

Nigeria

Community Paralegals: Recognition & Financing



Community paralegals are trained in basic law and in skills like mediation, organizing, education, and advocacy.

They are called different names in different places – including "community legal worker," "barefoot lawyer," "grassroots legal advocate," or a host of other titles. All share a common purpose: to help people to understand, use, and shape the law.

Introduction

Community paralegals are dedicated to legal empowerment: they help people to understand, use, and shape the law. These advocates are called different names in different places – including "community legal worker," "barefoot lawyer," "grassroots legal advocate," or a host of other titles. They are trained in law and policy and in skills like mediation, organizing, and advocacy. Some are generalist – they engage whatever justice issues community members bring to them. Others specialize – they may focus on supporting survivors of sexual violence, or protecting community land rights, or in addressing failures in the delivery of public services.

Community paralegals are client-facing. Although they are called "community paralegals," they are not the kind of paralegals who primarily serve as lawyers' assistants. Community paralegals work with clients to seek concrete solutions to instances of injustice, often at the community or administrative levels. They form a dynamic, creative frontline that can engage formal and traditional institutions alike. Moreover, just as primary health workers are connected to doctors, community paralegals are often connected to lawyers who may help to pursue litigation or high-level advocacy if frontline methods fail.

This research brief is part of a series that reviews the nature of the work undertaken by community paralegals, and the extent to which that work is recognized or funded by government. Please note that the first briefs published for this series focus on the types of community paralegals who have been formally recognized either in law or policy. We acknowledge that this is just a small part of a much larger picture. Beyond the government-recognized paralegals discussed in these briefs, a broader, dynamic ecosystem of community paralegals operates effectively without state recognition in many countries. We aim to one day expand our research to offer a more comprehensive analysis of this larger universe. For now, however, our research briefs are limited to offering summary information and illustrative examples of the community paralegals who have been formally recognized by law or policy.

Each of these briefs is a living document-- if you have an update, addition or a correction, please contact us at community@namati.org.

Acknowledgements

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		Notes
NATURE OF WORK		
Recognition*		
Are community paralegals formally recognized?	Yes	In Legal Aid Act, 2011.
What are community paralegals called?	-	Formally, "paralegal."
Recognized Functions		
Educating community and clients about the law?	N/S	Not specified in law, but occurs in practice.
Mediating disputes?	N/S	Not specified in law, but occurs in practice.
Organizing community members for collective action?	N/S	Not specified in law, but occurs in practice.
Advocating to authorities?	N/S	Not specified in law, but occurs in practice.
Monitoring for violations of rights?	N/S	Not specified in law, but occurs in practice., specifically the Women's Aid Collective network.
Litigating (with or without the help of lawyers)?		Prohibited from litigating, but assist in litigation in practice only.
- Criminal	No	
- Civil	No	
Navigating administrative processes?	N/S	Not specified in law, but occurs in practice.
Recognized Places of Work		
Government-run offices or legal aid centers?	N/S	
Non Governmental Organizations?	Yes	
Independent practice?	No	
INDEPENDENCE AND ACCOUNTABILITY		
Is the independence of community paralegals explicitly protected?	No	
Are there boards or bodies that monitor community paralegals?	Yes	The Legal Aid Council and NGOs monitor paralegals in practice, and by law may grant licenses to persons who have undergone a prescribed course in paralegal services, though this has not happened to date.
If so, are these boards or bodies separate from the government (e.g. Ministry of Justice)?	No	
If so, do these boards or bodies include civil society representatives?	Yes	The Council includes representatives from civil society based legal aid organizations.
QUALITY AND STANDARDS		
Must community paralegals meet certain criteria in order to practice?	N/S	Licensing and training has not been implemented in practice.
Is there a board, body, or certification scheme to recognize qualified community paralegals?	Yes	Not implemented in practice.
SCALE AND FINANCING		
Does any public revenue fund community paralegals?	No	

	Do Community Paralegals Work on this Issue?	Is Community Paralegal Work on this Issue Formally Recognized?	Does the Government Fund Community Paralegals who Work on this Issue?
<i>Note: The Nigerian Government only funds the Legal Aid Council, new regulation is needed for the provision of funding to paralegals.</i>			
Issues			
Criminal Justice	Yes	?	No
Civil and Political Rights	Yes	?	No
Education	Yes	?	No
Environmental Justice	Yes	?	No
Family Law	Yes	?	No
Health	Yes	?	No
Housing	Yes	?	No
Labor & Employment	Yes	?	No
Land & Natural Resources	Yes	?	No
Migrants, Refugees, & Citizenship	Yes	?	No
Peace-building	Yes	?	No
Transparency	Yes	?	No
Water & Sanitation	Yes	?	No

Key		
N/S = Not specified	N/A = Not applicable	? = Unknown. To share data on this point, contact community@namati.org

*Note that we consider the following as sources of formal recognition: legislation, regulations, policies, court judgments, memorandums of understanding, etc.

