**Portfolio Review on Community-Based Paralegalism – 28th April 2015**

**1. Our Ambitions**

This review encompasses those parts of the Justice Initiative’s concept on community-based justice services, and Justice Initiative’s concept on Post-2015 advocacy, which focus specifically on the tool of community-based paralegals, and are carried out by our legal empowerment tools team. It reflects on our work since 2009 in building a community of practice on paralegalism, testing innovative models, institutionalising the role of community-based paralegals as basic legal service providers, and our global efforts to generate greater political and financial support. It will not look at legal empowerment work beyond community-based paralegals, such as community law centers in Ukraine or broader global advocacy work we’ve been doing on inclusion of justice in the post-2015 agenda, or at Namati’s work, much of which focuses on testing paralegalism in specific contexts.

The characteristics of community-based paralegals vary from place to place. All are non-lawyers with training in law, procedure, and paralegal tools (which may include educating people about the law, investigation, giving options, navigating authorities, mediation, documenting their work, and community organizing). They also spend the majority of their time in the community. The nature of their employment status and institutional affiliations varies. Some are supervised by or have access to a lawyer, from whom they can seek advice and to whom they can, in rare circumstances refer cases; they are generally far more effective when they have this support. They may be paid staff members who focus on providing basic legal services full time; staff employed in non-legal sectors (for example health workers/ teachers) who help people understand legal and regulatory frameworks and who may directly assist them in addressing their legal problems either on a voluntary basis or as a component of their jobs; or part- or full- time volunteers who help other community members out of personal satisfaction, a sense of service to their community, recognition or other motivation. The type of work that community-based paralegals do varies, with some focusing more on helping solve particular legal or administrative problems brought by community members, others helping to build strategic campaigns involving community members to influence government policy, while others spend more time educating community members about laws and policies affecting them so that they can resolve their own problems. Often these approaches are used in combination.

Community-based paralegals differ from commercial paralegals in the United States and elsewhere - who primarily act in a support role to lawyers within lawyers’ offices - in that the community-based paralegals themselves manage and shape client care, with lawyers serving *them*, and are based in or near communities, typically away from courts. Individuals playing these roles do not necessarily have to be called ‘paralegals’ and indeed, that term can be controversial or confusing in some contexts – and sometimes referred to as community justice workers, barefoot lawyers, grassroots justice advocates, etc.

This review will not include the work of specialised criminal justice paralegals. Justice initiative’s Criminal Justice program has worked with paralegals offering legal advice to detainees at police stations or with securing bail or screening the files of those held in prisons to expedite proceedings. These types of paralegals are not community-based and their work resembles formal legal assistance - unless the prisoners themselves are paralegals, or the paralegals are doing legal education work in the community where they live.

We know that in many places the role of community-based paralegal is not new – over history, non-lawyers have acted to educate fellow community members about the law, and have helped their neighbours to resolve legal problems and advance the needs of their community. What was new in our concept was the focus on building the skills of, and develop supportive mechanisms for, those people already playing, or well suited to play, this role. We sought to strengthen models of paralegalism to ensure that community-based paralegals do not work in isolation, to more effectively serve and empower their communities, and when possible bring about a range of policy changes from the bottom up. We believed that this was qualitatively different from orthodox approaches to justice reform, that of supporting lawyers and institutions to solve peoples’ legal issues for them, and warranted additional exploration as a means to deliver justice in a wide array of contexts, including fragile states, both impoverished and wealthier countries, and those with dual legal systems.

We were drawn to this approach by the challenges historically faced by those seeking to advance legal reform and human rights. In many countries, the law should – and we thought could – have benefited marginalized, vulnerable individuals and communities. All too often, however, these laws had little effect, because government agencies were not enforcing them or providing adequate means for people to use them. Lack of knowledge of the law didn’t simply deprive people of the ability to pursue legal remedies: it also precluded them from negotiating from a stronger, more informed position. Moreover, we thought that paralegals might help unlock some of the positive potential in many countries’ informal dispute resolution mechanisms[[1]](#footnote-1) which are often physically, socially and procedurally more accessible than formal structures, but seemed often to be reflective of, even subservient to, local elite interests.

