

## REGIONAL PRACTITIONER DIALOGUE

### COMMUNITY PARALEGALS, CUSTOMARY AND INFORMAL JUSTICE SYSTEMS, AND NEW PATHWAYS TO PEOPLE-CENTRED JUSTICE

*31 August 2021  
Zoom Webinar*

#### CONCEPT NOTE

##### Background

By one estimate, informal actors such as customary leaders resolve approximately 80 to 90 percent of justice problems in the Global South. In order to increase access to and quality of justice in such contexts, it is important to harness the potential of customary and informal justice (CIJ) systems and, at the same time, respond to the specific challenges associated with those systems. Doing so will not only realize the promise of a shift toward “people-centered justice”,<sup>1</sup> but will also accelerate progress toward achievement of Goal 16 of the 2030 Agenda on peaceful, just and inclusive societies.

Given their access to and familiarity with customary or traditional laws and community cultural and power dynamics, community paralegals are uniquely well-placed to support justice seekers in engaging with CIJ systems. Indeed, they often have important roles in providing legal aid services to marginalized groups and in bridging the gap between formal and CIJ systems by undertaking a number of different activities at the local level.

However, paralegals often face a number of obstacles in their daily work which can negatively impact their ability to achieve change at the community level. These challenges are exacerbated in fragile and conflict affected settings and may include: gaps in legal and policy frameworks; the absence of national legal aid coordination bodies and standardized accreditation and training; potential tensions or lack of cooperation with other legal and justice actors, including CIJ mechanisms; insufficient capacity, resources and limited sustainability of paralegal programs; and lack of standardized data collection and reporting systems aimed at monitoring how cases are handled at the community level.

Harnessing the potential of paralegals’ engagement with CIJ systems by addressing the challenges they face and strengthening the quality of community paralegal services is essential to achieve access to justice for all. To this end, IDLO’s Working Paper on “Navigating Complex Pathways to Justice: Community Paralegals and Customary and Informal Justice” explores the role of community-based paralegals in promoting access to justice, identifying gaps and barriers, entry points, and good practices in paralegal services, with a focus on CIJ systems and sub-Saharan Africa. The Working Paper is part of a series of IDLO publications titled “Navigating Complex Pathways to Justice” which seeks to advance policy dialogue and

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<sup>1</sup> The Task Force on Justice, ‘Justice for All’, Report, April 2019, p. 17, available: <https://www.justice.sdg16.plus/report>

distil lessons from programming and research, to help realize Sustainable Development Goal 16. It is the culmination of a number of research and policy efforts aimed at strengthening paralegalism in the African region, including the East and Horn of Africa Paralegal Forums organized by IDLO in collaboration with the Paralegal Support Network (PASUNE)<sup>2</sup>, the National Legal Aid Service of Kenya and the Ministry of Foreign Affairs of The Netherlands.<sup>3</sup>

It is against this background that the **International Development Law Organization (IDLO)** is convening a Regional Practitioner Dialogue themed “*Community Paralegals, Customary and Informal Justice Systems, and New Pathways to People-Centred Justice*” under the auspices of the **Ministry of Foreign Affairs of the Netherlands**, which will be held virtually on August 31<sup>st</sup>, 2021.

## Objectives

The aim of the Regional Practitioner Dialogue is to *foster peer review and learning amongst African paralegal service providers and other relevant stakeholders on improving access to justice through CIJ systems*. Good practices, lessons and recommendations from the Working Paper will be presented to inform a reflection and exchange on ways to facilitate access to justice through paralegals working at the community level and within CIJ systems. Drawing on findings of the Working Paper and building on prior policy-advocacy efforts on paralegalism by IDLO in the East and Horn of Africa region, discussions will emphasize insights into local success stories and challenges, as well as comparative perspectives on people-centered approaches to paralegal and CIJ programming from different countries in sub-Saharan Africa.

The Dialogue will bring together paralegals, development practitioners, experts, legal aid organization representatives and CIJ actors to facilitate a rich exchange fueled by different perspectives, as well as learning from different experiences. Participants in the Dialogue will share experiences and reflect on what works to:

- Advance the role of community paralegals in strengthening or supporting CIJ mechanisms, including addressing local power dynamics and potential tensions between legal and justice actors;
- Build strategic linkages and coordination among community paralegals and other legal and justice actors and leverage resources for sustainability of paralegal programs;
- Ensure adequate legal and policy frameworks regulating paralegal activities in the context of CIJ systems;
- Promote minimum standards in the operation of CIJ mechanisms, including protection for human rights and procedural safeguards for women and vulnerable groups;
- Foster accountability and transparency through data collection and monitoring of paralegal and CIJ activities at the community level;

Expected outcomes of the Dialogue will include:

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<sup>2</sup> PASUNE is a coalition of civil society organizations working towards increased coordination, efficiency and quality of paralegal services in Kenya. For more information see: <https://pasune.or.ke/about-us/>

<sup>3</sup> The first two East and Horn of Africa Paralegals Network Forums were held in July 2019 in Nairobi and in January 2021 in Dar es Salaam. Good practices and recommendations of the Working Paper draw substantially on proceedings of the 2019 Forum titled ‘*The Role of Paralegal Support Networks in the Promotion of Access to Justice Through Judicial and Community Justice Systems*’, as well as on key informant interviews held with paralegal participants. See: ‘Paralegals Promote Access to Justice at Regional Forum in Nairobi’, 2019, available: <https://www.idlo.int/news/highlights/paralegals-promote-access-justice-regional-forum-nairobi>.

- Enhanced understanding of how paralegals operating in the context of CIJ systems support the realization of rights and access to justice for the poor and most vulnerable in alignment with international human rights standards;
- Strengthened dissemination and uptake of comparative regional good practices, lessons learned, challenges and areas for improvement, including relevant normative and institutional frameworks; and
- Conceptualization of common action points in response to lessons, good practices and recommendations, to advance access to justice and the attainment of SDG 16 in sub-Saharan Africa through community paralegals and CIJ systems.

### **Delivery modalities**

The Dialogue will be a dynamic one-day online event (of approximately 4 hours), starting with a presentation of key findings and recommendations of the Working Paper, followed by three facilitated panel discussions on selected thematic issues emerging as most relevant based on the Dialogue objectives and questions from participants, delivered by speakers among prominent experts and practitioners. Simultaneous interpretation will be provided in English and French.

### **Participants**

Participants will be approximately 45-50, with representation from the following countries: Burkina Faso, Kenya, Liberia, Malawi, Mali, Niger, Rwanda, Sierra Leone, Somalia, South Sudan, and Uganda. Participation will be as much as possible gender-balanced and will include both theoretical and practical expertise and perspectives.