The Law In Practice

Defining Community Paralegals

Are community paralegals recognized? How are they defined?

Nigeria's Legal Aid Act of 2011 (the "Act") provides some formal recognition to paralegals. Paralegals are described in Section 24 of the Act as "any person [who] although not admitted to the practice of law in Nigeria, performs substantially legal tasks under the direction and supervision of a legal practitioner." This definition of paralegals largely mirrors the way in which paralegals operate in Nigeria, mostly in civil matters. Under Section 17, the Legal Aid Council may grant licenses to persons who have undergone a prescribed course in paralegal services to render such services in appropriate situations. However, the Act does not specify details as to what the prescribed course is, and it also does not make accreditation a mandatory requirement for paralegals to operate. In her presentation on "Community Based Approach for Legal Aid," Executive Director of the Civil Resource Development and Documentation Centre (CIRDDOC), Dr. Oby Nwankwo defined a Community Paralegal as an individual who is trained to perform substantial legal work similar to that of a lawyer, except for court representation and litigation, and also stated that community paralegals benefit the community by providing instant access to justice.

In this brief, we refer to "paralegals" as community paralegals.

What do community paralegals do? What issues do they focus on?

Community paralegals are involved in a broad range of issues in Nigeria. They are typically involved in civil matters such as family, contract, and land disputes, mediating situations that may arise within communities, and assisting in dealing with the relevant government departments. An example includes that of paralegals administered by CIRDDOC in rural communities in Enugu State who have mediated many cases involving infidelity, land disputes, assault, inheritance, and succession. Paralegals in urban poor communities in Lagos and Port Harcourt have also addressed the collective needs of communities, such as environmental pollution and large-scale land grabs, in addition to individual cases. Paralegals typically do not work on criminal matters, and are not encouraged to, except in some cases paralegals are present at the courts to provide legal information to accused persons.

Where do community paralegals work?

Community paralegals come from in or around their own communities and primarily provide grassroots legal aid to persons in rural areas or urban slum communities, who are unable to afford or reach lawyers. According to Nigerian NGO Lawyers Alert, beneficiaries of paralegal services make up approximately 70% of people who interact with the legal services sector in rural Nigerian areas. Community paralegals work at various mediation and legal aid centers run by NGOs through which they have completed a training course, or specific programs operate in the community. Many individuals who complete the training course also return to their job in the community, providing legal services and mediation when necessary or on a part-time basis. A pragmatic approach as to where and how the paralegals work is taken. This can be within community centers, homes, or even outside in public spaces if need be.

Independence and Accountability

Is the independence of community paralegals explicitly protected?

No, Section 2 of the Act established a government body, the Legal Aid Council, which oversees the provision of legal aid, advice and access to justice by all legal practitioners, including paralegals.

The Legal Aid Council is made up in part by a Governing Board of representatives from various governmental departments, including a representative of the Attorney-General, a representative of the Inspector-General of Police and the Director-General. Further, the Chairman and other members shall be appointed by the President. However, in practice, given the far-flung nature of most of the communities benefiting from community paralegals, the government has had almost no involvement in the NGO training of community paralegals.

Under Section 17(2), the Act also authorizes the Legal Aid Council to partner with or otherwise engage the services of non-governmental organizations and law clinics that are engaged in the provision of legal aid or assistance to persons who are entitled to legal aid. Additionally, Section 17(3) authorizes the Legal Aid Council to grant licenses to paralegals undergoing prescribed courses. In practice, the government has had very little interaction with NGOs and the way in which they run their legal aid centers and paralegal programs, although the legal framework for intervention and oversight by the government exists.

Are there boards or bodies that monitor community paralegals? If so, are these boards or bodies separate from the government (e.g. Ministry of Justice)? Do these boards or bodies include civil society representatives?