We shared the view of other observers of the law and development field that exclusively top-down attempts focused on improving formal institutions had proven insufficient. We had found that such approaches were inherently inadequate and concluded that wherever we worked, we would need to facilitate people’s taking action themselves. We believed that many people already had agency, but needed tools in order to direct their efforts to achieve justice, self-belief that their efforts wouldn’t be futile, and sometimes support to help them navigate complex mechanisms. We believed that community members who experienced problems at a local level were often best placed to identify a solution, and yet policy makers rarely heard the voices of the marginalised: our early experience had also suggested that community-based paralegals were well placed to collect evidence about collective problems, which could help make a compelling case in policy discussions.

We had also found that in many countries there was a gap, particularly in rural areas, because lawyers often congregate around court houses and have little presence in remote regions – accordingly we focused our efforts on rural areas. We found that in many countries lawyers focus on litigation, whereas in many traditional communities, a less adversarial approach is preferable to resolve personal legal problems, and restoration of relations or social stability is highly important. In such places people often continue to use traditional forms of alternative dispute resolution, and, while some of these raise rights concerns at times, we had found from previous experience the value of engaging with them in places where state infrastructure was fragile and scarce, so that even the most marginalised could use the law to strengthen their position: community-based paralegals seemed to us well placed to ‘nudge’ such local justice providers. Although paralegals were operating in many countries, most were doing so at a very small scale, and there were few examples of countries where large proportions of the population were able to benefit from them: we also believed it was worth experimenting to see how they could be taken to scale, and that basic justice services should be elevated to be on par with other basic services, such as primary education and health, and to achieve this, controls and support mechanisms would need to be in place for quality assurance.

We initially focused on developing a few key examples – for which we worked in depth in a few specific countries – in order to test out what works and what does not in different contexts, and to demonstrate to others how community-based paralegals could be a feasible approach to providing basic legal services and empowering communities, including finding solutions to the issues of scale and financial sustainability. To help spread and strengthen practice more broadly, we encouraged others to build up their work on community-based paralegals, both within and outside of OSF, by offering advice on their plans, and bringing people together to learn from each other. We thought we would be able to build up a global community of practice – including an online community and database, preparing and disseminating research and technical resources – so that people no longer ‘reinvented the wheel’ each time they started working in this area, and to make people’s efforts more productive. We felt we were well situated to encourage other donors and governments to spend more on paralegals and sought to do so. In doing all the above, we sought to cultivate the agency and power of affected communities.

**2. Our Place:**

At the founding of Justice Initiative, its directors visited Sierra Leone in 2002, a few months after the end of the civil war, and, after learning that Sierra Leone had fewer than 100 lawyers, nearly all of whom were based in Freetown, and about the barely-functioning court system outside of the capital, recounted to local civil society groups a visit they had made to South African community-based paralegals five years before. Very interested in this approach, local civil society groups in collaboration with the Justice Initiative developed the first community-based paralegal work in Sierra Leone, which gradually developed into Timap for Justice now among the leading community-based paralegal organizations in the world. The Justice Initiative stepped back from supporting the work in 2006-7 in view of advice from its board that it should focus on lawyers and legal reform and lacked the staff capacity to expand work on legal empowerment beyond Sierra Leone. The Justice Initiative approached the World Bank for support via a Japanese–endowed trust fund, which was granted, and the Bank’s Justice for the Poor Program oversaw that support. At the suggestion of George Soros, in 2008 The Justice Initiative wrote to the President of Liberia offering support to start a community-based paralegal project in Liberia, and thus the first adaptation of the Timap model was launched.

The work in Sierra Leone and Liberia came to be recognised globally: an International Crisis Group report on Liberia highlighted the community-based paralegal methodology as an effective way to bring about post-conflict reconstruction,[[2]](#footnote-2) and a 2009 World Bank evaluation found that interviewees were ‘overwhelmingly positive’ about their experience with Timap, reporting that they had ‘received high-quality, responsive justice services’.[[3]](#footnote-3) Ms Ngozi Okonjo-Iweala, then Managing Director of the World Bank, cited paralegals in Sierra Leone as helping create an environment of peace and security.[[4]](#footnote-4) When Mr. Soros met with Madeleine Albright in 2008 and she invited him to assist with the implementation of the Report of the Commission on Legal Empowerment of the Poor which was issued that year, he saw potential to influence the shape of development assistance.

Against this background community-based paralegals emerged as a central part of our thinking on legal empowerment. By contrast, others interested in taking forward the Commission report, such as UNDP, focused more on government actions as drivers of legal empowerment (an approach consistent with their institutional mandate).

