of accessing the law in a way that's going to transform and make constitutionalism a lived concept for many South Africans. Now, I'll just pause there.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Tshenolo and very interesting. So many parallels between the Philippine's experience and South Africa's experience.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Let's talk about that. After several decades, have we sustained the movement?

(Text on screen)

WHAT DOES THE CURRENT WORK LOOK LIKE?

HAVE WE SUSTAINED THE MOVEMENT?

How does the current work of community paralegals, public interest lawyers, human rights lawyers, legal empowerment organisations look like in the present times?

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

I would like to summarize the current state in actually two words; one is that, it has expanded and then second, it has also matured. What are the kind of indicators that it has expanded well? Paralegal movements have now branched out into many areas you know. Typically in the beginning you would have the basic sectors you know like farmers, the fisherfolk, the women, especially rural women, indigenous communities. These are very very important sectors.

(Text on screen)

INDICATORS OF MOVEMENT MATURITY:

1. EXPANSION INTO MULTIPLE SECTORS

But now, we are now seeing that paralegal movements have branched out into many other applications of the law. For example, there are now groups that focus only on the rights of

lesbians and gays and the transgenders. There are groups that focus only on the rights of detention prisoners.

You see expanded to the protection of coastal communities. We now have this huge phenomenon where volunteers, fishermen in the coastal communities use actually their own time and effort and sometimes with the support of local government to protect their communities, their coastal waters from the poachers, from the illegal fishers and this is another type of paralegal movement in a sense we've combined with action because once you're able to catch somebody who is fishing illegally, there are also protocols on how to mark and preserve the evidence.

Those are some of the indicators of expansion. One of the indicators of maturity, is that at the moment even now the Supreme Court has taken cognizance of the role of civil society organizations and paralegal movements doing legal empowerment work. Why so? Before you're able to graduate wholly as a law student, you are required to undergo several hours of work with legal aid organizations.

(Text on screen)

INDICATORS OF MOVEMENT MATURITY:

- 1. EXPANSION INTO MULTIPLE SECTORS**
- 2. SUPREME COURT RECOGNITION OF CIVIL SOCIETY AND PARALEGAL MOVEMENT**

And the Supreme Court has come out with a rule that aside from working with law firms, working with government institutions like the courts or the prosecutors, you can also work with legal empowerment organizations. And in their guidelines, they have adopted the language of legal empowerment organizations; like legal education, human rights awareness advocacy.

So here we have a situation where in order to graduate from law school, you could actually work with a legal empowerment organization and this is a mandate of the supreme court. That therefore I would argue that legal empowerment work has now matured to such a state where

even the highest court of the land has included among the various ways of doing legal aid, you can do it with a legal empowerment organization. And this is a very welcome development because now the state has recognized the work of all of these organizations especially in protecting the rights of the vulnerable and the marginalized, but this is to me an indicator of the maturity that we have achieved in legal environment work in this day and age.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector. Expansion and maturity as far as the Philippine experience is concerned. How about South Africa, Tshenolo.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

I'm so envious. I'm very envious of our comrades in the Philippines because I would use the word of one word that comes to mind is stunted, you know the It's stunted because of the many struggles of the sector post democracy, post adoption of the constitution. There is intention. There's beautiful intention in fact from our mostly political leaders to recognize and they know the value of the work of advice office.

It's not translating into law at this point in time. You know we went into a process where the legal practice, it was first a bill and then it became an act and the only provision that there is in that act is that there should be and the only an investigation by the legal practice council

On what model the Minister of Justice must adopt in regulating paralegals. And you would imagine that there's an investigation that was done, was supposed to commence in 2018, We believe that the report has been finalized but you know it hasn't, it's yet to be brought forward for the sector to engage with it. It's yet to be at the stage where the minister then issues

regulations 'cause our understanding is that that should then result in regulations that are governing or that are attached to the legal practice act.

And so it has really been a frustrating process for the sector because you know you get to a point where explaining your existence is almost, it undermines the efforts and the role, role that advice officers have played to to get the country where it is in terms of its own constitutional dispensation. And it's stunting the growth and the ability and the potential of the sector. I mean one of the ways that we have presented to the Minister of Justice is exactly what the Philippines is doing to say that actually advice offices are centers of learning. If you really want to transform the legal profession so that it does not always not seem to be servicing only the elite in the country, then you need to give a young upcoming lawyers or young upcoming legal practitioners a glimpse into what a majority of the population is living in and what kind of legal services they actually need. Otherwise you will continue having a situation where a lot of legal practitioners are unable to service low income communities. They're unable to even relate even from a legal point of view with communities, marginalized communities who have very particular legal needs. And you know working with an advice officer, you can actually build that capacity for legal professionals to then be able to provide legal services that are in context with the needs of these communities. And so you know, that has been a process and so the sector in South Africa is really finding itself at that point where it's still in that struggle for space and recognition.

And to really be taken on as we say that you know the justice system in this country is an ecosystem that is involving many role players.

You take out one part of this ecosystem then the system fails. And our argument is that advice officers continue being the access point, continue being even the point of implementation because it's wonderful getting a constitutional court judgment but that judgment still needs to go back into a community and still needs to be actioned. There still needs to be a model of accountability. There still needs to be a model of measuring how effective is this judgment that the constitutional court has given in relation to addressing the legal issues that came from these very same communities.

You know we're talking about grounds, about social protection mechanisms where the court has made pronouncements to say that it cannot happen in this way, it needs to happen in another way. That still needs to happen at a community. It doesn't happen only in court, the court is only there to give a framework of what is within the the constitutional jurisprudence but ultimately implementation don't just happen at a community level. And so the advice office is instrumental in bringing the case to court but it's also instrumental in making sure that what the court pronounces also gets implemented at a community level. So our role is not only at the inception stage but it's also at the implementation stage and it's also at the measuring stage and to see how how effective is this process of taking matters to court and then getting a favorable judgment how favorable is the judgment actually from a practical point of view. And so yeah. That's the unfortunate word that I can use but we are... you know I get encouraged when I hear and I learn of how comrades in other countries and other jurisdictions are forging ahead and they're just keeping at it and it's wonderful that we have a model to also look into when we engage with our government To say that look at how the Philippines has done it and this is how it's actually impacting on legal empowerment at a community level 'cause we want to say keep the spotlight on the community, make your processes community centered, make your processes community led and that would mean that your process's ultimately derive community impact.

They become impactful at that level. Thanks Marlon.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Tshenolo. It's really a continuing advocacy for grassroots justice advocates.

Final question for the two of you.

(Text on screen)

WHAT IS YOUR MESSAGE FOR GRASSROOTS JUSTICE ADVOCATES?

What is your message for grassroots justice advocates from different countries? Tshenolo first.

Title Card:

Tshenolo Tschoaedi

Centre for Advancement of Community Advice Offices, South Africa

What is the message? You know, I think it's-- I want to encourage justice advocates that sometimes you can only help one person and sometimes the problem looks bigger than you. But when you impact the one person, you impact the household, that impacts a community, that impacts the region, that impacts the country and ultimately that impacts the world. So we must never underestimate the efforts that we, you know the different ways that we're working. And if we keep our focus on empowering even if it's one community or even if it's one individual, that is having a ripple effect. What the Philippines is doing is having an impact on what South Africa can look up to and the potential that we can work towards.

And so really the the work of paralegals as much as it might be, you might think that you're working, it's in your community and it's only you, that is not the case. That one case that you've resolved, that one mediation that you've managed to to prevent an outright conflict within a family, has a bigger impact than what you can imagine. So just keep at it.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Tshenolo. Hector.

Title Card:

Hector Soliman

Co-founder, Alternative Law Groups, Philippines

My message is quite similar. In fact, I'd like to put it more emphatically to say that we should not lose hope. You know I have seen the transformation of my country from the 70s to now. I have been

I campaigned for the 1987 constitution. We set up alternative law groups in the 80s and in the 90s. I work with the Supreme Court now and I've seen how the work at the grassroots level has impacted on the thinking of even the chief magistrate. And I think at the core really of the work is that you know, because sometimes people you know, especially the politicians make it a dirty word you know like it's communist etcetera

Let's just use the word human dignity because essentially that is... human rights is all about human dignity and I think if we keep on harping that protecting the rights of women, the rights of prisoners, the rights of farmers, the rights of the lesbians and the gays, we'll promote human dignity. I think people will listen and at the end of the day who can argue against human dignity, nobody will argue against... People will argue against human rights because sometimes its just a bad name but you can't argue against human dignity. But to me they're the same. I mean they're essentially the same. So I think we should just keep on pushing and I think eventually people will listen because human dignity is the very core of our existence and that to me is where we should kind of anchor our argumentation and if we do that I think people will listen from the high to the middle and to the low, thank you.

Title Card:

Marlon Manuel

Senior Advisor, Namati

Thank you Hector and on that note we end this conversation. But let me just say that the presence of Tshenolo and Hector shows us that the struggle continues. It evolves, the

movement continues, the movement continues to experience challenges but you're still here. It's very much alive. Challenges may also evolve and we adapt to different issues. We adapt our respective programs but the struggle continues and there is hope that we see. Thank you very much for this very interesting conversation about history of legal empowerment. Thank you Tshenolo and thank you Hector.

Thank you Marlon. Thank you very much. Thank you. Thank you very much. Yeah.

Lesson 2

Title Card:

Marlon Manuel

Senior Advisor, Namati

Welcome back. My name is Marlon Manuel and I am a senior advisor at Namati. This is an exciting lesson. Here you have the opportunity to engage in case studies that will bring to life the legal empowerment framework that we introduced in the last lesson.

The case studies we collected offer examples from around the world and across sectors. The first case study follows a community in Kenya as they work to register and protect their land.

Next, you can watch how participatory defense works to support those facing criminal cases in the United States. In the third case study, you can come alongside Nazdeek, a legal empowerment organisation in India which supports tea plantation farmers in Assam to access proper healthcare and fair wages.

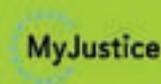
Next, you can watch a portion of a Ted talk by Denise Dora, founder and current board member of THEMIS; an organisation that supports survivors of gender based violence and discrimination in Brazil. The next case study provides a glimpse into how communities were able to use the law to protect themselves from military land grabs before the coup in Myanmar.

We suggest that you watch the first two videos and then choose another one based on your interest, so 3 out of 5. After each case study there will be a short quiz to apply your understanding of the legal empowerment framework to the case study. To end the lesson, we challenge you to post on the discussion board.

Think about the injustice that you described in the first lesson. What would it look like to know, use and shape the law to confront that injustice. What type of laws would you or your partner community need to know more about? How would you imagine using these laws? Who would you need to work with to shape the law? We hope that the case studies help you understand the power of the different elements of the legal empowerment cycle.

More importantly, we hope that they leave you inspired to consider how you might apply that frame work to injustices you see. We really like the case studies. We hope that you will also like them. We have included a few more videos and articles in the additional reading section in case you want to see more.

Lesson 3



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Guide



A stylized illustration of two women shaking hands. The woman on the left is wearing a purple hat, a light blue long-sleeved shirt, and dark blue trousers. She is holding a white folder. The woman on the right has dark hair and is wearing a light green long-sleeved shirt and dark green trousers. They are standing on a white horizontal line.

2019

To Organizing and Working With
Community-Based Paralegals

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HOW PARALEGALS HELP PEOPLE TO KNOW LAW?

4.1 RAISING LEGAL AWARENESS AND GROWING THE JUSTICE MOVEMENT IN THE COMMUNITY

In paralegal work, community awareness-raising events can be used for many reasons: to introduce a paralegal and the services that paralegals provide; to allow dialogue or consensus-building around action for a community-level case; to educate people on specific laws and government processes. Both formal and informal legal-awareness-raising sessions can be facilitated within the community. It is the first step of legal empowerment: opening the eyes and mindset of community members to help them understand that the law can work for them and does not have to be a tool of oppression. This allows them to understand their rights and the responsibilities of government institutions according to the law.

Community education sessions should be planned based on community needs, including the choice of topic and the arrangement of logistics (date, time, and place). The specific goal of the community education session should be decided and agreed to in advance. Is it to inform/educate, to mobilise action, or to respond to a particular community-level case?

Before setting up the first few community education sessions in a targeted village, paralegals should talk to community leaders, other local community-based organisations or activists who have links to that community, and community members from the village.

0

The topics of the education session should be chosen based on:

- Common questions asked by local community members in the area;
- Common types of cases in the area;
- If any previous education by paralegals or others has been done there – sessions can build on what the community has already learned;
- Topics requested by the community and nearby villages.

Sometimes, repeat visits to the same community and building knowledge over time (as well as being available for case consultations and follow-ups) can be an effective way to do community education. Paralegals can plan shorter sessions (30 to 60 minutes) that take place every three weeks. Community education sessions do not always need to be workshops.

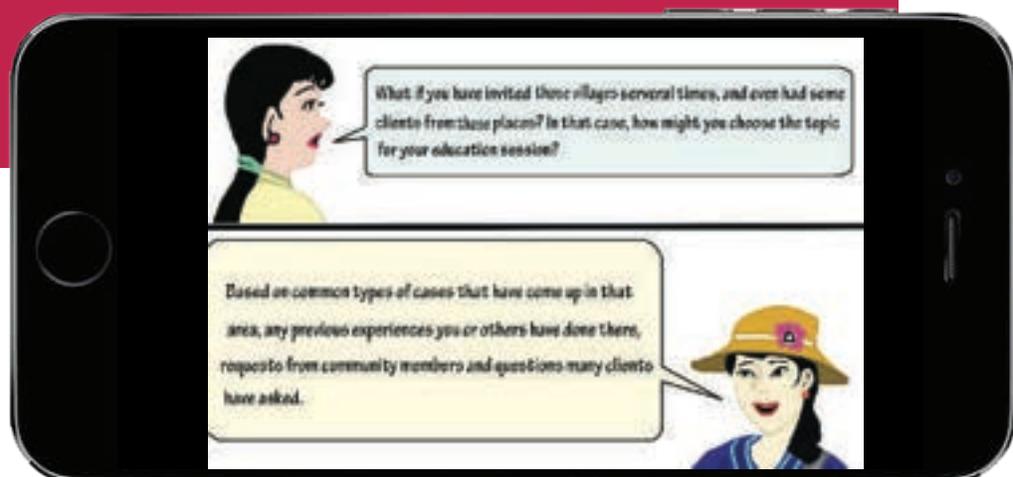
The decision of paralegals whether to hold a single two-hour education session or to hold several 30-minute sessions at regular intervals should be based on the needs, distances, and situation of the villages. Each paralegal knows his/her target area, community needs, and distances best. Paralegals can consult with their supervisors and seniors if advice is needed for planning community education sessions.

4



Questions to guide planning

- What is the goal of this particular community education session? What are the expected results?
- Is the topic relevant to the community?
- Is the information you plan to share immediately useful for the community members?
- Is the event planned at an appropriate day and time, when people will be free to come?
- Will you be able to stay after the session to do individual client consultations or case intake?
- Is the length of the session appropriate for keeping the attention of participants?
- Do you have a plan in place for inviting residents in the area to the session in advance?
- Who else should be involved in planning or delivering the workshop? Who else should be informed or invited?



Effective community legal awareness education sessions can be conducted using the following four simple steps:

4.1.1 IDENTIFICATION OF TOPICS AND PLANNING

Talk to key people within the community to identify the needs and issues.

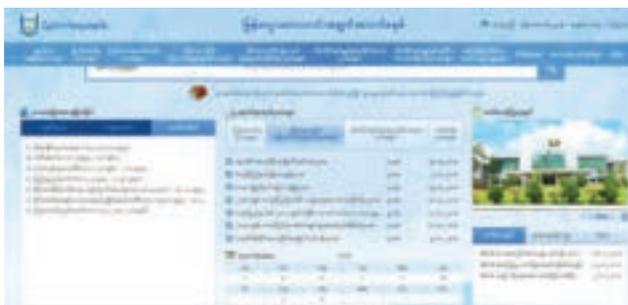
- This will give ideas about what the awareness-raising session topics should be and how the sessions should be conducted.
- This is not only to identify the needs but also to seek existing resources and contributions from the local community for awareness-raising arrangements.
- This will also help paralegals be clear about logistics needs, such as the venue, type of participants, date and time, and need of supporting materials.