In theory, Section 17 of the Act and the establishment of the Legal Aid Council provide a framework for the monitoring of paralegals by the government who have undergone a “prescribed course”. However, the Act does not stipulate what this prescribed course entails. Further, it would seem that the Act does not make accreditation a mandatory condition in order for paralegals to work and assist people. The Act authorizes the Legal Aid Council to adopt regulations “for the involvement of paralegal aid provision in accordance with the provision of this Act.” However, these regulations have not yet been adopted and whether or not they would adequately deal with all outstanding issues relating to the acknowledgement and regulation of community paralegals is unknown. The Legal Aid Council does include representatives from civil society based legal aid organizations, as outlined in Section 2 of the Act.

Due to this gap in the legal framework and the general non-involvement of the government, the daily training and monitoring that community paralegals receive has been solely the work of NGOs.

Quality and Standards

Must community paralegals meet certain criteria in order to practice? Is there a board, body, or certification scheme to recognize qualified community paralegals?

While a “prescribed course” is envisaged by the Act and Section 23(3) authorizes the Council to prescribe the form of certification required, no further details have been produced. Despite the weak acknowledgment of paralegals in the legal

framework, civil society organizations and NGOs have undertaken advocacy efforts to develop the recognition of community paralegals. Some educational institutions provide standardized training to individuals with secondary level education. These are licensed by the Federal Ministry of Education and regulated by the National Board of Technical Education. The course is a two-year Diploma program in Paralegal Studies. However, this course is aimed more closely at corporate paralegals rather than community paralegals, whose focus is working within rural communities.

The community paralegals work almost exclusively with NGOs, who provide their own paralegal courses and produce their own training manuals based on their own syllabi (drawing from both local and international aspects). A certificate (produced by the NGO) is given to those individuals that complete the course. As such, the training, certification, and subsequent monitoring occur internally and are managed solely by the NGOs with no outside regulation or certification process. Without further clarity, these courses might suffice as “prescribed courses” for the purposes of the Act, which is in line with current practice in Nigeria.

Is community paralegal training available? What does it look like?

NGOs produce training manuals on their own which cater to their own paralegal training program. Generally, these draw heavily on interaction, role-playing and practice scenarios. The NGOs focusing on training community paralegals produce training manuals and structure their own courses ranging from 3 to 5 days, to 2-week intensive residential courses with approximately 35 participants. However, there is the option to undergo less intensive courses with intermittent training over several months. The NGOs produce impact reports at given intervals, monitoring the outcomes and success of specific projects and events involving community paralegals. The paralegals attend refresher courses at regular intervals and often even receive further training of a more specialized nature. An example of this are the CIRDDOC paralegals that continue to build knowledge beyond the basic paralegal training and enroll in further courses on gender and budgeting, civic education, HIV/Aids, and violence against women.

Public Financing

Does any public revenue fund community paralegals?

No, at present there is no public funding available for community paralegals. These programs are mainly supported by NGOs through their own funding mechanisms. Practitioners understand that Section 8(7)(d) of the Act which provides for the setting up for a ‘Community Legal Service’ allows for funding of paralegals. However, regulations have yet to be issued and therefore, this provision is not in force.

Practitioner Perspectives on Community Paralegals

General observations about the law in practice

Until the Legal Aid Act was enacted in 2011, there was no formal recognition of paralegals. Unfortunately, the Nigerian government has been slow to acknowledge community paralegals and their desired role in bringing legal aid to rural communities that otherwise would not have access to legal services. The regulations envisaged by the Act have yet to be enforced. These could go a long way in defining and developing the concept of community paralegals and the surrounding concepts.

Currently, NGOs are the main driving force behind the recognition of community paralegals. The rural communities and slums within which the community paralegals work acknowledge the status of these individuals. However, traditional courts have been slower to accept their mediation techniques and influences.

A positive aspect is the legal recognition of paralegals in the Legal Aid Act and the further possibility of regulations refining this definition and related requirements. The definition and acknowledgment, as they currently stand, are extremely broad and thus are able to incorporate the concept of community paralegals and not merely commercial paralegals. NGOs and other organizations training and working with community paralegals within communities have been able to take advantage of this broad legal framework, as well as the ill-defined “prescribed course” concept, to create their own community paralegal programs that can run without much oversight and restriction from government. Given the pragmatic approach needed in rural communities, this has actually been a positive result.

One of the main problems is the non-institutionalized nature of the current paralegal schemes, including the lack of structured courses and the ability of those involved in the community mediation process to undergo such courses. Upon completion of the training, unless the individual joins the legal aid centers or one of the NGOs’ programs, they often return to their communities and have no further monitoring or training. To curb this, a Paralegal Institute with greater reach is necessary to engage paralegals upon graduation. NGOs representing lawyers such as Lawyers Alert are concerned about the quality of legal services being provided by community paralegals and have in the past recommended the creation of a framework, standardization, regulation, and coordination of paralegals.