Since 2009, other donors have joined in supporting this field. DFID responded to our request to collaborate on establishing a joint donor platform for legal empowerment in 2011, and has since continued to work with us to attract other donors, and has been a strong advocate for the inclusion of access to justice in the new development agenda. DFID has also started integrating more community-based paralegal work into its core country-level security and justice operations, moving away from the more orthodox institutions-focused approach they had previously taken, and a recent independent evaluation of their work verifies that this is one of the key areas of success in their justice work.[[5]](#footnote-5) Other significant organizations include the World Bank Justice for the Poor Team, IDRC, Overseas Development Institute, and Paul Collier’s Centre for the Study of African Economies and Innovations in Poverty Action, who have undertaken research and impact evaluations on paralegals. Other governmental donors include Sweden, Denmark, Netherlands, Norway and Australia – although most of these invest in specific projects at a country level rather than centrally, as the shift in governmental funding has gone more broadly. Committed private foundations include Omidyar, Ford and C.S. Mott. A number of high profile individuals have championed paralegals, including most notably George Soros, Sir Fazle Abed and Presidents Ashraf Ghani, Ellen Johnson Sirleaf, and Ernest Bai Koroma. The main players at a national level are the local organizations undertaking community-based paralegal work themselves, some of whom are supported by Open Society Foundations – for example, BRAC (Bangladesh), NADCAO (South Africa), CLEC (Cambodia), ALG (Philippines), Community Advocacy & Legal Centre (Canada): 414 such organizations have so far joined the online network described below. Other key players include international organizations such as Namati, Oxfam, WaterAid, and Norwegian Refugee Council. Academics in this field include Stephen Golub (Berkeley) and David McQuoid-Mason (KwaZulu-Natal), both of whom have championed community-based paralegals significantly.

In the last few years, several trends have developed in working with community-based paralegals. They are increasingly used within non-legal sectors, as means of accessing funding from other sectors, promoting specialisation and reducing development sector siloing. Significant specialisation has focused on land and natural resources, health and access to services, and access to legal identity documentation. There has been a push to scale up to a national level in a financially sustainable manner even in the poorest of countries. The field has also been spurred by the inclusion of access to justice as a core development concern, as a consequence, among other influences, of our advocacy.

**3. Our Work:**

The following is structured around our core aims: building a community of practice; technical support and training; testing innovative models; and global advocacy to generate greater political and financial support.

**Building a Community of Practice on Paralegalism**

Our thinking at the beginning was that paralegal organizations operate all over the world and yet, despite facing similar challenges, they often ‘reinvent the wheel’ when approaching problems. We wanted to enable people working in this field to be able to learn more from what others are doing already, so that practitioners could choose and adapt methods which they thought might be suitable for their particular environments. As part of this we wanted to increase communication between groups. The regional meetings we organized with Namati helped us develop an extensive network of contacts and good understanding of the players in the field, not least because participants submitted in advance detailed application forms about their work. According to formal feedback, the meetings enabled participants to learn about each other’s approaches, and some of the latest developments in the field.

However, on reflection, we didn’t do enough follow up after each of these meetings to encourage ongoing discussion, or assess the longer term impact. We understand from feedback that small-scale training opportunities were found useful by partners. We also now have a database of materials for paralegal programs on the Namati website – however, while some are visiting the site, the number of downloads are not high[[6]](#footnote-6). A decision was taken that OSJI would no longer continue with the community of practice, so we were unable to invigorate it further, and Namati has focused primarily on building up its reputation for work on the ground. We have felt disappointed at times that the community of practice has lacked in vibrancy, perhaps because it didn’t have sufficient staff dedicated, and the website was somewhat unwieldy. We had hoped it would allow practitioners to communicate more between each other, but we are not convinced this is happening significantly. A global community of practice may have been too ambitious a vision: we have heard feedback that it should have focused more on regional hubs, so that members feel they have more in common and have more opportunity to meet. Also, some of the most vibrant, organic communication has been between paralegals at a national level, somewhat isolated and eager for interaction with others doing similar work: we should perhaps have explored ways that paralegals themselves could benefit from the community of practice rather than just management. We hope that the new legal empowerment courses at CEU and BRAC, supported by CEU and HESP respectively, will help enliven the community of practice, allowing for more interaction and opportunities to learn from each other.