4.1.2 REVIEW AND READ THROUGH REFERENCES, LAWS, AND POLICIES RELATED TO THAT ISSUE

The issue may be one with which the paralegal is already familiar and knows the relevant laws, policies, and procedures. In that case, the paralegal can move forward to the next step.

- If not, the paralegal needs to read and understand the relevant laws and policies linked to the issue and consult with their supervisors and a lawyer to make sure he/she is on the right track.
- Local resource libraries and official websites of relevant government institutions can be an option to get up-to-date legal information².
- Paralegals should also discuss with other paralegals who had similar experiences.
- Paralegals may find that there is no specific legal protection on the issue. In this case they can look for general coverage under the constitution and seek a possible link to policy actions under the process of shaping the law.

2. LannPya is one such app. This is an app developed by MyJustice with Koe Koe tech that provides information about the law and seeks to link people/paralegals with services. To download: <https://goo.gl/9QQUR7>



Key components of laws

- Title and Definitions
- Objectives
- Main Institutions and Management Bodies with their roles and limitations
- Prohibitions and Punishments
- Miscellaneous

4.1.3 SIMPLIFYING THE LEGAL TERMS AND KEY MESSAGES

- The language or presentation that is used to talk to a group of lawyers should not be used to talk to villagers who are hearing about the law for the first time. A paralegal needs to adapt the message based on the audience.
- Simplify messages and explain the content in a way that is relevant to the audience and is based on what they need to know. The content must also be explained in a way that the target audience, such as community members and villagers, can understand. Tailoring the message for the audience is an integral part of the community education session.
- Even when messages are made easier to understand they should still be accurate.
- Depending on the issues, type of participants, and time available, components of the related law may need to be divided into subtopics. Prepare for several education sessions to ensure that the audience can catch up on the key messages one after another.



Tips for conducting community legal awareness sessions



- Identify clear learning objectives for each session. What are the three or four main points paralegals want participants to know by the end of the session?
- Focusing on these key points and repeating them multiple times in different ways can strengthen learning. In contrast, including lots of additional detail can make it hard to identify or remember the key information.
- Focus more on the process. It's important to emphasize how someone would address an issue. This information will make the law more concrete for participants and helps them know how they can take action.
- Develop specific modules on priority topics. Plan to do multiple sessions on each topic in any given village. For example, an initial session on community forests might focus on an initial introduction of the mechanism while a second session goes into greater depth on how to create a management plan. This will allow participants to digest smaller amounts of information at a time and ensures that they are talking about priority topics more than once – reminding them about what they learned and increasing the likelihood that they take action.

4.1.4 USING INTERACTIVE AWARENESS-RAISING ARRANGEMENTS WITHIN THE COMMUNITY

- People attending a community meeting are more likely to appreciate and use the information presented if paralegals use dynamic teaching methods and stimulate participation from the community.
- There are a variety of methods to use for interactive education and training in community awareness sessions.
- Paralegals can use appropriate and relevant methods with the target audience.
- Some of the interactive training methods are listed here:



Whole group discussions



Small group discussions



Questions



Pair and group work



Brainstorming



Role-play



Simulations



Debates



Case studies



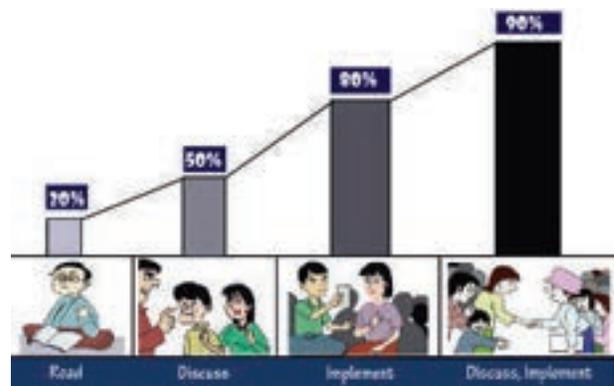
Drawing

Community legal awareness education events are often most effective when part of a longer-term campaign to address a particular injustice. Paralegals might use a meeting to educate a community about a justice issue that is frequently seen. The meeting would be just one part of a strategy that also involves, for example, ongoing mediations, advocacy with ministries, and even litigation.

As a part of community legal awareness raising and growing community movement, paralegals:



- Assist the communities in target area to prioritise, identify, and pursue their legal rights
- Prepare training context materials or relevant basic legal documents or handouts for clients or members of the community in local language as needed;
- Educate the villagers and community members (individuals & groups) about laws, procedures, and the government administration of them;
- Facilitate and organize the community for collective action for the purpose of engaging in advocacy, awareness raising, and discussion sessions as needed.



4.1.5 FREQUENTLY ASKED QUESTIONS ABOUT COMMUNITY LEGAL AWARENESS-RAISING SESSIONS

1. How do paralegals structure the education session?

It is usually arranged in three parts. The first part is sharing a topic that has already been identified with key actors in the community. This part will take around 20 to 45 minutes based on the topic. The second part is an open discussion or questions and answers based on the interests of the participants. At this time, the discussion might go

beyond the topic as the participants take the opportunity to ask about other areas of concern. The last part is actually a breakout session or individual discussion. It usually happens at the end because it is an informal discussion or consultation on specific issues of the case of an individual or group of participants. The last part might not happen when the participants are not interested or have nothing to say to the paralegal.

2. How do paralegals facilitate and communicate during sessions?

Paralegals use flip-charts or books with cartoons, pamphlets, or any kind of paper documents whenever possible to help participants understand. It can also be a copy of an official map attached to the land usage rights certificate and the certificate itself, a mortgage agreement with a stamp, an instruction letter from a land-grab reinvestigation committee, and so on. True stories are used by paralegals to share good and bad experiences to draw the attention of the participants. Paralegals also choose relevant tone and wording to hit the hearts of the participants. They often use prompt questions to engage the participants. In the Q&A sessions, if no one asks questions, the supporter of the paralegal sitting in the group might raise questions on behalf of participants to get things started. Tip: it is a good idea if the paralegal has prepared for this in advance and his/her supporter knows the sort of questions to ask to start the process.

3. How do paralegals let people know when and where it is happening?

Paralegals rely on active client and relationship networks for logistics, invitations, and preparations. Preparation is key for paralegals, as is choosing the right topics, time, and venue for the participants. Paralegals usually know this based on information and support from local networks or former clients.

4. How do paralegals choose where to conduct the sessions?

This depends on the local situation, target audience, the information paralegals have received from local contacts, and their experience working in the area previously. Typical session locations will include: the house of a contact person from the

village, a monastery or other religious building, a designated community building, or under the trees on a farm.

It is important that any chosen location ensures inclusion and considers gender issues. The location should be such that all interested people know about it, feel comfortable to participate in the sessions, and can physically reach it. Sometimes, depending on the topic, awareness events might need to be held separately with some groups, for example women may not speak about violence in a mixed group.

5. Do paralegals do a follow-up with the community?

While there are often follow-up education sessions, there is rarely follow-up with the whole community or all participants. Paralegals often have follow-up relationships with some of the participants trying to apply what they have learned to their own cases. Paralegals can also do pre- and post-training questionnaires to see immediate changes and receive feedback. In cases where illiteracy is an issue, the pre- and post-training questions could be oral.

6. What do paralegals see as the goal of the sessions?

Paralegals aim to conduct the sessions not just to promote legal awareness, but also to introduce the importance of the issues, the need of collective action on some cases, and to introduce their services. It is also a way to wake the community up from its long sleep. It aims for the community to start knowing their legal rights on a chosen topic, understanding how these issues affect them, and how they can change the situation themselves with some support from paralegals. It is also an opportunity for two-way learning and trust building.

05 HOW PARALEGALS HELP PEOPLE TO KNOW LAW AND USE LAW?

Community members and potential clients often come to the paralegal with their problems. The level of legal awareness in community members and potential clients is varied. Their needs and expectations can also be varied. However, one thing they have in common is that they all have justice problems and want to solve them. At this stage, it is very important that the paralegal clearly understands the person or community, the nature of the problem, and the expectations. Similarly, the clients and community should also clearly understand what the paralegal can do for them and what they can do together. A paralegal can take the following steps in managing clients and cases:

1. Identifying and interviewing clients to understand the problem.
2. Identifying violations and legal hooks and understanding what legal provisions could help to solve the problem.
3. Connecting with legal professionals and other referral services if the topic is beyond the scope, understanding, or ability of the paralegal.
4. Pursuing a solution to the problem and solving the problem.



5.1 IDENTIFYING AND INTERVIEWING CLIENTS: UNDERSTANDING THE PROBLEM

The following table is an outline of what the paralegal, the person with the problem, or the client should do in the early stage of understanding the problem.

PARALEGAL

- Interview clients/community to understand the client's condition and the problem
- Explain relevant laws and procedures related to the matter
- Explain the rights and remedies that they can expect
- Explain the options that clients can choose and the costs of time, money, risks, and opportunities that the clients can have under each option
- Explain the services that the paralegals can provide and any limitations that they have
- Explain the role of paralegal and ethical standards that they have to abide by
- Explain the role of the clients
- Explore more reference information about the client and the case within the community
- Explain the limitations of the paralegal and share sources of other professionals, lawyers, and networks of legal aid and CSOs
- If paralegals are not certain of any information, they should communicate this clearly to clients and tell them they will find out and get back to them
- Paralegals should take a 'do no harm' approach
- Paralegals should respect the agency and decisions/choices of the client

PERSON/COMMUNITY WITH PROBLEM

- Share their background information
- Explain why they want to get the services of a paralegal and not a lawyer
- Share the history of the issue, the problems they have faced, and actions and responses that they have had
- Explain the impacts of the problem
- Explain the expected result that they want to achieve
- Explain the limitations that they have
- Share evidence and contacts they have gathered that are related to the case

Depending on the level of complexity and type of case, type of client, their capability, and the choices of the person with the problem, paralegals may or may not need to provide service for the case beyond the stage of consultation. In simple cases, even if the client wants to depend on the paralegal, paralegals may encourage them to try on their own with very light-touch legal consultation and support. It is best

if the community members or the clients can solve the problem on their own using the legal knowledge that they gain from the paralegals. This will have the maximum legal empowerment impact. However, the more complex the case and the more limited the capacity of the clients, the more paralegals will have to support. It is important that the clients still drive the case and are involved at every stage.

Tips for interviewing clients and people with the problem

- Do not forget to talk about and give attention to the availability, privacy, confidentiality, and security matters to avoid negative impacts.
- Do not forget to introduce each other and ensure everyone understands why they will have the conversation.
- Start with warm and friendly conversation to form a connection with the clients.
- Trust building is key to elicit complete and factual information about the problem from beginning to end.
- Open-ended general questions are useful to get a wide picture of the problem. It is important to not make or imply any judgement. For example, do not ask 'Isn't it wrong to leave your husband?' or 'Why do you want to jointly register land? Don't you trust your husband?'
- Paralegals should listen more than talk at this stage.
- Details on important points can be gathered using WH questions (what, where, when, why, how) depending on the flow of conversation.
- Pay attention to nonverbal cues, reflect on them, and be flexible throughout the conversation.
- Summarise key information presented during the conversation to confirm its completeness and accuracy.
- Documentation is important to understand the problem and find a solution, but methods of keeping records should reflect the environment and consent of the person with the problem.
- If clients do not have certain information relating to their case, paralegals should ask them where or who they can get this information from.

We introduce here two actual cases narrated by the clients themselves. Over the next several sections of the manual, we will hear how these cases unfolded in the clients' own words.



CASE SERIES (PART 1): CONTACTING THE PARALEGAL

Land Grab Story – Part I

We, U Lone Sai and Nan Ywunt, from Nant Maw Sount Village, approached the paralegal Daw Nan Marlar Thein at the end of a land laws legal awareness session. We explained that the military officer from the area said that our land had been taken by the military in 1991, so we are required to request permission in advance if we want to do farming on our land. We didn't know what we should do. I asked: How can the paralegal help us?

She said she needs to know more information about us and the issues we are facing. She asked me if this problem is faced only by us. I said that 47 other farmers from our village are also facing the same matter. She explained to me briefly about our rights and responsibilities based on related laws. She also introduced the services that she can provide by using the law. We decided to dig deeper about what we can do together by meeting again with other affected farmers. A few days later, we met again. This time together with nine other farmers as representatives of the affected farmers. The paralegal visited with us to see the physical condition of our lands in the context of the current problem. We told details about ourselves, our problems, challenges, and expectations.

Sand Mining Story – Part I

I, U Myint Shwe from Shar Pin Gone Village met with the paralegal U Htay Lwin at the home of my friend U Kyaw, his former client.

I told him about our village on the banks of the Ayawaddy river. Our village is under threat of being washed away. Twenty-eight houses had already been washed out by the river. They are now living in the compound of their neighbours, but the whole village cannot sleep well as we are worried.

It is getting worse this year because of the illegal sand mining business in the river near the village. I asked the sand mining boat to stop doing it, but they don't care. When we came with the village administrator, they moved to another place, but they still came back later.

The paralegal explained to me about the importance of strong evidence and facts to construct a case of environmental damages. Then, he came along with me to see the sand mining activity near our area. I took photo records to prove how it is close to our side of the river.

5.2 IDENTIFYING VIOLATIONS AND LEGAL HOOKS: UNDERSTANDING WHAT LEGAL PROVISIONS COULD BE HELPFUL TO SOLVE THE PROBLEM

When both paralegal and client have a common understanding of the problem and shared expectations of the case, the paralegal has to explain the relevant law, processes, institutions, mechanisms, and other available options. Then, the paralegal will work with the client to identify legal hooks and violations in their specific case. Depending on the complexity of the problem, they may need to spend time together to understand the violations and legal hooks.

In some cases, identification of legal hooks and violations can be simple. In other cases, they may need more clarity of information and frequent discussions with several people. These occasions are very important, as a paralegal is helping the client to use the knowledge of the law to understand the real problem. The paralegal and the client go through the cycle of legal empowerment together. Their relationship will not be top down because they are learning together.

Through
identifying
legal hooks and
violations, both
paralegals and
clients:



- Have a common understanding of the main problem, its source, and its depth
- Have a common understanding of the client's condition and expectations
- Have a proper understanding of the related laws, violations of law, institutions, and procedures
- Have a common understanding of the options that they can choose and the pros and cons of each
- Have a common understanding of the required documents and evidence
- Have a common understanding of who can do what in the subsequent steps
- Have a common understanding of the role of each side in the process

CASE SERIES (PART 2): WE KNOW THE LAW IS ON OUR SIDE



Land Grab Story – Part II

A week later, the paralegal came back to us. We visited the Land Records Department asking for land map information. We took time to review our existing documents, letters from the government and department officials, and other documents. We checked all of the actions with reference law sessions. The paralegals explained the Land Acquisition Act, particularly about the procedures of how to take land if the government needs it. She also gave us documents to read. These are my notes of laws and procedures in my native Shan language. I turn to my notes whenever I have to discuss my case because I don't remember all the details. We talk about the institutions responsible for solving our problem. We noticed that there are gaps in the process of acquiring land. It violated the law because we were not properly informed, and no one took our consent.

Sand Mining Story – Part II

The next day, the paralegal and I organised a meeting at our village. About seven active villagers gathered with us. The paralegal explained the Waterway Maintenance Law of 2006. The responsibilities of the Water Resource, River and Creek Maintenance Department is mentioned in Article 5. We also noted that the General Administrative Department can influence this matter.

Now we feel motivated as we are not alone. We have the paralegal standing together with us to guide us. Though we have limited knowledge and experiences, the paralegal helps us to understand more.

5.3 CASE INTAKE AND HANDLING TIPS

The Namati team from India has created a list of simple tips, termed CHILL, to help paralegals think about the priorities of their work with clients and cases. While you may have other concerns or constraints, this list will help you to think through selection criteria for cases. This will be particularly helpful when there is a much higher demand for help than you have time and resources to satisfy.

C - Community Partners or Clients - The case has community partners or clients. It is usually an individual or a group of affected people aggrieved by a common problem. This individual or group is committed to solving the problem jointly with the paralegal.

H - History - Primarily those cases are chosen where the affected individual or communities have sought some kind of resolution by themselves. This could have been through activists, civil society organisations, or any other means. Exceptions to this may be in situations of emergencies, disasters, or particularly complex or exceptional cases.

