

community justice

SIERRA LEONE

In an impoverished country still recovering from a decade of brutal civil war, paralegals have offered an important channel for the provision of legal services in Sierra Leone.

LAW IN ACTION

TWO PARALEGALS SIT UNDER AN ANCIENT MANGO TREE in a village in Port Loko, northern Sierra Leone, surrounded by over 250 women, men and young people. They listen attentively as one of the paralegals explained in Temne, their local language, the terms of a draft 50-year land lease agreement between their community and an Indian company that wants to acquire over 10,000 hectares of their land to grow oil palm and establish a processing factory.

The paralegals are providing advice to the villages for free—advice developed with the support of professional lawyers. Without it, community members would have put their marks on an agreement without understanding any of its provisions.

In an impoverished country still recovering from a decade of brutal civil war, paralegals have offered an important channel for the provision of legal services in Sierra Leone. A handful of different international funders now support a patchwork of paralegal groups providing both general and specific advice: the legal advice at Port Loko, for instance, is being provided by Namati, an international group that supports the development of community legal services. Elsewhere, Advocaid and Defence for Children focus on women and children in conflict with the law; the Network Movement for Justice and Democracy focuses on the mining sector; Timap for Justice, Access to Justice Law Center (AJLC) and the Justice and Peace Commission (JPC) have focused on more general legal services.

Despite evidence of the positive impact of paralegal services, and despite significant advances in the legal recognition of the paralegal sector, efforts to develop a national network for the provision of primary legal services in Sierra Leone have been stymied by funding shortages.

HISTORY

Sierra Leone's civil war, which erupted in 1991, wrecked a justice system that was already failing; the profound lack of access to justice was identified by the post-war Truth and Reconciliation Commission as one of the causes of the violence.

In the aftermath of the war, international donors and the government embraced the use of community-based paralegals as a way to advance justice, particularly in rural areas (95% of Sierra Leone's lawyers are based in the capital, Freetown). In the most ambitious project, Timap for Justice developed a flexible approach which combined education, mediation, organizing, and advocacy. Its paralegals, unlike lawyers, could operate across a legal system that incorporates both traditional and formal justice systems.

community justice

Sierra Leone

By 2010, Timap was providing services in 13 locations across three of the country's 12 districts. This number more than doubled to 33 locations by 2013 following a push to scale up paralegals nationally using Timap's model, with funding from donors including the World Bank. But subsequent funding cuts by donors for access to justice have undone much of this progress; only around half of these locations now believed to be still operating, supported by a patchwork of donors, and more closures expected.

ORGANIZATION

In 2012, the role of paralegals in Sierra Leone's justice system was institutionalized in an innovative Legal Aid law, which set forth a mixed model of criminal and civil legal aid, from legal information and mediation services through to representation in court, to be provided through a public/private partnership of government and civil society. The act established a Legal Aid Board (LAB) to provide, administer, coordinate and monitor the provision of criminal and civil legal aid. The LAB consists of ten members headed by a Justice of the Superior Courts. The chairperson is nominated by the Chief Justice and appointed by the President but the other members are nominated by different institutions such as the Bar Association, the Department of Law of the university and the Council of Paramount Chiefs. Two of the board members are from civil society and non-governmental organizations with experience and expertise on issues relating to legal aid.

OVERSIGHT

The Legal Aid Act 2012 gives mandate to the LAB to provide legal aid and to accredit legal practitioners, civil society and non-governmental organizations, paralegals and university law clinics to provide legal aid. The board also determines the types of persons and cases for which it may grant legal aid. In addition, the LAB will accredit institutions undertaking paralegal training to ensure quality control.

ELIGIBILITY

An indigent person requiring legal representation must apply to the Legal Aid Board in the appropriate form and satisfy a means requirement. Legal aid providers operating independently can determine their eligibility criteria.

FUNDING

The legal aid board was fully constituted in 2015. In 2016, against the backdrop of poor economic performance and shifting priorities, due to the Ebola outbreak, parliament approved the sum of SLL 4 billion (\$800,000) for legal aid services, excluding personnel costs—the same amount as was committed to fund the judiciary in 2015. The board can also raise funds from other sources including grants, donations or bequests and from client contributions. Since launching operations this year, the board has focused exclusively on criminal legal aid.

In November 2015, Sierra Leone's cabinet approved a comprehensive National Land Policy to overhaul the country's land tenure system. The policy provides for paralegal assistance to communities involved with would-be investors—the type of work that Namati is doing in Port Loko—and the creation of a community justice fund to pay for those services, which is to be funded by contributions from large investors.

IMPACTS

Over a three year period, between 2010 and 2013, the paralegal groups involved in the "scale up" paralegal project (Timap, Brac, Advocaid, AJLC and JSC) handled over 19,000 cases resolving slightly under 84% of them. Over 1500 mobile clinics or outreaches for community education and legal literacy were undertaken. Before funding cuts, the scale up project was providing access to paralegal services to an estimated 33% of the country's population.