**Technical support/ training of paralegals and management**

We’ve been pleased, but not surprised, by how much ongoing enthusiasm there is for community-based paralegals across the OSF network. One of our key successes has been in gathering, transferring and embedding some of the high quality standards and good practices that have emerged in paralegal programming across the world. We brought together experiences in the Community-Based Paralegal Manual, which has since been translated into eight languages[[7]](#footnote-7), and has been downloaded from our website more than 1,500 times. We’ve also been providing more intensive one-on-one technical support for grantees of other OSF entities. We’ve developed particular areas of expertise on quality control and the use of case data. This is still an area of critical weakness for many community-based paralegal programs, which often reduces the effectiveness and recorded impact of their work, and the ability to use data to advocate for more systematic change. We feel that staff across OSF are building up their own skills in working with paralegals, but we could do more to record this guidance – to date our support has been largely one-on-one. We have limited staff capacity and have thus not been able to partner with network programs as frequently as we would have liked. We have produced lengthy manuals, but generating shorter guidance might be useful. A key lesson we’ve received from partners is the value of having soft copies of various materials—case management tools, databases, outreach materials, etc.—so that they can inspire the systems of local organizations. We have also discussed whether it might be possible for OSF as an entity to help support the development of open source systems and tools that could be used by grantees, including case management resources.

**Testing innovative models**

We experimented with the use and scale of community-based paralegals, identifying elements of varied approaches that would work for different contexts and issues.

*Scale, professionalism and institutionalisation*

One of our major efforts focused on how community-based paralegals could be taken to scale and institutionalised. We initially envisioned pursuing this through integration of community paralegals in legal aid schemes. We’ll look here at lessons from two particular efforts in which we were heavily involved: Sierra Leone and Indonesia. Justice Initiative operated an office in Freetown from 2009 – 2011, so programmatically it was we who undertook the work directly in designing, providing training and quality control of a scale up in paralegal activities – although the services themselves were provided by partners - and initiating strategic discussions about the use of paralegals as part of a new legal aid infrastructure. We were successful in replicating the Timap methodology, expanding from Timap’s 13 offices to a nationwide network of 32, working with four new organizations, as an umbrella network, and helping resolve 6-7,000 cases a year[[8]](#footnote-8). We had a strong team which was chosen for its intimate familiarity with the context and Timap’s methodology, comprising among others a leading member of the Sierra Leone Bar and the most senior Timap paralegal. Our idea to embed ‘seconded paralegals’, with the new organizations was particularly effective. Another success was our robust, experience-based, one-month introductory training program, followed by other one week courses, which, for several years thereafter, we were told by partners provided the core foundation for engraining substantial skills and knowledge, and imparted a sense of community among the paralegals themselves, who then dispersed across the country. One unexpected problem we encountered was that Timap's leadership never really bought into our vision of the scale-up: we had expected them to play a leading role, to which they agreed initially, but once the work started, we experienced ongoing reluctance. We believe some of the tension arose from our role as grant-maker and operational partner: naturally excited by the prospects of scaling up, they were understandably nervous about expanding nationwide, but then competition seems to have arisen between them and other members of the scale up, with concern about maintaining Timap’s pre-eminent reputation in a field of scarce funding. We did try, exhaustively, to address this, and it has taught us not to get into situations where we are both dependent and a grant-maker, and to gauge, more subtly, our counterpart’s genuine thinking before embarking on a project. Another substantive lesson we learned from the scale up is that larger non-legal NGOS which have strong management can be particularly effective in supporting community-based paralegals – we partnered with BRAC, who primarily did health and microfinance work in Sierra Leone, yet the improvement in their staff increased much more rapidly than in the other NGOs, as seen in their exam results and through monitoring visits.

At a policy level we were very successful in inserting a role for community-based paralegals into the legal aid law, which was led by our staff, despite opposition from the Bar. This is an important long- term precedent, as has the approval of an official one-year certificate in paralegal studies at the University of Makeni. However it’s disappointing, if somewhat predictable, that the government of Sierra Leone and other donors are making little effort to support this new structure going forward. This was expected, in that the premise of our work is that laws on the books are not sufficient in themselves, but we believe it’s nevertheless useful to have the right laws in place as a starting point. We learned from this not to expect governments in very poor countries to be able to contribute substantially to community-based legal aid schemes, as the government likewise doesn’t contribute sufficiently to health or education services.