I - Impact - Cases that have a large impact in terms of the number of people affected or the number of people likely to be benefited are prioritised.

L - Location - The cases chosen are in the paralegal's vicinity or local area so that s/he can maintain contact with the affected communities through regular site visits and follow-up meetings.

L - Legal Hook - Cases that have a clear legal hook (such as those resulting from a violation of or non-compliance with law, administrative practice, or judicial orders) are prioritised over ones that do not have a direct legal clause supporting them. However, in some scenarios, cases that do not have a clear legal hook may be prioritised if the objective is to use the evidence collected through these cases to recommend new clauses or amendments to existing clauses.

C

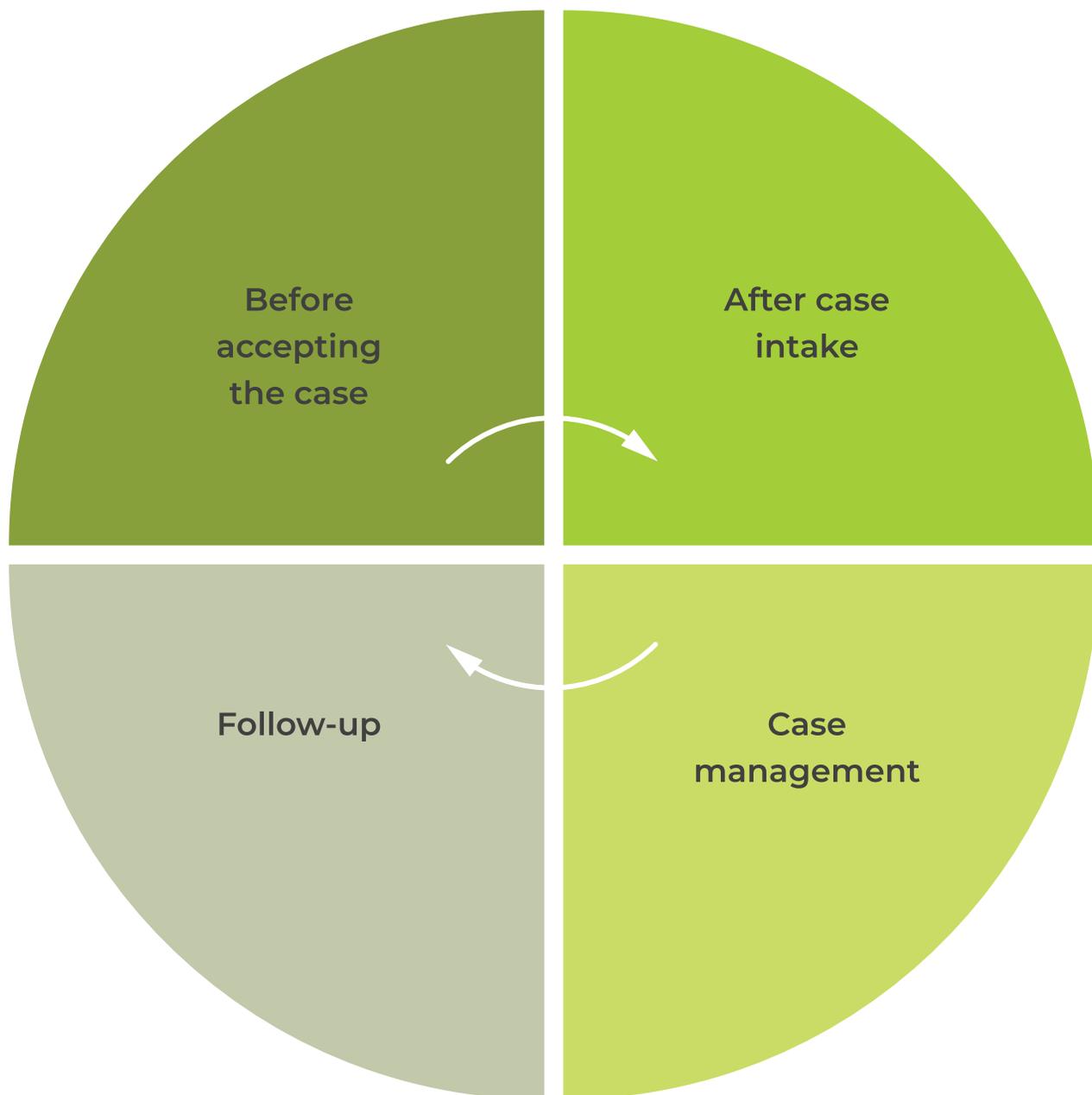
H

I

L

L





There are four well-established periods during the process of taking on, handling, and finishing a case. Different steps must be taken at each stage:



**Before
accepting
the case**

- Understand the limits of the law.
- Check that the case is within the capacity of the paralegal.
- Check if the case can be managed by the client itself with the guidance of the paralegal.
- Make sure the case is really true and you are satisfied that the issue is legitimate. Do not just help anyone without doing your own due diligence. We work for justice, not the interests of individuals.
- Ensure the commitment of the client to work together.
- Understand the needs and clear expectations of the clients.
- Make sure the client also understands the limitations.
- Understand and sketch out steps and options to be taken to meet the expectations of the client.



**After case
intake**

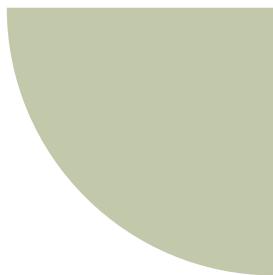
- Gather additional facts and look for strong evidence.
- Note prior experiences on the issues from yourself or others.
- Know if there are applicable laws or not.
- Look for alternative options regarding laws to use or institutions to engage.
- Identify and focus on key institutions/individuals to engage.
- Collaborate and network.
- Develop source of contacts.



**Case
management**

- Use right laws, terms, and evidence in any verbal or written engagement.
- Use effective communication records and reports.
- Pay close attention to the impression you make on clients and local officials.
- Dress and speak appropriately.
- Take parallel actions when required. These can be directed to the local administration, courts, MPs, media, and so on. Remember the power of collective action.

- Make sure the client is also on the same page and follow through at every step.
- Focus on the client's expectations and see if the client has any changes.
- Do not allow your emotions to control you, even when a situation is stressful. You must put the clients' interests first and always be calm and professional.
- Be safe. This is a large topic. You must consider your own safety and that of your clients. This includes basic matters, such as wearing a helmet when you ride a motorbike, and political and local matters that you must carefully consider depending on your location and clients' circumstances. These conditions vary widely across the country and it is always good to discuss them with other paralegals and CSOs.
- Be patient, as cases can take a long time and rarely proceed smoothly.
- Document actions and responses. Typically, we want to track:
 1. What was the action and when did it take place?
 2. What institutions, if any, were engaged?
 3. What was outcome and when did it take place?
 4. What laws or legal hooks were invoked?



Follow-up

- Stay up to date with any changes to the mechanisms, institutions, and laws.
- Conduct a regular checkup of the situation on the ground and any changes to reflect on along with proper responses.
- Review progress of the case and challenges.
- Seek expert advice to overcome any challenges.
- Find an alternative path to move forward.



5.4 PURSUING A SOLUTION TO THE PROBLEM: SOLVING THE PROBLEM

At this stage, the clients and/or community partnering with the paralegal will discuss what to do next to solve their problem. Using their experience gained learning the problem, law, and identified violations, they will make appropriate choices of action. In pursuing a solution to their problem, paralegals can assist in:

- Writing complaint letters or other submissions;
- Navigating and advocating with authorities;
- Mediation or negotiation;
- Organizing collective cases;
- Taking court actions with the help of lawyers.

However, both the client and paralegal should define a clear level of responsibility and accountability to work together until the end of the case. Both commit that they will allocate enough time, pay careful attention, and seek a fair and just solution by using their skills, knowledge of law, and experiences.

Where possible, paralegals need to give the client an active role in building the case. Often, clients themselves are able to actively participate and even take a key role in some activities for pursuing solutions using the knowledge of the law. For example, the client can gather the data, documents, and evidence upon which a case or complaint rests. Guidance, encouragement, and light-touch support help clients stay on the right track as they take each step.

As they work on the case, paralegals need to remind themselves that they are not just working on a case but also turning the wheel of legal empowerment together with the client. They are using the law as they know their rights. How far they need to go and how long the cases take will depend on their capacity, the complexity of their casework, and other factors around them.

Especially in complex cases, paralegals and clients may need to engage different institutions, use diverse approaches, or even take parallel actions at the same time. In the process of taking actions, the paralegal will empower clients and the affected community to learn and work together and put the needs of the clients first.

All decisions must be well informed, so it is the responsibility of paralegals to ensure that the client fully understands the options, as well as the implications and consequences on both them and their community. This will allow the clients to have a sense of ownership of their choices and decisions, thus increasing self-esteem and confidence in taking action steps.

5.4.1 COMPLAINT LETTER WRITING TIPS

- Include important dates, times, locations, and the history of the case in short and simple sentences.
- Include the reasons and particulars of complaints, covering who did what to whom and why.
- Explain the situation using the notes compiled after the event occurred. Every point should refer to strong sources of evidence and the evidence should be attached.
- Include points for the complainant and actions that the complainant expects to see as a result of the complaint.
- Mention if the complainant wants legal action against the other party or just to get the remedies or both.
- Do not allow the letter to become emotional or threatening as these will most likely not elicit a favorable response.
- Do not allow the letter to focus on the gaps of laws/policy as it may mislead the reader to be confused in deciding the action for the case.
- Include contact information such as name, address, and phone number for further communication to resolve the issue.
- Do not send original documents, and keep a copy of the complaint letter for your records.
- If your complaint letter does not bring about the results that you hoped for, consider writing another letter with a firmer tone, or try writing to someone higher up the chain of command. Attach the first letter and mention that there was no response to it.
- The complaint letter should typically come from the client(s), not the paralegal, and clients should keep a copy of the letters for future reference.

5.4.2 SIMPLE MEDIATION STEPS AND TIPS

1

Step (1) Introduction

- Introduce both sides
- Set ground rules
- Remind about confidentiality
- Explain the benefits of mediation

2

Step (2) Listen to Stories from Both Sides

- Listen carefully to each person
- Summarise key points
- Acknowledge and confirm key messages
- Ensure everyone respects the ground rules
- Extract the challenges and problems from the stories of both sides

3

Step (3) Understand the Problems

- Listen to the problems and challenges
- Listen to workable solutions to the problems
- Listen to the requirements

4

Step (4) Seek Alternative Solutions to the Problems

- Point out possibilities for solving the problems
- List the challenges and problems that need to be addressed
- Summarise the requirements and conditions
- Brainstorm solutions to the problems

5

Step (5) Solve the Problems

- Analyse the brainstormed ideas to solve the problems
- Check applicability
- Ensure the agreements are respected by both sides
- Ensure the fairness of any mutual agreements
- Document the agreements

6

Step (6) Close and Depart

- Solicit feedback on the role of the mediator
- Explain follow-up actions
- Encourage the acknowledgement and maintenance of the agreements

Mediation Tips



- Seek the possibility and interest of using mediation when meeting with clients.
- If the case is very sensitive and emotional, conduct individual meetings as required before the face-to-face mediation discussion with both sides.
- Listen and build trust with both parties.
- Do not accept one-sided suggestions, processes, and timelines before understanding the basic facts of the case.
- Make sure to include true representatives from both sides. Do not let powerful individuals and lawyers become the decision makers.
- Avoid giving advice and suggestions that may hurt or favor one side.
- The role of the mediator is to help both parties make fair and mutually agreed decisions.
- Explain to both parties that they have the freedom to make their own choices, but have the responsibility to respect the conditions that they both mutually agree upon during the process of mediation.
- Explain to everyone that they need to respect confidentiality in the process of mediation.
- Explain that the discussion and result will be for the parties not for the paralegal.
- Encourage open discussions, but stress the importance of mutual respect.

Case Management Tips



- Provide legal awareness to the clients.
- Conduct appropriate field investigations to gather required data and information about clients and case situations.
- Consult clients on how to resolve cases by providing options for handling the issue.
- Explain appropriate case strategies and the advocacy process.
- Help clients to fill out forms, write complaint letters, interact with authorities, and make other follow-ups as needed by the client.
- Follow up on cases or conduct follow-up visits to concerned government departments and institutions in order to support clients to resolve the case.
- Take regular forward action on client empowerment and discuss options for next steps.
- Ensure the client is involved in each step of the process to promote greater ownership and learning from experiences.

CASE SERIES (PART 3): USING THE LAW GIVES ME POWER

Land Grab Story – Part III

We discussed with the paralegal that we would first try to use the land for farming. The next step was to have a legal title. We continued farming the land. Soon, we prepared a complaint letter that we signed and submitted to the central and regional land grabbing reinvestigation committee and also to the chief of the military. We waited for months but did not get any responses from the committees. Most of us are not able to read the Burmese language and written laws. We have limited ability to speak up when we have to communicate with government officials or institutions, so that makes it very difficult for us and mostly we rely on the paralegal's assistance. We then submitted a follow-up letter to the same institutions.

Fifteen days after the follow-up letter submission, we visited the township administrator and asked for an update on the progress. The township administrator said that they received an instruction letter from the district authorities to collect required facts about our case and to do a land assessment on the ground.

The administrator also said that he had already passed the instruction to the township's land record department. While they are waiting for the land assessment, other tenant farmers who are close with the military got lands for farming that were owned by the affected farmers in this case. These lands are close to the main road. The 42 clients and the paralegal together asked them to stop doing this and they stopped. The paralegal told one military officer that these lands are being investigated and we are awaiting the results of the land assessment, and that the case is still in process. We asked that the military official should collaborate in the investigation to solve this issue.

We are now sharing our experiences with others in a similar situation. We have noticed that we have changed the way we speak with officials and other people, but we do not know how to mention it. I am involved in the meetings with military and officials. Previously, I felt weak as a woman. Now that I am involved in this case together with other colleagues and the paralegal, I feel like I have power.



Sand Mining Story – Part III

We decided to take the first step of informing the township administrator and concerned department about this case. We presented the evidence that we gathered, as witnessed by the affected villagers and their neighbours. We included the clause mentioned in the waterway maintenance law and asked for an investigation to see if they are officially permitted to do sand mining in this area.

We waited about twenty days without getting a response, so we followed up again to the Water Resource Maintenance Department in Shwe Taung township. Using the connection of the paralegal, we also informed Shwe Taung Township, Lower House MP Daw Mya Kwar Nyo about this case

The investigation was conducted, and it was found that the business was not permitted in the area. Their permission was for another location. They were asked by the Department to stop doing it in our area.

However, the business did not stop. We reported it again to the responsible departments and finally it stopped.

Together with the paralegal we can stop sand mining and its effects on the village.

But we did not stop there. The paralegal helped us connect with a lawyer to push for damage claims in court. Though we initially faced denial, we were able to open a court case at the Shwe Taung Township court.

5.4.3 QUESTIONS TO GUIDE THE CASE HANDLING PROCESS

These questions are for paralegals to ask themselves. If you have all the answers to these questions, then you are in great shape to handle the case. Think of them as a checklist. If you do not have all the answers, then you have further preparatory work to conduct.

STARTING A CASE

- How much do you know about the client?
- What are the challenges and impacts of the problems?
- What facts and evidence do you have/need to gather?
- Who should you consult with?
- What laws, rules, and regulations should you reference?
- What is the violation of the law in this problem?
- What are the government institutions/ departments in this case?
- How long do you need to take for preparation?
- How will the client support and participate in the process?
- How do you mobilize and empower the client?
- Who do you collaborate with?
- What is the role of clients?

COMPLAINTS / REQUESTS / SUBMISSIONS

- Which facts and information should you include in the letter?
- Who is the writer and with inputs from whom?

- Who signs the letter?
- Who is given copies of the submission? (Name, Position, Address)
- How many places should you submit the complaint to?
- How do you submit the complaint/request/submission letter? (Postal, in-person)
- What are the key points that you ask for?
- What is your follow-up plan after complaint submission?

MEETINGS / DISCUSSIONS / MEDIATIONS / NEGOTIATIONS

- Who do you invite/meet for mediation/negotiation?
- How do you arrange for the appointment?
- Which method do you use?
- Where do you meet?
- Who participates in the meeting?
- What is the purpose of the meeting?
- How long does the meeting take?
- What are the results from the meeting?
- What supporting documents do you need and from whom?
- What facts and information did you get from the meeting?
- What other guidance and support did you receive to facilitate the meeting?
- What do you need to invest in the meeting?
- What is the next step after meeting?