ANNEX: The Law (Excerpts)

Legal Aid Act (2011)

...

Section 2

(1) The Governing Board (of the Legal Aid Council) shall comprise of a Chairman, who shall be a retired judge or a legal practitioner of repute of not less than 15 years standing -

...

- (h) representative of Women Group providing free legal aid services;
- (i) two representatives of States sponsoring legal aid services;
- (j) representatives of civil society based organization providing legal aid;

...

Section 8

(1) The grant of legal aid, advice and access to justice shall be provided by the Council in 3 broad areas, namely, Criminal Defence Service, Advice and Assistance in Civil matters including legal representation in court and Community Legal Services subject to merits and indigence tests for the parties.

...

(7) The Council shall establish, maintain and develop a service known as Community Legal Service for the purpose of promoting individual services and in particular, for ensuring that individuals have access to services that effectively meet their needs. Community Legal Services for the purpose of this section means -

- (a) the provision of general information about the law and legal system and the availability of legal services;
- (b) the provision of assistance; in preventing or settling or otherwise resolving disputes about legal rights and duties;
- (c) the provision of assistance in enforcing decisions by which such dispute are resolved;
- (d) the provision of assistance in financial support and rendering; and
- (e) the provision of assistance with regards to claims against public authorities, private organizations and individuals: Provided that the Director-General shall reserve the right to set the limit of such assistance.

(8) Every person authorized by the Council to exercise the functions relating to Community Legal Service shall do so in such a manner as to -

- (a) promote improvement in the quality of services provided for the benefit of those who need them;

(b) ensure that the services provided in relation to any matter are appropriate having regard to its nature and importance; and

(c) achieve a swift and fair resolution of disputes in order to avoid the necessity of a protracted court proceeding.

...

Section 9

There is established the Legal Aid General Fund for the day-to-day administration of the Council into which shall be paid-

(a) Such sums as shall be appropriated annually by the National Assembly pursuant to section 46 of the Constitution of the Federal Republic of Nigeria; and

(b) Such sums as shall be appropriated annually or otherwise from time to time by the Government of each State of the Federation and the Federal Capital Territory.

...

Section 10

(1) Legal aid shall only be granted to a person whose income does not exceed the national minimum wage.

(2) Notwithstanding the provision of subsection (1), the Board may, in exceptional circumstance, grant legal aid service to a person whose earning exceeds the national minimum wage.

(3) Notwithstanding the provisions of subsection (1) of this section, the Governing Board may approve the giving of legal aid on a contributory basis to a person whose income exceeds ten times of the national minimum wage.

Section 17

(1) The Council shall maintain a register of non-governmental organizations and law clinics that are engaged in the provision of legal aid or assistance to persons who are entitled to legal aid under this Act.

(2) The Council may partner with or otherwise engage the services of such organizations in a manner consistent with the mandate of the Council.

(3) The Council may grant licenses to persons who have undergone a prescribed course in paralegal services to render such services in appropriate situations.

...

Section 23

1) The Governing Board may make regulations generally for the better carrying on the purpose of this Act and without prejudice to the generality of the foregoing, such regulations may make provision for –

- (a) anything which is to be or which may be prescribed under this Act;
- (b) the manner in which the means of any person who may be eligible for Legal Aid shall be computed;
- (c) the manner in which contributions into the Legal Aid Fund and the Access to Justice fund are to be made by persons receiving legal aid or advice and in which sums owing from such persons to the Council may be recovered;
- (d) reports and information required by the Council for the purposes of this Act be supplied by public offices and other persons; and
- (e) matters which appear to be Governing Council necessary or desirable for giving effect to the provisions of this Act or for preventing abuses thereof.

(2) The Governing Board shall also make regulations for the involvement of non-governmental legal aid providers in accordance with this Act.

(3) The Council may prescribe the form of any certificate, any application and any other document which may be required for the purposes of this act.

(4) The Council shall make regulations for the involvement of Para-Legal aid provision in accordance with the provisions of this Act.

(5) Standard to be observed in assigning a legal practitioner to Community Legal services or other services including fees payable and any other which appear to the Council necessary or desirable for giving effect to the provision of this Act or for preventing abuses.

Section 24

(1) In this Act – “Paralegal” describes any person although not admitted to the practice of law in Nigeria, performs substantially legal tasks under the direction and supervision of a legal practitioner.