We also learned about the challenges of relying on fellow donors. One problem encountered was that we had initially designed the scale-up alongside discussions with DFID on pooling funds. Despite agreement with DFID that we would develop such a fund, DFID staff changed, and a new contractor, DAI, won the bid for the justice sector, such that the agreement dissipated, in an unexpected and disappointing way. Finally, following our departure from direct engagement in Sierra Leone, DAI has picked up much of the work we initiated, but without the explicit focus on a nationwide network of community-based paralegals. Instead, DAI expressed a rationale that all the projects they supported had to be new, which inevitably raised problems for existing well respected projects requiring ongoing support. Most of our partners have negotiated to receive support nonetheless, with the help of former OSF staff members who are now employed by Namati. However, even if DFID had come in to support the network more substantially, the economy of Sierra Leone has not increased dramatically, and it is unclear who would support the paralegals after DFID’s withdrawal. Instead we should perhaps focus on developing mixed funding models in the poorest countries, combining contributions by donors, government, businesses and the local community. We might have done better had we not scaled up so ambitiously at once, but instead experimented with smaller scale, longer term, more diverse approaches, for example testing out what people would be prepared to pay for certain services.

We also worked to build on local movements and institutionalise support for community paralegals in Indonesia. In this country, paralegals have been a key instrument of legal aid NGOs since 1970, but since 2009, we worked with TIFA Foundation (with one staff member based in-country), first to build capacity of TIFA’s partners, and then to institutionalize their work through the adoption of a policy framework that included the legal aid law of 2011. We helped TIFA develop a constructive relationship with the Ministry of Justice and the Planning Ministry and played an instrumental role in bringing together legal aid NGOs and the government to implement the law in a systematic way, including developing implementation standards, assisting legal aid providers gain recognition, linking university law students with community-based organizations and encouraging donors and government to integrate funding of paralegals into their plans. We have been largely successful in this, with an integrated Guidance Committee of legal aid providers now operational, the establishment of Paralegal Schools, the government of Indonesia having increased funds for paralegals, and integrating support for paralegals into their development plans. We noticed that the process of standardization seems to have increased the administrative burden: some legal aid NGOs who have traditionally worked with paralegals to take on strategic cases feel that increased professionalization has meant the lawyers need to spend more time supervising paralegals and documenting their advice on a larger number of individual cases. This reflects the shift from a focus purely on strategic cases to people’s everyday legal problems, and the increasing workload that represents. We are now exploring with the Ministry of Justice and the legal aid organizations on the use of information technology to ease the managerial burden.

We learnt that to ensure long term impact, we needed to help elevate the voice of local organizations, institutionalize their role in the steering committees and help them to engage in a constructive dialogue with government, using case data for advocacy purposes. For example, one initiative gathered local government representatives and legal aid providers from 15 provinces to showcase efforts on strengthening justice at the provincial level and to encourage investment in paralegal capacity. One challenge lay in coordinating with the TIFA office, which remained a problem until Justice Initiative staff left Indonesia, despite the fact that the position was created and funded jointly by TIFA, the Justice Initiative and HRI with direct supervision and guidance from the Justice Initiative. In retrospect, it may be better for the local foundation to either directly supervise this position, or to build up a working relationship with them on a particular project, only placing a staff member on the ground at their request later on.

Our experience in scaling up and institutionalizing has left us questioning not only how or where paralegals should best be institutionalized, but also as to whether: some situations (elsewhere) have suggested that institutionalization, and thus reliance on official accreditation (and potentially funding) might threaten paralegals’ independence and credibility as sources of accountability over officials. Yet without some form of standard setting and quality control, we have found that programs cannot effectively go to scale, and their services remain isolated and too small scale to meet the needs of a significant population. The solution may be to have independent institutions, but the reality of this remains an ongoing challenge in many places.