5.5 LINKING WITH LEGAL PROFESSIONALS AND REFERRAL SERVICES

Often paralegals realise at the beginning that the case is beyond the limit of their understanding or knowledge, thus they refer the community members to other legal service providers or lawyers. Paralegals must know their limits and capabilities, and they should be open and honest about it.

If they are confused, they need to consult with those who have experience with this kind of problem for clarification and advice. Paralegals have to consult with the community, their clients, and connected lawyers to decide the best approach for dealing with the issue.

If paralegals cannot help the clients/people with the problem, they should not just say No. Paralegals should make sure the clients understand the reasons why they cannot help, should explain these to the community, and properly refer the clients to other relevant services – lawyers or psycho-social services.

For cases that paralegals cannot handle, refer them instead of wasting time. If a paralegal thinks litigation is an appropriate tool to use for a complex case, refer such cases to professional lawyers linked with a legal aid service or to counselors linked to psycho-social and other services.

However, even when a case moves to court action with the support of a lawyer, paralegals may stay involved with the case during court proceedings. Paralegals provide valuable assistance to lawyers during the litigation process. They can still be a source of vital information for the lawyers and an effective liaison between the client and the lawyers. Paralegals continue to play a significant role until the final determination of the case, and even after that paralegals can continue to provide follow-up and counseling services to affected community members.

NAVIGATING COMPLEX PATHWAYS TO JUSTICE: COMMUNITY PARALEGALS AND CUSTOMARY AND INFORMAL JUSTICE



Creating a Culture
of Justice
International Development
Law Organization

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4. CREATING AN ENABLING ENVIRONMENT FOR SUSTAINABLE COMMUNITY PARALEGAL ENGAGEMENT WITH CUSTOMARY AND INFORMAL JUSTICE SYSTEMS: CHALLENGES AND PATHWAYS

FACILITATING PARALEGAL ACTIVITIES THROUGH ADEQUATE LEGAL AND INSTITUTIONAL FRAMEWORKS

Despite consistent evidence of the important role that paralegals can play in promoting access to justice, many countries still lack comprehensive or adequate legal and policy frameworks regulating legal aid and paralegals, including community-based paralegals navigating both informal and formal justice systems.¹³⁴ In conflict-affected contexts in particular, the lack of legal aid legislation has been identified as an obstacle to effective paralegal services.¹³⁵ Indeed, paralegals may not be formally recognized by the legal system or the government as legal aid service providers, and the concept and role of paralegals may be new for communities, causing negative attitudes and inaccurate perceptions, both by community members and CIJ actors.¹³⁶ The lack of legal recognition and standards often results in a general lack of trust in paralegals, which can

negatively impact their work.¹³⁷ For example, community paralegals may be denied access to courts and court records, prisons and detention centers because they are unaccompanied by a lawyer.¹³⁸ Further, even in contexts where paralegals are formally embedded in a legal and regulatory framework, CIJ providers may not acknowledge their relevance to CIJ systems or perceive them as threats to the established status quo, thus making collaboration challenging.¹³⁹

The international community has repeatedly called upon States to establish effective nationwide legal aid systems by undertaking all necessary measures aimed at ensuring and promoting “the full realization of the right to legal aid for any individual within its territory and subject to its jurisdiction who does not have sufficient financial

means to pay for legal aid or to meet the costs associated with judicial proceedings”.¹⁴⁰

States are urged to formally recognize the role of paralegals in providing legal aid services, especially where access to lawyers is limited.¹⁴¹ Measures enacted should therefore enable paralegals to provide legal aid services “to persons detained, arrested, suspected of, or charged with a criminal offence”, including in detention centers and police stations,¹⁴² as well as regulate the relationships between paralegals and CIJ actors to ensure access to legal aid and justice services for the most vulnerable and marginalized. Specifically, measures are recommended to:

- » Develop, where appropriate, a nationwide scheme of paralegal services with standardized training curricula and accreditation schemes, including appropriate screening and vetting.
- » Ensure that quality standards for paralegal services are set and that paralegals receive adequate training and operate under the supervision of qualified lawyers.
- » Ensure the availability of monitoring and evaluation mechanisms to guarantee the quality of the services provided by paralegals.¹⁴³

The UN Principles and Guidelines also recommend binding codes of conduct for paralegals, the specification of the types of legal services that paralegals can provide as compared to those that must be provided by lawyers exclusively,¹⁴⁴ as well as the establishment of national independent institutions to coordinate and manage the delivery of legal aid services.¹⁴⁵ Indeed, States are encouraged to put in place mechanisms and processes to ensure meaningful collaboration between key stakeholders in the justice

sector, including the judiciary, legal professionals, national human rights institutions, prosecution, police and CIJ systems, and to adequately fund legal aid. A legal and regulatory framework is needed to preserve the independence of paralegals and ensure coordination of their activities through governance and accountability mechanisms.¹⁴⁶

Generally, legal aid laws should provide clear guidance on qualification requirements for paralegals, as well as accreditation processes, including the

responsible body or organ for certification and regulation of conduct. Legal aid boards or legal service commissions are often-used mechanisms. Normally, they are established by law, funded at least in part by government, independent and accountable to parliament. They have an administrative role over national legal aid systems and exercise their functions on the basis of assessment of legal aid needs and stakeholder mapping. In particular, these bodies:¹⁴⁷

- » **Coordinate service providers:** match competencies of legal aid providers to specific legal needs and ensure effective legal aid support at relevant stages.
- » **Ensure minimum quality standards:** elaborate codes of conduct, training, supervision and monitoring mechanisms, and establish complaint mechanisms and disciplinary procedures.
- » **Delineate responsibilities:** clarify the role of lawyers, paralegals and law students in particular.
- » **Establish referral mechanisms:** ensure referrals to lawyers as well as CIJ mechanisms and complementary services such as women's shelters, child protection counseling and health services.
- » **Adapt approaches:** engage with stakeholders to obtain information and update assessments allowing the fine-tuning of approaches to remain responsive to local legal aid needs.

To ensure these standards are met, enacting legislation and policy is key as well as delineating the roles and responsibilities of all actors. While many countries in the African continent have enacted general legal provisions aimed at ensuring access to legal aid services in criminal matters only, there is also momentum for comprehensive legal aid legislation to regulate all facets of nationwide legal aid, including coordination bodies and monitoring mechanisms. Importantly, some national legal frameworks provide for measures that directly or indirectly regulate interactions of paralegals with CIJ systems.¹⁵²

CASE STUDY: THE SIERRA LEONE LEGAL AID BOARD

The **Sierra Leone** Legal Aid Act of 2012 establishes a comprehensive national legal aid system drawing on the Lilongwe Declaration and Plan of Action, which "enshrines the role of paralegals as a basic element of the system"¹⁴⁸ and explicitly provides for the deployment of paralegals in each of Sierra Leone's 149 chiefdoms.¹⁴⁹ The Legal Aid Act designates a Legal Aid Board as responsible for accrediting legal aid providers, including paralegals, and identifying the accredited educational institutions that can provide training for paralegals.¹⁵⁰ The Board is also tasked with determining the nature of cases and persons who may receive legal aid services, monitoring the performance of legal aid actors and conducting legal aid-related research.¹⁵¹

REGULATING PARALEGAL FUNCTIONS IN PLURAL LEGAL SYSTEMS

Importantly, several countries in Africa have adopted legislations detailing a paralegal's role in relation to CIJ systems, including the jurisdiction of CIJ actors, and referrals and appeal pathways and processes to be followed by paralegals in directing cases to the competent justice actors. The above-mentioned **Sierra Leone** Legal Aid Act explicitly regulates the relationship between paralegals and CIJ actors, establishing that paralegals are tasked with providing "advice, legal assistance and legal education to the Paramount Chief and the inhabitants of the Chiefdom" and "where appropriate to assist in diverting certain cases to the formal justice system".¹⁵³ For this purpose, relevant local authorities shall be consulted in the appointment of each chiefdom's paralegal by the Legal Aid Board, thus making the selection process more participatory and reflective of community interests.¹⁵⁴ As a result, in Sierra Leone, community-



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based paralegals have to apply their knowledge of the formal legal system of courts and, at the same time, be familiar with customary or traditional law.¹⁵⁵

In **Uganda**, the draft National Legal Aid Policy explicitly provides for a responsibility of the national legal aid body to ensure legal aid actors refer

"minor criminal, small claims and civil cases from the formal justice system to Local Council Courts and other subordinate Courts and traditional mechanisms or other dispute resolution bodies in line with international standards and best practice".¹⁵⁶

NAVIGATING JURISDICTIONAL ASPECTS

In **Uganda**, local council courts operate at village, parish, town, division and sub-county level¹⁵⁷ and have jurisdiction over civil disputes of restricted monetary value,¹⁵⁸ civil disputes governed by customary law, as well as "(c) causes and matters arising out of infringement of bye-laws and Ordinances duly made under the Local Governments Act; (d) matters specified under the Children Act; (e) matters relating to land".¹⁵⁹ With the exception of cases related to the infringement of bye-laws, representation by lawyers is not permitted at the local council courts level, leaving a central role to paralegals in the provision of legal services to parties.¹⁶⁰

Importantly, the Local Council Court Act provides for several rights to be exercised by parties to a case, which could benefit from paralegal support, including the right to object to the jurisdiction of a local council court, and "if the objection is upheld, be referred to a court having jurisdiction to hear and determine the case",¹⁶¹ and the right to appeal against a decision made by a local council court.¹⁶²

Specifically, Section 32 of the Local Council Court Act establishes that appeals may be lodged "(a) from the judgment and orders of a village local council court to a parish local council court; (b) from the judgment and orders of a parish local council court, to a town, division or sub-county council court; (c) from the judgment and orders of a town, division or sub-county local council court to a court presided over by a Chief Magistrate; (d) from decrees and orders made on appeal by a Chief Magistrate, with the leave of the Chief Magistrate or of the High Court, to the High Court".¹⁶³ The Act also details the process to be followed in lodging an appeal against local council courts' decisions, establishing a fourteen-day term from the date of the decision and requiring that every appeal "be presented in a memorandum signed by the appellant, setting forth the grounds of appeal".¹⁶⁴

Similarly, in **Somalia**, ADR national policy and regulation clearly define the scope of jurisdiction of informal and formal justice mechanisms by explicitly excluding several crimes and civil matters from the jurisdiction of ADR Centers, thus attributing to paralegals the role of referring such matters to the competent formal authorities.¹⁶⁵ Further, the ADR Centers' standard operating procedures detail a range of functions that paralegals working at ADR Centers must perform in support of both CIJ actors adjudicating cases and justice seekers, with a focus on assisting the most vulnerable, facilitating identification of cases for referral and linking ADR Centers with formal authorities or support service providers as appropriate. In particular, paralegals should:

- » **A.** Provid[e] legal assistance and advice to ADR Center users, particularly to vulnerable categories, to help them to navigate pathways in the formal and informal justice system.
- » **B.** Provide legal advice to the adjudicators so that the deliberations are taken in line with the Human Rights standards, Sharia Law, National Law, and the provisions of the standard operating procedures.
- » **C.** Identify and report cases out of the ADR jurisdiction or not respecting the standard operating procedures.
- » **D.** Support ADR clerks in the correct classification of the cases and data entry.
- » **E.** Support the registration and referral of cases at court districts.
- » **F.** Prepare and draft legal documents required for the centres.¹⁶⁶

The standard operating procedures also identify a central role for paralegals in conducting awareness-raising and legal empowerment to increase legal literacy and community knowledge of ADR Centers, especially among women, victims of gender-based violence, internally displaced persons, minorities and other vulnerable groups, to ensure legal problems find appropriate justice avenues. Further, paralegals are central to implementing procedural safeguards in the ADR process, as they are explicitly tasked with liaising “with the

community-based organizations to promote an integrated support and counseling to ADR Center users”,¹⁶⁷ thus ensuring victims of gender-based violence, children and other vulnerable groups receive timely health, social and other services available at the community level. Finally, the standard operating procedures envision a role for paralegals in contributing to accountability of ADR Centers towards the community, although specific measures or mechanisms enacting this provision are lacking.¹⁶⁸

Finally, perspectives collected from paralegals have shown the importance of localizing national-level structures to support them in operating safely and effectively at the community level. As will be further explored in the following section, concerns have emerged related to the risk of working as a paralegal at the community level and interacting with CIJ mechanisms, pointing to the need for dedicated policy and oversight measures. A paralegal from **Kenya** summarized this gap as follows:

We face risks at the community level that national networks or the legal aid board cannot prevent, there is a risk of backlash in our work that can even escalate to violence. We need a local structure at the community level to protect us and enable us to carry out our work independently.¹⁶⁹

INTERLINKAGES, POWER DYNAMICS AND COOPERATION BETWEEN PARALEGALS AND OTHER LEGAL AND JUSTICE ACTORS

Due to their ability to engage a wide range of actors and institutions, community-based paralegals play a crucial role in networking with local authorities as well as other organizations operating locally on similar issues to advance equal rights and access to justice for all.¹⁷⁰

Relevant stakeholders may include both state actors such as public defenders, and non-state actors, ranging from private and contract lawyers to bar associations, law faculties, legal aid clinics and CIJ actors. By engaging with a variety of different stakeholders, paralegal programs can provide tailored

solutions to legal problems through creative strategies, using a range of skills and tools and deep knowledge of local context and power dynamics.¹⁷¹ In fact, legal aid services are maximized when different actors cooperate effectively through a structured network.¹⁷²

IDENTIFYING POTENTIAL TENSIONS AND UNDERSTANDING LOCAL POWER DYNAMICS

Despite growing support for legal aid and community paralegals, fieldwork experiences highlight concerns regarding relationships with other justice actors, particularly CIJ providers. As paralegal services offer communities

new and additional justice options, there can be “shifting power dynamics”.¹⁷³ Community-based paralegals will intersect with lawyers and traditional local leaders, sometimes generating reluctance to collaborate and

complement each other effectively.¹⁷⁴ An account by a Kenyan paralegal illustrates some of the complexities of operating in cooperation with multiple actors at the community levels:

We have trust from the community because we maintain our integrity and legitimacy... Women victims often go to the traditional elders first, then they realize these have been corrupted by the perpetrator and they then take the case to us. We are seen as competitors by elders because they get a fee from the parties for their service... It is a delicate relationship.

We also talk to the police a lot. Sometimes it is challenging to ensure they understand and cooperate because they have been bribed as well. But other police officers trust us and cooperate.¹⁷⁵

Challenges have been observed in particular in obtaining the support of CIJ actors for paralegal activities. As highlighted by research findings, to “have an impact, paralegals must represent a source of competition and threaten leaders’ monopoly on judicial power”, yet, where traditional authorities feel sidelined, they may refuse any type of collaboration.¹⁷⁶

In a paralegal program in **Uganda**, for example, frictions with customary leaders emerged as the latter felt threatened by the mediation services provided by community paralegals.¹⁷⁷

Indeed, while paralegals were trained on basic laws and offered free services, customary leaders charged fees for resolving disputes, and had “vested interests in land issues or transactions that could be undermined by [paralegals’] knowledge of the law”.¹⁷⁸ In **Sierra Leone**, the above-mentioned Legal Aid Act of 2012 coupled with a justice sector reform strategy and investment plan recognizing the role of paralegals in providing legal aid services resulted in rapid growth of paralegal programs. As a result, several concerns emerged linked to the perceived lack of technical capacity of paralegals in

addition to perceptions of a threat to the established role of chiefs as the main justice providers at the community level. Thus, efforts by paralegal organizations focused on raising awareness of the complementarity of paralegal activities to the functions of paramount chiefs, section chiefs and religious leaders and engaging with them through joint meetings with paralegals to address initial reluctance to collaborate. This enabled different stakeholders to find ways of working together and some paralegals reported instances where chiefs requested advice and support.¹⁷⁹

Local power relations impact community norms and structures and may constitute barriers to access to justice.¹⁸⁰ In plural environments, the social, political and economic contexts are important, perpetuating discrimination or locating opportunities to change attitudes.¹⁸¹ Thus it becomes essential for paralegals to understand and navigate power imbalances and acquire legitimacy and authority in their role. As highlighted by a paralegal from **Somalia**:

We can create a role for paralegals to support behavior change of elders if we choose paralegals carefully: they must be authoritative with elders and able to influence them. You need someone with enough authority and ability in order to speak out with elders. Elders have very high authority in the community. They see themselves as above any other type of authority including the formal government – and have many disputes to handle daily. They would not see paralegals as equals or competitors.¹⁸²

Research on paralegals in **Tanzania** indicates that community-based paralegals must be able, on the one hand, to provide timely and effective legal aid services, and on the other, “to act as community leaders who can negotiate the various forms of power and violence that obstruct pathways to justice”.¹⁸³ As explained by a paralegal, in Tanzania, building public trust in paralegals and increasing recognition of their role through multiple awareness-raising strategies have been instrumental in facilitating their work at the community level:

We only face slight challenges in our work: some people don't agree with our decisions, they don't care about what the law says, or they are suspicious about us and what we do, but these are few. Most of the community recognizes us as paralegals: we were formally introduced to the community after the training, we have certificates of accreditation, we were formally introduced to the state council as well. We also make many public speeches so people know us and recognize us. We conduct community dialogues in every ward, we provide legal awareness and conduct mobile clinics providing legal advice at the ward level. We use different strategies, sometimes we sponsor sport games and get a chance to talk, and people know paralegals sponsored that event [which fosters a positive image of paralegals]. Everyone knows us, they even call us on the phone. In our country ward chiefs are not so strong, influential, they are just like common people. We have a strong recognition as paralegals.¹⁸⁴

Indeed, experience shows that it is not sufficient to be trained as a paralegal to gain legitimacy in the eyes of the community and competing legal and justice actors. In order to be most effective, paralegals must be trusted individuals, have knowledge of both formal and informal justice systems, and must be perceived as skilled at resolving disputes and articulate and confident enough to address different local authorities on an equal footing.¹⁸⁵ Research conducted on a paralegal program in **Indonesia** found that the paralegals who received the most cases were often those who were already known in the community for having “had

some success in taking up community-problems before becoming a paralegal, often through the involvement in organizing events or protests” or had acquired an image as a “local problem-solver” before becoming a paralegal. Importantly, paralegals selected from among village heads were the most trusted by justice seekers and had received the highest number of cases.¹⁸⁶

Therefore, paralegal programs are most successful when paralegals can build on pre-existing relationships with community members, hold a certain authority, and have in-depth knowledge of local power dynamics. Additionally,

practice shows that in contexts where paralegals are not perceived as competitors or threats to the status quo of customary authority and are viewed as a support or complementary service, paralegal programs have been more successful in obtaining the collaboration of CIJ actors. Indeed, while CIJ actors are often “among those who benefit from discriminatory norms and maintenance of the status quo, they also have incentives to be responsive to changing community expectations” as their legitimacy greatly depends on “their ability to maintain order and social harmony”.¹⁸⁷

BUILDING ON COMPLEMENTARITY AND STRENGTHENING COOPERATION

Paralegals and customary and informal justice providers

As reported by a Tanzanian paralegal, community awareness-raising, capacity-building and coordination activities involving traditional chiefs show promising results in communities:

Previously, when a schoolgirl became pregnant, families used to avoid going to the police and preferred resolving the matter privately, but nowadays, after sensitizations, things have improved, victims report more to the police or to us gender-based violence cases. Even chiefs, when they come across serious criminal cases, they refer them to us now.¹⁸⁸

Indeed, evidence shows that when traditional leaders are directly engaged in relevant paralegal activities, regularly informed by paralegals about their work and consulted on important issues, paralegals are more likely to be treated as colleagues by traditional leaders. In turn, traditional leaders are more willing to accept paralegal support in resolving disputes¹⁸⁹ and may voluntarily seek their services to help parties save costs in settling disputes.¹⁹⁰ Further, accounts from the field and programmatic evidence point to an increase in synergies between paralegals and CIJ systems in some pluralist jurisdictions in Africa through the introduction of targeted training and curricula for both traditional leaders and paralegals, including with support by universities;¹⁹¹ joint workshops or dialogues bringing together paralegals and CIJ actors; or through the direct involvement of the latter in the selection of community paralegals to be trained or in their supervision.¹⁹²

Under a paralegal program in **Mali**, paralegals are trained with a national curriculum and located in villages where there is an expressed need.¹⁹³ The selection for training is done by community members based on qualifications and character, facilitating acceptance of paralegals by traditional chiefs and the broader community. In turn, traditional leaders in each village are trained on the function of paralegals to avoid confusion or conflict. Trained paralegals conduct legal awareness and

education campaigns, provide legal counseling and mediation services, and refer relevant cases to licensed attorneys. For instance, in cases of domestic violence that are not considered severe and can be dealt with through mediation, paralegals attempt to mediate the dispute themselves first, by hearing both parties separately and then facilitating an agreement and guarantees for the woman's safety. Where mediation fails, paralegals refer the case to the relevant traditional chief, informing him of the facts and inviting him to resolve the dispute through customary law. This type of collaborative effort has contributed to the local perception that paralegals support the work of traditional chiefs, rather than threatening the status quo.

Likewise, in **Malawi**, as part of a Village Mediation Program, paralegals from the Paralegal Advisory Service Institute trained 450 village mediators in 2008 across 150 villages in three pilot districts, with good results in terms of direct collaboration with traditional justice actors, relevance to community justice needs, simplicity and potential for replicability in other contexts.¹⁹⁴ Specifically, mediators are selected from the community itself and traditional chiefs are directly engaged in their capacity-building. Mediators are trained to adopt a flexible approach allowing "people to decide how they would like to settle their problem" and facilitating reconciliation of parties to disputes.

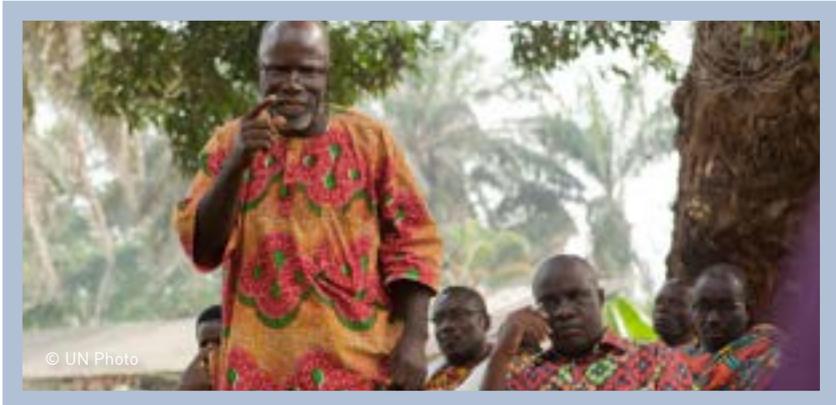
Importantly, 60 percent of village mediators are women, enabling increased accessibility by women complainants who feel more comfortable addressing their peers. Thereby, mediators complement the traditional dispute resolution role of chiefs by providing a quick, free of charge, alternative accessible to anyone at the community level, while "still retaining the option of a public forum with their Chief if [disputants] prefer or if they are unable to resolve their problem through mediation".¹⁹⁵

Overall, only where the respective functions were clearly defined and understood, was successful collaboration between community paralegals and traditional leaders documented. Strategies to prevent tensions may include:¹⁹⁶ a) "marketing" paralegals as providers of information on legal and administrative issues of practical relevance to community members; b) assigning them as technical support to CIJ actors, advising on applicable law, assisting in gathering background information on cases or in case documentation, scheduling ADR processes, etc.; and c) in instances "where customary law leaders are open to paralegals working independently", having paralegals provide mediation or legal advice to community members. In parallel, CIJ actors may be actively involved in training paralegals and monitoring their activities, for example through community oversight boards.¹⁹⁷

Paralegals and other legal and justice actors

Another crucial factor impacting the effectiveness of community paralegals is the network in which they are inserted. Contacts with key local actors and authorities such as lawyers, politicians, police officers, local labor unions, agrarian and other professional associations are essential to facilitate the resolution of legal or administrative problems and to increase the legitimacy of community paralegals.¹⁹⁸ In particular, developing a relationship with local legal aid associations is crucial, as “support from city-based lawyers signals to possible clients that a paralegal might actually succeed in bringing a case to court”.¹⁹⁹

The following account by a stakeholder in **South Sudan** illustrates the benefits of cooperating with other law and justice actors, such as lawyers, to ensure coordinated legal aid services, which is especially important in contexts where an overarching regulatory framework is absent:



We are licensed (lawyers) but we practice free legal aid through funding by partner organizations. The reason is we don't have a Legal Aid Act in South Sudan, but several organizations collaborate in providing legal aid. Some coalitions have been established such as a human rights defender network. Mostly it is the Law Society (an organization) that coordinates all these programs. But we also have a Bar Association in accordance with the Advocates Act, which is a body that regulates lawyers. The Law Society and other organizations are training chiefs on harmful practices. Meanwhile we train police officers, including the police gender-based violence desk.²⁰⁰

Importantly, lawyers are often a central component to legal aid programs, as they have “a professional responsibility to lead” in legal aid.²⁰¹ They are generally involved in the training, supervision, mentoring and advising of paralegals and law students. Lawyers may dedicate some time on a pro bono ad hoc or part-time basis to working closely with the community and supporting and supervising programs involving paralegals and law students, and may be called upon in the trial phases to represent more serious cases in court.²⁰² Increasing understanding among lawyers and paralegals of each other’s roles and fostering complementarity and coordination

between these actors are valuable strategies to increase legitimacy of paralegals and ensure effectiveness of legal aid interventions.²⁰³

In recent years, law students are also increasingly recognized as a resource for legal aid, and programs have been established in academic institutions where law students are trained either by the university or through collaboration with community-based organizations to act as community paralegals. University legal clinics are a particularly valuable resource where funding is limited as students gain experience while providing supervised legal aid services. In **Uganda**, students are involved in

assisting lawyers with case preparation as well as in training activities with community paralegals and awareness-raising campaigns.²⁰⁴

Overall, for lasting collaboration and sustainability, there is a need to include customary law in the training of lawyers, law students and paralegals to enhance justice paths. Similarly, the importance of working with CIJ and traditional leaders has been stressed for training programs aimed at building capacity of community paralegals.²⁰⁵

RESOURCES AND TRAINING

ENSURING ADEQUATE RESOURCES FOR SUSTAINING COMMUNITY PARALEGAL ACTIVITIES



While the right to legal aid has been established in almost all constitutions in Africa and often through national laws, implementation still remains a challenge in many contexts. In particular, limited capacity, stringent eligibility requirements and inadequate resources are among the factors hindering the quality of legal aid services in practice.²⁰⁶

While paralegals are often volunteer community members who do not receive a salary, ancillary costs of providing

legal aid at the community level may range from transportation to remote locations to hiring of interpreters to overcome language barriers. A lack of resources for paralegals limits their geographical reach and means limited time commitments from paralegals who need to earn their income from other sources.²⁰⁷

To sustain their activities, some paralegal organizations have started to identify innovative financing mechanisms and sources, alternative to donor or central government funding. These may range from collaborating with universities or private sector actors to providing paying consultancy services to other organizations on legal issues, in parallel with free legal aid provision for the indigent.²⁰⁸ In some countries, examples of local-level government actors funding operational costs or providing free office space and equipment for paralegals in exchange for their legal aid services at the community level are also emerging.²⁰⁹

In the **Philippines**, paralegals have acquired recognition by selected sectors of the government, such as the Department of Agrarian Reform, which

has allowed them to represent clients in agrarian disputes and provided funding for the training of sector-specialized paralegals.²¹⁰ Similarly, in **Sierra Leone**, the 2016 National Land Policy²¹¹ provides for the establishment of “a legal assistance fund for legal and paralegal assistance to communities, land owners and land users in negotiation with potential large-scale land investors”, aimed at protecting land rights of communities from irresponsible or illegal land grab by investors.

A lack of sufficient training can also impede the ability to effectively carry out paralegal services. Paralegals have identified the importance of legal knowledge and technical skills to complete court documents or support clients.²¹² In the absence of certification programs or sufficient funding for capacity development, paralegal organizations rely on “continuous mentorship of untrained persons” thus making the learning process lengthier and less efficient.²¹³

BUILDING AN ADEQUATE SKILL SET FOR COMPREHENSIVE LEGAL AID SERVICE DELIVERY

It is important that paralegals receive both adequate initial training as well as continuing education and capacity development with tangible resources. These can range from fact sheets and infographics on case filing processes and referral pathways, to practice guides and handbooks, codes of conduct and peer-to-peer learning activities.²¹⁴ Several resources have been developed to provide training for paralegals, including step-by-step guides.²¹⁵

Essential skills that paralegals are trained on include statutory legal principles and procedural law as well as customary law, legal advice provision, case filing, case preparation and referral to lawyers, community education and empowerment, ADR methods, networking with relevant stakeholders, professional ethics, and monitoring and reporting skills.²¹⁶ Good practices include tailoring training to the specific target group, taking into

account their age, gender, level of pre-existing knowledge and academic and socioeconomic background. Further, course content should include capacity-building methodologies and training tools designed for training future trainers and ensure a multiplier effect of imparted skills among larger community sections.²¹⁷

BUILDING MEDIATION SKILLS FOR PARALEGALS

Some manuals for paralegals focus specifically on skills for conflict resolution and mediation, with the aim to “help resolve disputes in the community in a fast and cost-effective way, sensitive to local cultural realities, but which is also rigorous and complies with accepted international best practices for mediation”.²¹⁸ Mediation manuals may focus on theoretical knowledge of dispute resolution methods and processes and how to select the most appropriate ones, as well as practical aspects, such as interviewing parties, facilitating debate and negotiation, and drafting agreements.

Essential skills that paralegals should acquire to act as mediators include human relations, communications skills, a good understanding of “the way people think” in their community, and the ability to respond to their interests and needs beyond culturally rooted attitudes and fears to achieve a truly satisfactory outcome for both parties to the dispute.²¹⁹ Other mediation skills that have been emphasized relate to working in challenging contexts, or with vulnerable groups, or managing escalation of conflict, lack of collaboration or aggressive behaviors and other difficulties that may arise during mediation.²²⁰

Importantly, to make appropriate referrals of cases, it is crucial that community paralegals receive targeted training on referral pathways to and from formal justice authorities, and become familiar with relevant services and the procedures for accessing them.²²¹ Indeed, paralegals operate as the first point of contact for justice seekers at the community level, particularly for women and vulnerable groups such as children, and often acquire a central role in linking CIJ and formal authorities.

Training should focus on record-keeping of case information, drafting referral letters and following up on cases with the relevant focal person or service

provider, as well as on appeal processes, including documentation required and competent authorities with appellate jurisdiction for CIJ decisions.²²² Specifically, an accurate record of clients’ cases should provide succinct but clear information on “who the party is, parties’ issues, dates and times of meetings, advice given, steps taken, referral (if any)” as well as a documentation of any evidence in support of a claim and of “the entire process of the case for future reference”.²²³ This may be done through record-keeping of statements, written communication, and any other documental evidence, as well as by taking pictures of victim’s injuries, for example.²²⁴

Further, training should include building paralegals’ capacity on a survivor-centered approach, “psychosocial first aid – including assessment of further risk of violence – and safe identification of services and referrals”.²²⁵ In particular, paralegals should “keep the contact details of the relevant organizations and when possible, maintain some form of relationship with these persons/organizations to facilitate ease of approach when a referral is deemed necessary”.²²⁶

BUILDING A COMPREHENSIVE SKILL SET FOR PARALEGALS WORKING WITH CUSTOMARY AND INFORMAL JUSTICE SYSTEMS

In **Somalia**, paralegals and clerks working in IDLO-supported ADR Centers are trained on human rights, national law, jurisdictional aspects and case recording, to build their capacity to make appropriate referrals to competent authorities and support services. Research findings show that following targeted training, ADR Centers’ paralegals made and received “referrals to and from courts and the police and [referred] victims/survivors and vulnerable parties to local support organizations. They also reported using a specific form for referrals, summarizing details of the case for the receiving authority”.²²⁷

Importantly, research participants indicated that in accordance with the training received, ADR Centers’ paralegals provide “explanation to parties about respective rights and legal provisions applicable to the matter at hand at both the stage of a jurisdiction check and during the process at the ADR Center” in alignment with applicable law and international human rights standards. In some instances, they also actively follow up on referred cases by accompanying parties to court or contacting formal justice institutions or support service providers to check on victims, the status of proceedings or the enforcement of decisions.²²⁸

In jurisdictions where training resources have been standardized, consistency has been identified as a positive step and a valuable contribution to upgrading the quality of services, building trust and synergy among justice actors, and enabling the evaluation of a paralegal's performance.²²⁹ However, while formal requirements for training of community paralegals must be considered to ensure that quality standards for legal aid services are met, a one-size-fits-all approach may not always be beneficial. In many cases, long-standing community-based paralegals effectively work to facilitate access to justice without prior formal training but based on deep contextual knowledge and experience. In **Kenya**, it has been noted that:

*The qualifications set for paralegals within the Legal Aid Act in Kenya are very stringent and shut out some paralegals who have long-standing practice despite their lack of qualifications.*²³⁰

To ensure that paralegal services are effective, it is important to balance the need to preserve minimum quality standards of service delivery, with contextual specificities and the needs of different target groups.