*Community-based paralegals in a security-sensitive environment*

Another significant project is with FOSIP in Pakistan, where we’ve explored paralegalism in a fragile, gender discriminatory environment. We’ve been working with local development organization Sarhad Rural Support Programme, who have established three teams, based out of existing offices, and a network of 30 volunteer community-based paralegals, helping community members navigate government systems and resolve private or community legal problems. Each team member works on legal cases themselves, provides legal awareness sessions, and supports 3-7 volunteers, visiting at least once every three weeks, taking on the more complicated cases and collecting data systematically.[[9]](#footnote-9) Our role, carried out first with regular country visits, and then with a staff member based in Islamabad for part of 2015, has been to provide technical support for the design of SRSP’s work and the impact evaluation, and in convening donors to explore replication/adaptation of the model across Pakistan. We used our experience with BRAC in Sierra Leone to choose a partner with no experience of human rights or law, but fully rooted in communities and with exceptionally strong management: we believe this has been vital to our success in a fragile environment. They taught us the tactical value of starting on non-controversial issues as an inroad into more sensitive problems. We’ve also developed ways to handle death threats, and tactics for reducing security risks for staff, and seen how religion can be used as a means to encourage adherence to moral obligations. Indeed, religion has proven an important factor in encouraging volunteers to work as paralegals. The existence of SRSP’s larger infrastructure has allowed for a more integrated approach to legal support in a number of ways, for example, vulnerable women helped by the program can access education and skills training programs. Donors have shown themselves eager to learn from the model we’ve developed, possibly disappointed by the negligible results from training volunteers on one-off courses and calling them paralegals. Our impact evaluation has struggled, and was suspended at one point because the security services launched an investigation into the questions and the researchers used in our community survey. Suspicion of surveys has become common in Pakistan, but it’s taught us and FOSIP about the need for closer supervision of contractors where state security infrastructure is on high alert.

*Paralegals focusing on specific sectors:* *Health*

Since 2010, we have worked closely with the Public Health Program on their grants to access to justice and health organizations focused on improving health outcomes for socially excluded groups. Our work with PHP initially focused on documentation and donor advocacy in relation to the paralegal work done by their grantees. We jointly produced advocacy materials linking access to justice and health outcomes, including [*Bringing Justice to Health*](http://www.opensocietyfoundations.org/sites/default/files/bringing-justice-health-20130923_0.pdf) and accompanying multi-media pieces, and co-convened meetings on legal empowerment and social accountability; a jointly prepared good practice guide is forthcoming. Our collaboration with PHP has surfaced interesting dynamics of working with particular priority groups (sex workers, people who use drugs, people living with HIV, people in need of palliative care and Roma) versus the population as a whole. PHP’s experiences demonstrate the value of population-focused interventions while simultaneously working to strengthen access to justice more broadly. We’ve also sought to be selective about what we can assist, as we’ve found that organizations tend to benefit most from in-depth technical support, and with limited staffing, we need to be careful not to overstretch capacity.

*Empowering Roma – working with paralegals to implement international case law*

The Justice Initiative has also collaborated with diverse OSF entities[[10]](#footnote-10) to use paralegals to push for the implementation of judgments, in the case of the ECtHR decision on *DH & Others v. Czech Republic* (2007). The case concerns the segregation of Roma children into education for students with special needs. After years of focusing our efforts on national- and international- level advocacy, we considered whether grassroots pressure from those who are directly affected would help change the dynamic of interaction with the government and perhaps break something of a stalemate. The project aims to mobilize a critical mass of families to boycott segregated schools so as to cause an economic loss since funds are allocated per child. In this way the schools will face an economic loss that would force them to close down. We now work with four paralegals to undertake school enrollment campaigns to encourage parents to send their children into mainstream education. These include legal and civic education, door to door outreach, community events and regular online communication through a Facebook group for Roma parents. They help families to be prepared for enrollment day and ready to report irregularities. The team works in Ostrava, site of the original discrimination claims and the region with the highest concentration of Roma population in the country. Starting in 2013, we have undertaken two campaigns of three months each. Overall, nearly 100 children did not enter segregated education as a consequence. We have documented cases of discrimination in enrolment, now under investigation by the ombudsman, and have attracted media attention and generated local debate. Over the course of the second campaign, our survey of Roma parents we worked with showed a shift from 95% initially planning to send to segregated education, to 21% actually enrolling in it. It is likely that we have caused an economic loss of $45,000 to the segregated schools and prevented two segregated classes from opening. The effort marked a significant difference from more traditional legal assistance approaches: we dealt directly with 500 residents, and a group of 30 parents were actively engaged. Collective direct action in support of the judgment yielded other results: we observe school officials behaving in a more respectful manner towards Roma families during the enrolment process.