ENSURING ACCOUNTABILITY AND MINIMUM QUALITY STANDARDS OF PARALEGAL SERVICES

As widely documented by practice, regular monitoring of paralegal programs is essential to keep track of progress and ensure success, as monitoring is closely linked with the quality and effectiveness of legal aid delivery.²³¹ Clear instruments and procedures may be developed to evaluate aspects such as the functioning of referral or filing systems or the types

of cases that paralegals are handling well or poorly. Support may be provided through user feedback questionnaires for clients or a code of conduct detailing work ethics and professionalism standards. The latter may set qualification standards and training requirements as well as criteria for integrity and ethics, including respect for confidentiality of client and case file

information.²³² As noted, community stakeholders, including CIJ actors, may also be involved in overseeing paralegals' work to help build mutual understanding of respective functions and prevent tensions.²³³

Oversight of paralegal program performance typically involves verifying the following criteria:²³⁴

- » **Correct procedures:** are procedures followed correctly for handling cases and recording casework?
- » **Exercise of judgment:** is good judgment applied in carrying out responsibilities and are appropriate strategies pursued for case resolution (whether directly or through referrals)?
- » **Volume of matters and activities:** are the minimum number of cases required being handled? Are community development activities carried out?

Monitoring can be done by supervisors, lawyers, paralegal advisory committees, as well as boards including community stakeholders and CIJ actors. It is also important to establish a pattern of communication early, either through phone or email, written reports, supervisory visits, or ongoing training and meetings.²³⁵ Where regular communication is difficult, alternatives such as quarterly visits may be useful. Site visits are an effective way to diagnose any problems and discuss issues in a participatory manner.²³⁶

For instance, the Khmer Institute for Democracy in **Cambodia** sends supervisors to hold local forums to offer trainings and hear feedback on the work of paralegals as well as to help raise awareness about the paralegal program. Commune councilors, village chiefs and residents attend these local forums.²³⁷ Through in-person assessments, supervisors in Cambodia learned from the Khmer Institute paralegals that they wanted to receive more legal training on criminal law, land law, marital law and contract law. Paralegals also raised the need for identification cards marking them as "citizen advisors" (particularly female paralegals) to increase legitimacy. They also identified the need for further training on conflict diffusion and resolution tactics.²³⁸

In **Tanzania**, the Legal Aid Act provides the legal basis for “monitoring and coordination of paralegals, as well as oversight through the Office of the Registrar of Legal Aid”.²³⁹ In **Sierra Leone**, a Community Oversight Board was created in the Timap for Justice project in an effort to foster program accountability.²⁴⁰ Members included traditional elders and leaders of women and youth groups with functions including tracking respect for working time requisites, professionalism, effectiveness and work ethic, as well as efforts put into finding best-fit solutions to community problems.²⁴¹

Questionnaires to gather community feedback on paralegal services, monthly and quarterly reports, as well as other data collection and case-tracking tools that community-based paralegals use in their daily activities may also be a source of valuable evidence to identify strengths, gaps and challenges in paralegal services and CIJ systems, thus informing policy debate and legal reform debate.²⁴²

STRENGTHENING DATA COLLECTION SKILLS FOR EVIDENCE-BASED POLICY AND LEGAL REFORM

As noted, capacity-building for paralegals should include record keeping, reporting and documentation of cases. Accurate record keeping of cases by paralegals is particularly important when interacting with CIJ systems, which are often based on oral processes. This facilitates referrals or appeals to competent authorities, and allows the monitoring of paralegals’ performance as well as the progress of cases through the justice chain. Moreover, systematic case information collection and recording by paralegals can contribute to a more accurate reporting on target 16.3 of Goal 16 of the Sustainable Development Agenda, by filling an information gap on cases handled at the community level and by CIJ actors, thus capturing “an important dimension of unmet legal need and access to justice” and adopting a people-centered approach to measuring legal problems “that occur inside and outside of formal institutions” and disproportionately affect the vulnerable and marginalized.²⁴³

Indeed, experiences on the ground have demonstrated the crucial role played by paralegals in gathering information at every step of case handling through multiple methods, including compiling case file forms, observing CIJ processes, collecting evidence and interviewing parties and community members, and systematically taking



record of procedural steps and case-related actions.²⁴⁴ In some instances, case file databases are kept, which allow for the identification of trends, patterns or structural gaps in justice services. Diligent data collection by paralegals can contribute to identifying cases that often fail to be settled and for which reasons, structural discriminations against parties belonging to marginalized or minority groups, lack of cooperation between formal and informal justice actors and other context-specific challenges and complexities, and the duration of different types of cases when handled by different formal and informal justice systems/actors.²⁴⁵

Enhancing paralegals’ participation in CIJ processes can contribute to “downward accountability” of CIJ actors²⁴⁶ by exposing the perpetration of harmful traditional norms and violations of human rights or fair trial standards. Further, reporting of patterns or common experience may unveil unforeseen areas of concern or improvement, help identify tailored solutions to gaps and problems, and guide legal and regulatory reform aimed at upgrading current systems.²⁴⁷

INFORMING DECISION-MAKING THROUGH CASE TRACKING

In 2016–2018, IDLO and its partners implemented a project aimed at reducing HIV incidence among adolescent girls and young women in four pilot districts of **Uganda** and **Tanzania** through a blend of legal empowerment and social accountability strategies.²⁴⁸ As part of the legal empowerment approaches, several capacity development activities were conducted, including the training of 200 adolescent girls and young women community advocates. Training content focused on skills for providing basic legal aid and awareness-raising among their peers on HIV prevention and legal and health services available, including how to seek assistance for sexual and gender-based violence cases, and case recording skills.

For this purpose, case documentation tools were developed to allow adolescent girls and young women community advocates to document all legal matters received by their peers and report them to implementing organizations who recorded relevant information into case trackers including “law violated, action taken, court appearances and court decisions”.²⁴⁹

Case trackers allowed the monitoring of the progression of sensitive cases through the justice chain and the identification of common issues and trends. For instance, it was found that there was a tendency for adolescent girls and young women victims to drop charges prior to the conclusion of court proceedings due to family pressure, lack of trust in formal justice or lengthy proceedings. Moreover, as a result of the joint documentation effort by community paralegals and the implementing organizations they referred cases to, aggregated data was available, which fed into the project’s monitoring plan, allowing the quantification of gender-based violence cases reported and the assessment of the overall performance of justice and health service providers in the targeted districts. Finally, relevant gaps and issues in the handling of gender-based violence cases by justice and health actors identified through case trackers were brought to the attention of local and national government representatives through evidence-based advocacy dialogues aimed at securing commitments on service delivery improvements.²⁵⁰

Research on legal aid best practices suggests data collected should be disaggregated by gender, age, socioeconomic status and geographical distribution of legal aid recipients. In fact, adequate disaggregation allows for better identification of “culturally appropriate, gender-sensitive and age-appropriate solutions to improve the provision of legal aid in a given country context”.²⁵¹ Promising practices for potential replication emerge from the **Kenyan** experience, as reported by a paralegal working in the country:

“We have a system to keep track of case files. We store case data in a database, disaggregate by case type/matter, gender, age, outcome... It is important to keep documentation of our work and being able to show data that speaks to partners to be able to raise funds for our work [...] We also provide data to service providers for victims such as child cases data to the child support integrated system.”²⁵²

In many African countries, paralegals are also actively engaged in documenting and reporting human rights violations to “international and regional human rights bodies, such as the UN Committee on the Rights of the Child, the UN Committee on the Elimination of Discrimination Against Women and the African Committee of Experts on the Rights and Welfare of the Child”.²⁵³ Support from local community-based organizations, lawyers’ associations and legal aid boards or equivalent coordination bodies is crucial to ensure that information gathered by paralegals through case investigation and documentation is leveraged and used effectively to advocate for reform and positive change.

Summary of community paralegals' activities in plural legal systems



ORGANIZING: PEOPLE, POWER, CHANGE



ORGANIZING: **PEOPLE, POWER, CHANGE**

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Foreword

Hello and welcome!

The following guide aims to support you in developing your capacity for effective community organizing. Our goal is to provide you with an introduction to organizing and encourage you to explore answers to the following questions:

Why am I called to leadership in my community? How will I move others to join me? How will we develop strategy and structure our work together? And how will we achieve our goals?

To start, here's how we define **leadership**:

Leadership is accepting responsibility for enabling others to achieve purpose in the face of uncertainty.

Here's how we define **organizing**:

Organizing is leadership that enables people to turn the resources they have into the power they need to make the change they want.

And we break down this definition further by describing the **five key practices of organizing**: telling stories, building relationships, structuring teams, strategizing, and acting. Taken together, these five practices form the basis of the organizing framework laid out in this guide. We'll refer to the above definitions throughout the guide, and unpack what they mean in depth as we work through the organizing framework. **But where does this 'framework' come from?**

Much of this framework was codified by a fellow called Marshall Ganz. Ganz developed the "Public Narrative" framework (see the Telling Stories section) based on years of organizing in and research on social movements. He cut his teeth as a young organizer in the Civil Rights movement, worked with the United Farm Workers in the 1960s and 70s, advised many unions, non-profits, and political organizations for decades, and was a key trainer and organizing strategist behind the U.S. presidential campaigns of 2008 and 2012.

It was during these campaigns that Ganz and fellow organizers (note: *millions* of other organizers) built on community organizing best practices and techniques

from past movements and codified an approach to grassroots organizing and training that many credit with winning the 2008 election. Many organizations, including Leading Change Network and New Organizing Institute, spawned or grew out of these successful campaigns, and most of this guide is adapted from their resources.

Many people and organizations paid close attention to what these American organizers were doing, and some were inspired to shift their approach and adapt this framework. Over the last several years, several organizations in Canada (and British Columbia / Coast Salish Territories, in particular) have begun to shift their strategies to focus on community organizing (that is, putting people and relationships at the centre of the work), modelled after Ganz and American campaigns. That's not to say that local movements or efforts or organizations haven't been working in this relationship-based way for a long time; they just might not take inspiration from the work of Marshall Ganz or credit themselves as 'organizers' in the same way.

Some call this framework the "snowflake model," others "distributed leadership," and still others "the Ganz model." Whatever we choose to call it, we hope to emphasize here that this approach is based in years and years of community organizing - we're truly 'standing on the shoulders of giants' employing this organizing framework, today.

In reading this guide, we ask that you keep two things in mind:

1. Remember that organizing is **above all a practice**. We learn to organize by organizing, not (just) by reading about it. This guide is meant to get you started and serve as a resource, but the best way to learn this framework is to get out and do it!
2. This organizing framework is just that, **a framework, not a formula**. Our goal here is to present some concepts and tools that many organizers have found to be effective and, at times, have been instrumental in winning campaigns.

We hope you find it useful.

Sincerely,

Shea Sinnott and Peter Gibbs,
Vancouver & Victoria, BC / Coast Salish Territories
October 2014

Introduction to Organizing

Key Concepts

- Organizing is **leadership** that enables people to turn the resources they have into the power they need to make the change they want.
- Organizing is a practice, and there are **five key leadership practices** within this practice: telling stories, building relationships, structuring teams, strategizing, and acting.
- The first question an organizer asks is “**who are my people?**” not “what is my issue?”
- Strong **relationships** are the foundation of successful organizing efforts.
- The **snowflake model** is an organizational structure that embodies leadership as that which enables others to achieve shared purpose in the face of uncertainty.

What is Organizing?

Organizing is leadership that enables people to turn the resources they have into the power they need to make the change they want. As we'll learn throughout this guide, community organizing is all about people, power, and change - it starts with people and relationships, is focused on shifting power, and aims to create lasting change. Organizing people to build the power to make change is based on the mastery of five key leadership practices: telling stories, building relationships, structuring teams, strategizing, and acting. That is, to develop our capacity for effective community organizing, we must learn:

The Five Leadership Practices

1. How to articulate a **story** of why we are called to lead, a story of the community we hope to mobilize and why we're united, and a story of why we must act.
2. How to build intentional **relationships** as the foundation of purposeful collective actions.
3. How to create **structure** that distributes power and responsibility and prioritizes leadership development.
4. How to **strategize** turning your resources into the power to achieve clear goals.
5. How to translate strategy into measurable, motivational, and effective **action**.

Though organizing is not a linear process, organizers use the first three practices (stories, relationships, structure) to build power within a community, while the last two practices (strategy, action) are about wielding that power in order to create change.

“A leader is best when people barely know he exists, when his work is done, his aim fulfilled, they will say: we did it ourselves.”

– Lao Tzu

People

The first question an organizer asks is “Who are my people?” not “What is my issue?” Effective organizers put people, not issues, at the heart of their efforts. Organizing is not about solving a community’s problems or advocating on its behalf. It is about enabling the people with the problem to mobilize their own resources to solve it (and keep it solved).

Identifying a community of people is just the first step. The job of a **community** organizer is transform a community – a group of people who share common values or interests – into a constituency – a community of people who are standing together to realize a common purpose. The difference between community and **constituency** lies in the **commitment** to take action to further common goals.

For example, a community could be residents of a town that are against a new dam project, while a constituency would be residents of the town against the dam who have signed a petition to take action to stop the dam from being built.

Power

Organizing focuses on power: who has it, who doesn’t, and how to build enough of it to shift the power relationship and bring about change. Reverend Martin Luther King described power as “the ability to achieve purpose” and “the strength required to bring about social, political and economic change.”¹

In organizing, power is not a thing or trait. Organizers understand power as the influence that’s created by the relationship between interests and resources. Here, **interests** are what people need or want (e.g. to protect a river, to stay in public office, to make money), while **resources** are assets (e.g. people, energy, knowledge, relationships, and money) that can be readily used to, in the case of organizing, achieve the change you need or want. Understanding the nature of power – that it stems from the interplay between interests and resources – and that we must shift power relationships in order to bring about change, is essential for the success of our organizing efforts.

From the example above, the constituency against the dam may ask questions aimed at ‘tracking down the power’ – that is, inquiring into the relationship between actors, and particularly the interests and resources of these actors in their struggle. For instance, they might ask questions like: *what are our interests, or, what do we want? Who holds the resources needed to address these interests? What are their interests, or, what do they want?*

In doing so, the town residents may realize that their local town council is a key actor, that local councillors want to stay in office and need votes to do so, and in turn, the constituency holds the resources of people, relationships, and votes that could shift this power relationship and bring about change.

1 King, Martin Luther, Jr. (1967). “Where Do We Go From Here?” Annual Report Delivered at the 11th Convention of the Southern Christian Leadership Conference, Atlanta, GA. Retrieved from http://www-personal.umich.edu/~gmarkus/MLK_WhereDoWeGo.pdf

Change

In organizing, change must be specific, concrete, and significant. Organizing is not about 'raising awareness' or speech-making (though these may contribute to an organizing effort). It is about specifying a **clear goal** and mobilizing your resources to achieve it.

Indeed, if organizing is about enabling others to bring about change, and specifically, securing commitment from a group of people with shared interests to take action to further common goals, then it's critical to define exactly what those goals are.

In the case of the proposed dam project from above, the constituency against the dam must create clear, measurable goals. Note the difference between "our goal is to stop the dam" versus "our goal is to put pressure on town council in the next 3.5 months - through door-knocking, events, and local newspaper op-eds aimed at getting 1/3 of town residents to sign our petition - to pass a motion to stop the dam project."

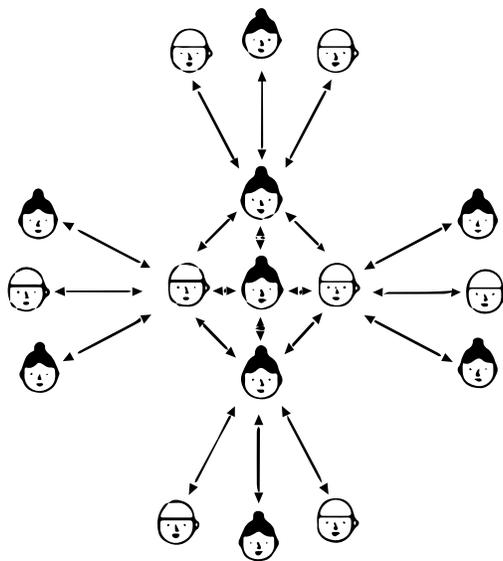
You'll learn how to come up with goals in the Strategizing section and how to achieve them in the Acting section.

The Snowflake Model: A distributed approach to leadership

We define leadership as accepting responsibility for enabling others to achieve purpose in the face of uncertainty, and the organizational model that best embodies this understanding of leadership is what we call the "**snowflake model**."

First, in the snowflake model, **leadership is distributed**. No one person or group of people holds all the power; responsibility is shared in a sustainable way, and structure aims to create mutual accountability. The snowflake is made up of interconnected teams working together to further common goals.

Second, the snowflake model is based above all on enabling others. A movement's strength stems from its capacity and **commitment to develop leadership** and in the snowflake model, everyone is responsible for identifying, recruiting, and developing leaders. Leaders develop other leaders who, in turn, develop other leaders, and so on.



The practise of coaching is the key means by which organizers in the snowflake develop leadership. See the Coaching section for more details on what coaching in organizing is and how to practise your coaching skills.

You'll learn about the snowflake model in greater detail in the Structuring Teams section, but for now, reflect on the organizational structures that you've been a part of in your work, school, or other areas of your life. How might you draw out those structures? Where did you fit into those structures, and how did you feel in your role?

Now, take a look at diagram 1. Note the faces, the clusters of faces, and the links between them. How might the snowflake model compare to the structures you've been a part of in the past? As you'll see in the Structuring Teams section, the snowflake model is unique from typical organizing or leadership structures in that responsibility is distributed and it prioritizes leadership development above all.

In closing, keep the snowflake model structure and the core tenets of people, power, and change in mind as we dive deeper into the the five practices of organizing: telling stories, building relationships, structuring teams, strategizing, and acting.

Further Reading

Ganz, M. (2010). "Leading Change: Leadership, Organization, Social Movements." In N. Nohria & R. Khurana (Eds.), *the Handbook of Leadership Theory and Practice* (pp. 509-550). Danvers: Harvard Business School Press.

For a full list of writings by Marshall Ganz, visit <http://marshallganz.com/publications>

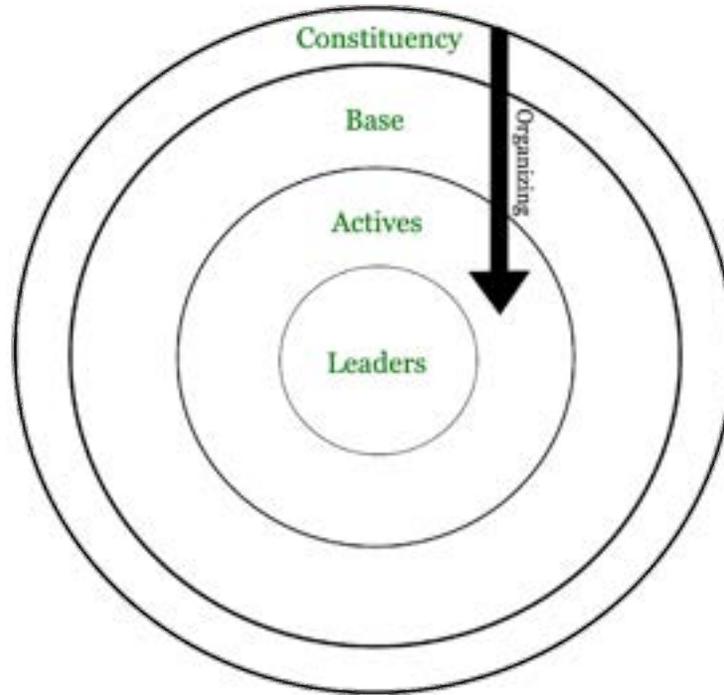
For readings and training resources from the New Organizing Institute, visit <http://neworganizing.com/toolbox>

Organizing in a Legal Empowerment Context: Self Assessment Worksheet

Question	Answer
<p>Describe a case or advocacy effort that could have benefited from an organizing approach</p>	<p><i>This could be a single case, a collective case, or a campaign for systemic change. Pick one that you are/were involved with and can address in detail, and this worksheet will help you think through how it could have benefited from an organizing approach.</i></p>
<p>What roles were created for the justice seeker(s) or community members?</p>	<p><i>Think of the whole range of activities that come with casework or mobilizing collective action: legal advice, research, document preparation, communication, planning, setting up meetings, speaking to government officials, mobilizing others, etc. How much did justice seekers take on, and how much was driven by paralegals or program staff?</i></p>
<p>How could justice seeker(s) or community members have been activated to take on a bigger role in the case or campaign?</p>	<p><i>Examples:</i></p> <ul style="list-style-type: none"> - <i>“Instead of the paralegal, the client could have gone to the ministry to request an update on their paperwork.”</i> - <i>“Clients could have helped come up with the public messaging we put out during the campaign.”</i> - <i>“Clients could have collected stories or data from their neighbors to show how widespread the issues are.”</i>
<p>How could an organizer have designed the case or campaign to build the power of affected community members?</p>	<p><i>What would allow community members to more effectively take on the next fight? What training, connections, opportunities, or experience could help them be stronger or more confident? What would make those in power view them differently?</i></p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> - <i>“We could have created client groups so they could meet people facing similar problems and work together on a range of strategies to build power.”</i> - <i>“More training and practice on public speaking or storytelling would have made justice seekers more effective when speaking to decision makers.”</i>

Identifying our Base and Beyond

How would you describe your team's community? Think about what characteristics each group shares, how your team built a relationship with them, how many are in each group, what they do for your team, and how your team supports them.



Constituency: This is the whole of the population who are affected by the issues you work on in the places where you work. Who are the people impacted by the issues you work that could benefit from your casework or systemic change efforts?

Base: This is the entirety of the people who we can reach, teach, and mobilize.

Actives: A subset of the base that we rely on to do more than just show up or sign on, those that we ask to give their input, participate in forums, invite others to join us, and mobilize in other ways.

Leaders: The small group of people that we rely on and support to take on more responsibility in our decisions and actions.

Title Card:**Marlon Manuel****Senior Advisor, Namati**

Hi, welcome to the third lesson in this course about legal empowerment. As you know, if you have joined the previous lessons, my name is Marlon Manuel and I am a senior advisor at Namati. I'm so glad that you have chosen to continue this learning journey with us.

In this lesson, we will dive deeper into the intricacies of legal empowerment. The process of legal empowerment looks different depending on the context. In the first video, you'll hear from practitioners throughout the world about who is involved in legal empowerment where they work and the different pathways they use to achieve remedies.

You will notice that while sometimes different terms are used, or there are different levels of formality, there are some common rules across legal empowerment programs. We recommend that you look at selections from a paralegal guide created by partners in Myanmar and a chapter of the guide, Navigating Complex Pathways to Justice.

Community paralegals and customary and informal justice created by the international development law organisation or IDLO. Reflect on the discussion board about who you imagine being involved in addressing the injustice you are confronting, and why types of actors would play different roles. We will then delve further into how organising is an essential part of legal empowerment. You will hear again from Vivek Maru, founder and CEO of Namati, as he analyzes two of the case studies to show how legal empowerment practitioners work to build power among individuals and communities.

Next, you will get a chance to see how legal empowerment activists and organisers have come together to form the legal empowerment network. The network has achieved great work as a collective.

(Text on screen)

We asked four members of the Legal Empowerment Network working in different regions, serving different clients to share about who is involved in their work and how they pursue remedies

Title Card:

Vesna Shapkoski

LET STATION, Macedonia

Hi everyone. My name is Vesna Shapkoski and I come from Association for legal education and transparency, LET STATION from Macedonia. We work on legal empowerment and access to justice for the marginalized communities with particular focus on Roma community and people living in rural areas.

Title Card:

Khalid Hussain

Council of Minorities, Bangladesh

My name is Khalid Hussain. I work for Council of minorities. We have paralegal programs supported by Namati. We are working in five cities in Bangladesh. Basically, our beneficiaries are Urdu-speaking linguistic minorities those are living in 160 camps all over Bangladesh. We are trying to help the camp community to achieve the civil documentations, like the birth certificate, national ID card, passport, opening the bank account.

Title Card:

Luthna Chimbwete

Southern African Litigation Centre, Malawi

My name is Luntha Chimbwete and I work for the Southern African Litigation Centre in Malawi. I support the promotion of human rights and access to justice. I also support the advancement of the rule of law and democratic governance in Southern Africa.

Title Card:

Macarena Martinic

Fiscalia del Medio Ambiente (FIMA), Chile

My name is Macarena Martinic, I am the coordinator of the Access to Justice area of the NGO FIMA, where we support communities in the defense of their territories, participation in environmental decisions and access to justice.

(Text on screen)

Who is involved in the process of legal empowerment in your work?

What roles do the lawyers play?

Who is an equivalent of community paralegals in your region?

How are they recognized/trained?

Title Card:

Vesna Shapkoski

LET STATION, Macedonia

Our team that works on legal empowerment is consisted of lawyers, paralegals, and community health promoters. Lawyers are the main providers of legal aid and they are offering their services directly in our main office and the three mobile offices in the rural communities, but also indirectly through the paralegals who consult and communicate with them each time there is a more complex case to be solved. Then there are the paralegals, which are the main carriers of the community work. They are members of the communities that do not have a law degree and whom we train to recognize and be able to properly address the administrative and legal issues of the people. Finally, we have the community health promoters, which are field activists, engaged in informal education and community organizing related to health rights.

These people are particularly important during the time of pandemic and they're constantly engaged in sharing information, education and protective measures; and immunization; distribution of hygienic products, disinfectants and so on. Again, these are members from the

communities coming from different age and background that we train on realization of health rights, identification of systemic obstacles and community organizing for advocacy.

Title Card:

Khalid Hussain

Council of Minorities, Bangladesh

In this paralegal project, basically paralegals are involved to help the camp community and along with them we have some pro bono youth group and pro bono women group. We don't have any lawyers to help the community people. But sometimes we just get the support from the lawyers like, they advise us and they just make some legal documents, but we are not providing any legal aid support from the lawyers.

Title Card:

Luthna Chimbwete

Southern African Litigation Centre, Malawi

The Southern African Litigation Centre consists of human rights lawyers who support strategic litigation, advocacy, and capacity strengthening in Southern Africa. We also work with community-based organizations and paralegals to support and empower marginalized communities in Southern Africa.

In Malawi, the paralegals based at the Centre for Human Rights, Education, Advice, and Assistance, collect potential cases for strategic litigation and advocacy. These paralegals also act as points of contact between marginalized communities, the Centre for Human Rights in Malawi and Southern African Litigation Centre overall.

Title Card:

Macarena Martinic

Fiscalia del Medio Ambiente (FIMA), Chile

Access to Justice is a team made up of lawyers and scientists. Our role is to collaborate in legal empowerment by making known the tools that environmental institutions provide for the advocacy of citizenship, bringing it closer to the people, and the knowledge of their rights. We

also provide free legal advice and assistance to the communities we work with before judicial instances, if necessary. In our country, the institution of paralegals is not recognised. In practice, it is the leaders of the communities who are our counterparts in the territories and the main channel of communication. It is with them that the work strategies are concretised, with whom the community is organised for specific presentations where proceedings are required, and with whom workshops or other instances of legal empowerment are organised.

(Text on screen)

What sorts of institutions have you found most promising for the issues that you focus on most?

What is your most successful pathway to remedies?

Title Card:

Vesna Shapkoski

LET STATION, Macedonia

In our work, we mainly communicate and cooperate with institutions from local level, such as local government, center for social work, local offices of the Ministry of Interior and Ministry of Justice. In the legal empowerment work, we're strongly advocating for development and advancement of the former free legal aid system governed by the Ministry of justice and the local offices.

They're the main state carriers of the formal tools for access to justice. However, although Macedonia has a law on free legal aid, a lot of things are yet to be developed and introduced in this formal system.

Title Card:

Khalid Hussain

Council of Minorities, Bangladesh

Within this project, we are engaged with the most promising institutions - city corporation authority, passport authority, and the social welfare authority.

And in this way, we have done so many advocacies to achieve this civil documentations issues and all the issues of the Biharis.

Title Card:

Macarena Martinic

Fiscalia del Medio Ambiente (FIMA), Chile

The support provided by ONG FIMA to the communities depends on their needs. Most of the cases involve extractive projects that will have an impact on the community, which enter an environmental assessment. In these cases, we assist the community in accessing all the administrative instances contemplated by the Environmental Impact Assessment System, including sponsorship in subsequent judicial instances, in environmental courts. In the case of violations of fundamental rights that require immediate action, FIMA files appeals for protection on behalf of those affected in Courts of Appeals of common jurisdiction. In this way, depending on the case or the needs of the community, other mechanisms can be used, such as requests for access to information, legal pronouncements to the Comptroller's Office, complaints to the supervisory body, the Superintendence of the Environment, among others.

(Text on screen)

What have been the biggest challenges you face in pursuing justice

and how do you respond?

Title Card:

Luthna Chimbwete

Southern African Litigation Centre, Malawi

Lack of cooperation between bodies within the justice system makes it hard for vulnerable groups to access justice. Where it's located in urban areas, expensive lawyers and legal processes steeped in specialist languages also makes it hard for vulnerable and poor groups to claim their rights in courts. For this reason, the Southern African Litigation Centre advocates for legislation to allow paralegals to represent people in the justice system. The Southern African Litigation Centre also has policies and mechanisms in place to secure integrity of all personal information and to prevent unauthorized access of such information.

Title Card:

Vesna Shapkoski

LET STATION, Macedonia

If you are a justice worker or a grassroots justice organization, when it comes to challenges, it is double the trouble. You have to fight your own organizational challenges, at the same time, struggling with challenges your beneficiaries face. And sometimes it is impossible to decide which one of these should be given a priority and be urgent in dealing with. In order to do that, you have to build a strong team that will share responsibilities as well as the successes. For us, especially in times of pandemic, it is crucial that we have different members of the team with different responsibilities regarding coping with challenges. So while some of them deal with the beneficiaries, others are focused on organizational ones.

The challenges of civic space are such that require constant adjustment on our side. We continuously work on improving our services and introducing alternative ways of communication. We introduced telephone and online service called emergency paralegal aid which is a twenty four seven available service via phone and website in order to ease the communication with beneficiaries in the time of pandemic.

Furthermore, since we work with rural communities that are very remote and lack access to legal services, we initiated mobile offices for legal aid that travel in three different locations during the week, providing direct services. The mobile offices are located in municipal spaces in three different villages that are provided for free by the local self-government of the three municipalities. When it comes to financial sustainability, having in mind the restriction of donor support last year we started with an economic activity of our own in order to self-generate a part of our income and make sure that at least the most critical services we provide are secured and obtainable.

Title Card:

Khalid Hussain

Council of Minorities, Bangladesh

The biggest challenge of this project is our categories. As you know, the Biharis are living in 160 camps and all the camps are in the urban base.

So when the camp dwellers are applying for any civil documentations or anything, the authorities say you are a stranded Pakistani, you are living in the camp, you don't have any electricity bill or permanent address. So that is the biggest challenge, but we are trying to do the advocacy and most of the time we have done so many advocacy to achieve, to resolve this issue of the camper. And very recently, last year in October, the Prime Minister of Bangladesh, she gave this statement in front of the Netherlands ambassador that the Rohingyas and the stranded Pakistanis are a burden on Bangladeshi economy. So these are the biggest challenges recently we are facing. To resolve these challenges we organized an in-hand meeting and we invited some intellectuals from Bangladesh, like barrister Sara Hussain, Mr. Zakir Hussain, and some UN expert. So they advised us that we need to do more and more advocacy, we need to do more and more dialogue within the local community and civil society.