The first campaign helped us to understand the issues in more depth. The problem was not - as in the past, and as we and local actors imagined - mainstream schools rejecting, or testing and sending the Roma children to segregated school, but Roma parents themselves who were choosing to send their children to inferior schools. The campaign revealed to us that the impetus for change had to involve parents developing confidence that their children would have better chances in life if they had a good education, something that is hard to believe in a context in which school bullying, high drop-out rates and employment discrimination are far too common. While our new theory of change extended beyond the province of legal skills, the process of enrolling in schools, but also parents learning how to handle school interaction for the longer term, involve knowledge of the law and rights and procedures for advancing them.

We hope that our work with paralegals will lead the parents to establish a Roma parents association, in which they can develop the confidence and leadership skills necessary to join school committees and other relevant bodies. A key consideration has been how to support this without creating dependency. Accordingly, we have stepped back to allow parents to take control of efforts. We are still grappling with how to reach the critical mass that would lead to segregated schools across Ostrava being closed down due to lack of students, and how to have a wider nationwide impact. Great emphasis is being placed on keeping the campaigns linked to the resources and capacities that local communities can mobilize.

*Reflections on community-based paralegals more generally*

While we understood that community-based paralegals would need some incentive for their work, we should have focused more on the incentives of voluntarism, looking at explanations of why people follow initiators, what sustains them, and how the design of a program might affect a volunteer’s commitment. At first we focused primarily on paid community-based paralegals, but it can be difficult, if not impossible, to shift from paid to other forms of self-financing (voluntarism/ contributions/ integration into other sectors). We should have considered these in more depth in places where long term funding by government looks unrealistic.

We’ve also learned that some paralegals act to empower their communities more than others. The operational difference may be slight – spending a little extra time with the client to explain the law and procedure rather than simply undertaking the legal procedures for the community member. Yet conversely, if the paralegal only advises the community member and doesn’t help them to help themselves, the individual can sometimes be left unable to resolve their problem and unempowered. A balance needs to be struck in each instance. There will always be cases which people cannot resolve on their own, and it is not necessary for community members to know the law on everything. However, we continue to believe that a central part of a community-based paralegal’s work is to ensure that those they assist are actively involved in decisions about their own welfare, understanding the principles of the law, taking action themselves to resolve their problems where possible, and where appropriate coming together over common problems. Striking and maintaining this balance have been a central challenge – and strength – of all our programs.

We might have explored further how to integrate basic legal education into school curricula. We could also have made better use of social media. Facebook and text messages have emerged organically as a vibrant means of communication among community-based paralegals across disparate rural areas but we haven’t often used these as a way to communicate with them and learn from them. We are now starting to explore how text messaging can be used to track data in Pakistan. Facebook is the main tool of communication for the project in Ostrava, used to publicise events, generate debate about school segregation and reach parents beyond those in targeted areas.

We’ve also learned to more thoughtfully account for prevailing power dynamics. In several contexts, the Bar has been the strongest opponent of paralegals, with lawyers nervous that they will steal clients and instil higher standards and expectations among the public. In some respects, this is a misunderstanding of the useful role that community-based paralegals can play among populations which otherwise simply have no recourse to use law. Yet it’s also a reflection of the very purpose of community-based paralegals, which have potential to enable communities to use the law directly, even in places where the Bar has been self-protective and has advanced lawyers’ interests at the expense of the population.

**Global advocacy to generate greater political and financial support for paralegals**

*Utilization of high level strategic supporters to advance recognition of paralegals*

Our International Advisory Council was established in 2011 by George Soros to guide OSF’s and DFID’s work under the Global Legal Empowerment Initiative. The IAC has been most interested in the inclusion of access to justice in the Post-2015 development agenda, and members have issued op-eds and articles and presented at events towards advancing this. Mr Soros particularly has been vocal about the importance of paralegals to development, using his profile at events such as the Bali High Level Panel meeting to highlight Timap’s paralegal work and its importance to development. We believe this type of high level support has been crucial, and that their contributions have probably been a factor in the inclusion of access to justice in the Outcome Document of the Open Working Group, an important achievement. The IAC have appeared less interested in the nuts and bolts of how paralegals operate, understandably, but as a consequence we have not been involving them so heavily in programmatic design. While it is productive to use them as an outward facing presentation for the work rather than advising in detail on projects, we could perhaps have better utilised them in raising the profile of paralegals specifically, and advising more strategically on how to do so. George Soros has been successful in individual discussions with leaders encouraging them to establish legal aid schemes using community-based paralegals as with Ernest Bai Koroma and Ellen Johnson Sirleaf – perhaps other IAC members could have been similarly engaged.

*Encouraging increased support among donors*

We are pleased that a community-based approach to legal services, including paralegals, has increasingly become a part of justice programming by development agencies. Though this programming has often lacked quality control over design or execution, there are signs of improvement: some donors are picking up the methodology we have developed, and companies bidding for contracts seek our permission to use our community-based manual. Yet our efforts at more formal multilateral donor coordination have been less successful. We had initially proposed a goal of creating a donor trust fund to support innovative new pilots, but the donors most interested (ourselves, DFID, USAid) were ready to do this at different times. A decision was made to pursue a smaller-scale donor collaboration mechanism but experience from other donor collaboratives showed that this still required a secretariat, and we were unable to muster human resources for this. Many donors expressed a desire to be included in discussions, but high staff turnover, shifting organizational priorities, and siloing within organizations made meetings relatively unproductive among the larger group of donors. Instead, since November 2014 we have used regular conference calls with a group of personally committed individuals within five other donor organizations[[11]](#footnote-11). Working at this scale, discussions have developed rapidly, and we have discovered significant common ground, which has led to plans to engage in joint research.

Another means of enhancing donor contributions to the field might have been to create a complementary focus on deepening implementing contractors’ understanding of and commitment to community-based paralegalism and make use of our active role in donor circles to foster incentives among them to do this work better. Some donors are required to maintain institutional distance from these bidders, so this might have been a strategically valuable niche worth exploring. We have begun to do so, but could develop this idea more systematically.

*Public communications*

*Community-based Paralegals: A Practitioner’s Guide* has been a great success, with demand from local foundations and partners to translate it into eight languages (and one organization reportedly translating it directly without our permission into Korean). This has proved to be a useful way of explaining the rigorous methodology we promote, and for others to take it on themselves. We regularly receive feedback from outsiders planning paralegal work as to how useful it is. In hindsight, however, we could have focused more on our public communication about the work of paralegals, and what OSF is doing to advance them. In Sierra Leone, we prioritised one-on-one communication and relationships, by the end of the five years the new organizations still had little public recognition for the excellent work they were doing with community-based paralegals and this may have been an oversight. We consider this might have raised the profile of paralegals generally, and enhanced knowledge exchange between groups. The OSF site is well visited, and could have been used more actively in building paralegalism.

1. Or ‘traditional’, ‘non-state’ or ‘hybrid’ justice systems [↑](#footnote-ref-1)
2. [*Liberia: Resurrecting The Justice System*](http://www.crisisgroup.org/~/media/Files/africa/west-africa/liberia/Liberia%20Resurrecting%20the%20Justice%20System.pdf) Africa Report N°107 – 6 April 2006. [↑](#footnote-ref-2)
3. Pamela Dale, *Delivering Justice to Sierra Leone’s Poor: An Analysis of the Work of Timap for Justice*, Justice for the Poor Research Report 1/2009 [↑](#footnote-ref-3)
4. Statement by Ms. Ngozi Okonjo-Iweala, Former Managing Director, World Bank, Security Council Debate: Post-conflict Peace-building: A Comprehensive Peace-building Strategy to Prevent the Recurrence of Conflict, New York, April 16, 2010, [↑](#footnote-ref-4)
5. Independent Commission for Aid Impact, *Review of UK Development Assistance for Security and Justice*, March 2015. [↑](#footnote-ref-5)
6. From Aug 5, 2013 to Aug 5, 2014, the Namati website had 30,830 unique visitors and 50,059 visitors in total. 782 individuals downloaded tools. [↑](#footnote-ref-6)
7. French, Spanish, Russian, Urdu, Bahasa Indonesian, Chinese, Thai and Arabic [↑](#footnote-ref-7)
8. 2011 - 6,146 cases; 2012 - 7,009; 2013 – 6,031. [↑](#footnote-ref-8)
9. In 2014 they undertook over 300 legal awareness sessions with over 5000 participants, and more than 2000 people attended legal aid clinics. Case data is being cleaned, but over 10,000 community members have received civil documentation. [↑](#footnote-ref-9)
10. Roma Initiatives, Human Rights Initiative, Education Support Program, Early Childhood Program, Open Society European Policy Initiative, the Justice Initiative advocacy team, and OSF Prague. [↑](#footnote-ref-10)
11. With representatives from IDRC, SIDA, Omidyar, DFID and Legal Education Foundation. [↑](#footnote-ref-11)