Title Card:

Macarena Martinic

Fiscalia del Medio Ambiente (FIMA), Chile

The greatest challenges in our work are the inequality of resources when confronting private extractive projects, the inequality of information, lengthy judicial processes that take a long time to resolve, and decisions that are not implemented and require strong pressure from the community.

In relation to the security of the defenders we work with, at FIMA we have focused mainly on providing guidance on how to carry out safe actions in environmental defense, legal assistance in the event of intimidation, and on raising awareness of situations of harassment and danger to environmental defenders.

Finally, we have put strong pressure on the State through campaigns for the ratification of the Escaz' Agreement, the first step that would allow the adoption of an institutional framework for the protection of environmental defenders.

Title Card:

Vivek Maru

CEO, NAMATI

Namaste family. This is Vivek Maru. Back with you again for legal empowerment 101. Which is about combining the power of law with the power of people. In this session, I'm going to talk about some steps that we can take with communities to take on injustice. And I'm going to be referring to two inspiring stories; One about people who are protecting community lands in Kenya, and another one about people who are bringing a community organizing model into the criminal justice system in the United States. And both of those stories are described in short video so if you haven't yet go watch those and then come back here.

(Text on screen)

Case study 1: Community Land Protection with Namati in Kenya

Case study 2: Participatory Defense with DeBug in California

So, taking on injustice, ordinary people how are we supposed to stand up to the grave injustices that exist in this world? What tools, what weapons do we have? We don't have guns typically and even if we did guns often lead to more injustice rather than less. We don't have much money, usually What do we have in our in our toolkit?

Two of the most important things are our systems of rules, imperfect as those rules may be,

and ourselves, the power of law and the power of people. And what I want to offer are some basic steps we can follow to take on injustice in a way that wields those two tools intandem, that deploys them together.

(Text on screen)

Step 1: Come together

Step 2: Understand injustice and set a goal

Step 3: Analyze power and analyze law

Step 4: Take action

Step 5: Refresh and take action again

Step 1: Come together.

Step 2: Understand injustice and set a goal.

Step 3: Analyze power and analyze law.

Step 4: Take action.

Step 5: Refresh 1, 2 and 3 and take action again.

(Text on screen)

STEP 1: COME TOGETHER

Step 1: Come together.

The reason that is important, is that though it might feel sometimes like injustices heaped upon one single individual, it is almost never the case, it's almost always systemic in some way. And it's almost impossible to overcome injustice on your own, we need to come together. Raj Dev who pioneered this idea of participatory defense, he talks about how facing criminal charges is often an extremely isolating experience, and participatory defense is an attempt to reverse that isolation.

So families instead of sitting at the back of the courtroom watching passively, they are taking active part in the defense of their loved one and they are supporting other families who are doing the same thing. People are coming together in the face of this system of mass incarceration. In Kenya, these are massive grazing lands.

They're not held by one family or another family, they are held by communities and they have been for generations and so the only way to protect those lands, is to come together as communities.

(Text on screen)

STEP 2: UNDERSTAND INJUSTICE AND SET A GOAL

Step 2: Understand injustice and set a goal.

Raj talks about how the United states incarcerates more of its people than any other country in the world. And how racial and economic bias is baked into every step of that criminal justice system.

And in terms of a goal, he mentions how the system often speaks in terms of time served, you know you get a sentence and you have to serve four years or eight years, and for participatory defense their goal is

time saved. They want to get acquittals and reductions in sentences so that people can spend less time in prison and more time living their lives with their families at home.

In Kenya, Isaiah Lusurenka in the video, mentions we're kind of like birds sitting in the trees, we can be here for now but anyone could drive us away at any moment. And so the goal that they set is to secure the right to govern the lands that they depend on.

(Text on screen)

STEP 3: ANALYZING POWER

AND ANALYZING LAW

Step 3: Which is about analyzing power and analyzing law. Power analysis means asking who has the power to make the change that we are seeking, and what is the power that we've got or that we can build to compel them. Legal analysis is about asking whether there are laws or procedures or provisions already on the books which are on our side, which we could use to advance our cause. Raj told me that power analysis is baked into everything that they do. The power holder is usually the judge, sometimes it's a jury, sometimes it's the prosecuting attorney, sometimes it's your own public defender, and the power that families have is that they know this person better than anybody else and they are willing to pour in the time, the energy, the love to ensure that they have the best defense possible.

In Kenya, the power holder is really the ministry of lands. That's who has the power to recognize land rights. And there was a law, the 2016 community land act, that created an opportunity because it laid out for the first time a process by which communities could secure their land rights over these common grazing lands. And communities recognize that the power they had, was to follow the steps laid out in the law. That if they could do their part that would put them in a stronger position to convince government to do its part.

(Text on screen)

STEP 4: TAKE ACTION

Step 4: Take action.

Once you have come together, you have identified an injustice, set a goal, analyzed power, analyzed law, you are ready to take action. In the US, that means gathering evidence, packing the courtroom, preparing what they call social biographies which offer a fuller picture of this human being outside the context of the criminal justice system.

In Kenya, that meant communities following the steps that are laid out in the community land act. So mapping their lands, identifying where their boundaries are, organizing and adopting bylaws for how they're going to manage their lands. Electing community Land Management committees and as is required on the Kenyan constitution, making sure that those new land management committees are at least one third women. Communities in Kenya followed all of those steps just the way the law laid them out.

Of course justice does not come quick. It's a journey and so step five is to refresh on steps 1, 2 and 3 and then take action again.

(Text on screen)

STEP 5: REFRESH AND TAKE ACTION AGAIN

And sometimes, that can be an opportunity to move from solving specific problems towards reforming laws and systems;

(Text on Screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

With learning and leadership from grassroots struggles, pursue structural change

(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

if you remember that's what we call the legal empowerment cycle in the in the first session. Raj likes to call that 'moving from cases to campaigns' and he gave me an example of what that looks like for them. They saw a pattern across many cases where young people were getting filed directly into the adult prison system with terrible consequences and so people ended up coming together across many cases to fight for a new ballot initiative in the state of California, proposition 57.

That made it impossible, that stopped this practice of putting young people into adult prison. They went from cases to campaign and they won. They changed the system not just for their own place of San Jose but for the entire state of California. In Kenya, communities followed all the steps the law said but they hit a wall because government wasn't doing its part to implement the community land act. So they refreshed

their power analysis, their legal analysis, turns out that the only way that their applications to get their community land rights could move forward, is if there were county land administrators which the law requires but which the government had not yet hired or deployed.

And in terms of power analysis, they said well who has the power to put those county land administrators in place? It was the minister of lands and so that's why as you saw in the video people came together from communities across Kenya, came together, went to Nairobi, marched to the ministry of lands and demanded to see the minister. And Matito Leriso, who's one of the women we hear from in the video, she said when I saw the minister, she told me when I met Matito she told me that when she saw the minister, she said, 'we worked for two years on this application, we're not going home with it now.' And they didn't just demand that their own applications got accepted, they also demanded that the minister deploy county land administrators nationwide so that implementation of the law would go forward across the country.

(Text on screen)

LEGAL EMPOWERMENT CYCLE: KNOW, USE, SHAPE

With learning and leadership from grassroots struggles, pursue structural change

(Left) Take on specific violations (know law & use law)

(Right) Systemic change (shape law)

Bring positive new laws and policies to life

If you remember in that first video, I talked about two really powerful assets that grow at a grassroots struggles that can help with the pursuit of systemic change. Learning and leadership.

And both of those were at play in this case. The years of work at the community level helped them to learn what it takes to implement the law and practice, also helped them to identify what the stumbling block was, what the barrier was to actually achieving their goal. And then in terms of leadership, Matito, she told me she does not know how to read or write, she's never been to school, she had never been in Nairobi before. It was the process in her own hometown of following these steps, getting involved in deliberating on bylaws, getting elected to the Land Management committee. That process of knowing and using an existing law in her own community, gave her the strength, the confidence, the will to then travel all the way to Nairobi and go toe to toe with the minister herself.

(Text on screen)

Step 1: Come together

Step 2: Understand injustice and set a goal

Step 3: Analyze power and analyze law

Step 4: Take action

Step 5: Refresh and take action again

In sum: come together, identify an injustice and set a goal, analyze law, analyze power and take action, refresh, take stock, take action again. I thought these were two really beautiful examples of how you can go through this process, how you can combine law and organizing to advance justice. I take deep inspiration from both these stories and I hope you will too.

Thank you.

Title Card:

Abigail Moy

Director, Legal Empowerment Network

Hello, my name is Abigail Moy. I'm the director of the legal empowerment network. I'm excited that you are taking this course. Today I want to share with you the story of our network. Legal empowerment is not a new idea.

As you heard from Hector and Tshenolo, organizations, individuals and movements have been using legal empowerment tools to counter injustice and oppressive regimes for decades. The story of the legal empowerment network is one that recognizes our collective history. It is a story of people coming together and finding strength in our common approaches, reinforcing each other's work and amplifying each other's voices.

It is a story of constant struggle and perseverance against local challenges and global forces.

(Text on screen)

TIMELINE OF THE LEGAL EMPOWERMENT NETWORK

2010

First convening of like-minded actors

In 2010, a group of justice defenders from a handful of countries including Cambodia, Sierra Leone, Jordan, Ecuador, India, Moldova and more began coming together. At the time, we were all working in our respective countries, isolated and unaware of similar work being done elsewhere. We came to realize that despite working in strikingly different contexts, we had far more in common than we could ever have imagined.

(Text on screen)

One shared approach of Legal Empowerment

Network:

Community Paralegals: Grassroots advocates knowledgeable in law and organizing

One shared approach was the use of community based paralegals or their equivalent; grassroots legal advocates knowledgeable in law and policy and skilled in community organizing, negotiation and advocacy who found practical ways to support their communities in overcoming injustice.

(Text on screen)

TIMELINE OF THE LEGAL EMPOWERMENT NETWORK

2010

First convening of like-minded actors

2012

Launched Global Network

By 2012, we had launched a global network dedicated to legal empowerment, convened by namati and lead by grassroots justice champions across the world. During our first few years, we focused on familiarizing ourselves with each other's work and values. It was a time for building relationships, scoping and learning.

We hosted a number of regional convenings in Dhaka - Bangladesh, Kampala - Uganda, Buenos Aires - Argentina, Jakarta - Indonesia, Amman - Jordan. The atmosphere at these meetings was electric. People discovering for the first time that they had sisters and brothers in spirit. Allies in the fight for justice worldwide, whom they had never known existed.

(Text on screen)

TIMELINE OF THE LEGAL EMPOWERMENT NETWORK

2010

First convening of like-minded actors

2012

Launched Global Network

2015

Shared Learning & Exchanges & Launched Global Campaign

After three or so years, we began experimenting with more complex activities. We hosted our first of many learning exchanges with inaugural ones in South Africa and the Philippines. We organized our first annual leadership course in Budapest, Hungary. These were opportunities for practical hands-on learning through extended site visits or intensive study with practitioners around the world.

Participants came away with concrete ideas and techniques that they experimented with in their own organizations. I've spoken to members who returned home to make quick adjustments like optimizing their case management systems or improving community outreach and others who completely overhauled their structure and strategy, whether to more effectively confront the need for system wide change, forge productive partnerships with governments and other stakeholders or expand the scope of their work.

At this time, we also launched our first global advocacy campaign. Fighting for the inclusion of justice in the United Nations 2030 agenda for sustainable development.

(Text on screen)

Key, historic victory for our Network:

securing a place for justice in Sustainable

Development Goals 2016

This resulted in a key historic victory for our network, securing a place for justice in sustainable development goal 16; also known as SDG 16. Many experts said this would be impossible, that justice was too contentious, too political for multilateral agenda, but hundreds of our network members took action to argue otherwise in New York and in national capitals around the world and we won.

The fight did not end there however. While the SDGs offered an important starting point, its rhetoric on justice was not backed up with action. After the launch of the SDGs, most of them were accompanied by major financial commitments, not so for goal 16. We launched the justice for all campaign in 2018 to remedy this oversight.

(Text on screen)

TIMELINE OF THE LEGAL EMPOWERMENT NETWORK

2010

First convening of like-minded actors

2012

Launched Global Network

2015

Shared Learning & Exchanges & Launched Global Campaign

2018

Launched Justice for All Campaign

Over the next three years, in countless national and international forums and intimate meetings and high level events, online and in person, network members urged policymakers, donors and multilateral institutions to fund and protect the grassroots justice defenders who provide essential legal support to communities. This groundswell of voices not only changed the global narrative

and discourse on development and access to justice, but it also rallied significant resources to our movement. Last year, as a direct result of network members' calls to action, the world's first legal empowerment fund was launched.

(Text on screen)

TIMELINE OF THE LEGAL EMPOWERMENT NETWORK

2010

First convening of like-minded actors

2012

Launched Global Network

2015

Shared Learning & Exchanges & Launched Global Campaign

2018

Launched Justice for All Campaign

2021

First Legal Empowerment Fund Launched

It aims to raise \$100 million over 10 years for grassroots justice efforts worldwide. The legal empowerment fund takes up the torch of the COVID-19 grassroots justice fund, another of the campaign's key achievements which raised one million dollars supported 60 network members from over 30 countries with rapid response, flexible grants during the height of the pandemic.

These financial resources are crucial to our work, but only part of the fuel needed to drive our movement for justice forward.

As of today, over 10,000 people representing 3,000 grassroots justice organizations in 170 countries have joined the legal empowerment network.

(Text on screen)

Legal Empowerment Network in 2022:

Over 10,000 people and 3,000

**organizations committed to
collaborative learning
and collective action**

We are all committed to collaborative learning, community building and collective action as a means of building solidarity and power and advancing justice for all of our communities.

(Text on screen)

Next steps for Legal Empowerment Network:

Deepen regional engagement

Drawing out thematic priorities

Strengthening network leadership

Growing and evolving together

As our network celebrates our 10th anniversary, we look forward to deepening our regional engagement, drawing out key thematic priorities, strengthening and diversifying network leadership, and overall growing and evolving together.

Thanks for joining us on this journey. I hope to see you as we take our next steps.

Lesson 4

Title Card:

Marlon Manuel

Senior Advisor, Namati

Welcome to our closing lesson. I am Marlon Manuel from Namati and I'm thrilled that you have devoted your time and energy into finishing this course. Together we have learned about the legal empowerment framework and we have seen how activists throughout the world have helped communities know, use and shape the law. In addition to the case studies, you got to see how paralegals, barefoot lawyers and community organizers, work alongside communities and creatively find ways to access remedies and address justice issues.

You examined the process of building power in justice seekers and communities. Lastly, you heard about the challenges legal empowerment practitioners face and their resilience in responding to those challenges as individuals and as a collective. Congratulations, now it's your turn. Throughout the course, we have asked you to reflect on an injustice in your community and think about different ways that legal empowerment might tackle that particular injustice. Now you have the chance to share all that you've learned. Please create a post on the discussion board explaining the challenge or challenges that you see any opportunity for empowerment.

Who would you work with? Who would you involve? Who would you engage to address the injustice? How would you approach different individuals and what would you want to understand better before you get started?

Think about these questions. This is an opportunity to combine all that you have learned throughout the course about legal empowerment and apply that to your context. Please share your reflections by adding a comment in the discussion board in text format.

After the post, take a look at what others have learned and be inspired by the diversity and dedication of those learning about legal empowerment. If you want to do this as a short video, you can email the video to us and we will add it to the discussion board.

Next, if you are not yet a member, please join the legal empowerment network. Follow the links in the page or go to namati.org/network. Joining is free, fast and fulfilling. Once you join,

take some time to navigate around the network's discussion boards and to learn about what others in the network are doing and please share what you're doing. You will also find links to some additional resources that you can use to further your exploration of legal empowerment and to improve your work.

Lastly, we ask that you take a few moments to complete a final quiz. Don't worry, this should be easy. Your answers to these questions will help you see how much you've learned throughout the course. Again congratulations and thank you for joining us on this initial learning opportunity about legal empowerment. We hope to have more courses available in the future that are designed for and by the legal empowerment network.