

Sierra Leone

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.

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Notes		
NATURE OF WORK		
Recognition*		
Are community paralegals formally recognized?	Yes	In The Legal Aid Act (2012).
What are community paralegals called?	-	Formally*, "paralegal."
Recognized Functions		
Educating community and clients about the law?	Yes	
Mediating disputes?	Yes	
Organizing community members for collective action?	N/S	Not specified, but occurs in practice.
Advocating to authorities?	N/S	Not specified, but occurs in practice.
Monitoring for violations of rights?	N/S	Not specified, but occurs in practice.
Litigating (with or without the help of lawyers)?		
- Criminal	Yes	
- Civil	Yes	
Navigating administrative processes?	N/S	Not specified, but occurs in practice.
Recognized Places of Work		
Government-run offices or legal aid centers?	Yes	None yet in practice.
Non Governmental Organizations?	Yes	
Independent practice?	N/S	
INDEPENDENCE AND ACCOUNTABILITY		
Is the independence of community paralegals explicitly protected?	Yes	
Are there boards or bodies that monitor community paralegals?	Yes	The Legal Aid Board.
If so, are these boards or bodies separate from the government (e.g. Ministry of Justice)?	Yes	
If so, do these boards or bodies include civil society representatives?	Yes	The law requires civil society representation on the Board.
QUALITY AND STANDARDS		
Must community paralegals meet certain criteria in order to practice?	Yes	Must complete courses at a Legal Aid Board-approved institution.
Is there a board, body, or certification scheme to recognize qualified community paralegals?	Yes	The Legal Aid Board is charged with creating this scheme, but has yet to do so.
SCALE AND FINANCING		
Does any public revenue fund community paralegals?	Yes	Via funds allocated to the Legal Aid Board, which are currently inadequate.

The Law In Practice

Defining Community Paralegals

Are community paralegals recognized? How are they defined?

In 2012, the Sierra Leonean government adopted a legal aid law that recognizes the role paralegals play in delivering justice services and calls for a paralegal in every chiefdom in the country. The Legal Aid Act defines “accredited paralegal” as “a person employed by the [Legal Aid] Board, a government department, an accredited civil society organization or a non-governmental organization and who has completed a training course in the relevant field of study at the Judicial and Legal Training Institute or an educational institution approved by the Board.”¹

In this brief, we refer to as community paralegals as “paralegals.”

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

The Legal Aid Act authorizes paralegals to provide “legal advice and assistance,” defined as “providing information in both criminal and civil cases about the relevant law and legal processes, assisting with alternative dispute resolution, advising on legal issues, assisting with the drafting of documents other than instruments prohibited under section 24 of the Legal Practitioners Act, 2000, referring matters to legal practitioners and other forms of assistance that do not constitute legal representation.”² The Law calls on the Legal Aid Board to appoint paralegals in every chiefdom “to provide legal advice, assistance and education to the Paramount Chief and the inhabitants of the chiefdom, and to assist in diverting certain cases to the formal justice system.”

Paralegals are known to deploy a variety of tools when resolving cases, including information provision, mediation, advocacy, helping clients to navigate authorities, community education, organizing collective action, and assisting with litigation.

Paralegals provide assistance for virtually all legal issues, including those relating to child support, child custody, marital problems, gender-based violence, land/property disputes, criminal justice, grievances related to public services and infrastructure (e.g. health, education, roads, water and sanitation), and grievances related to livelihood development or the private sector (e.g. labor and employment, agriculture, mining, employment, market development), among others.

¹ *The Legal Aid Act of 2012*, SUPPLEMENT TO THE SIERRA LEONE GAZETTE, Vol. CXLIII: No. 42 (Aug. 23, 2012), Part 1, Section 1, <http://www.sierralii.org/sl/legislation/act/6/2012-06.pdf>.

² *Id.*

Where do community paralegals work?

As of 2012, paralegals operate in approximately 36% of the country's chiefdoms and some parts of the capital city.³ They work almost entirely for NGOs, including Timap for Justice, Access to Justice Law Centre, and the Justice and Peace Commission (JPC).

The Legal Aid Act provides that the Legal Aid Board shall appoint at least one paralegal to each of Sierra Leone's 149 chiefdoms.⁴ However, the Board has yet to fulfil this mandate. Thus far, it has established one office that is open to the public, but it uses a lawyer-based model for providing legal aid.

Independence and Accountability

Is the independence of community paralegals explicitly protected?

Yes, via the independence of the Legal Aid Board, which is responsible for coordinating, regulating, and funding paralegals. By law, the Board "shall not be subject to the direction or control of any person or authority in the performance of its functions."⁵

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?

The Legal Aid Board is a supervisory structure with wide ranging functions, including the administration, coordination, and monitoring of the provision of legal aid in civil and criminal matters.⁶ The Board can accredit legal practitioners, civil society organizations, university law clinics, paralegals, and non-governmental organizations to provide legal information, advice, assistance, mediation services, and representation in court.

The Legal Aid Board operates independently of any government agency. Moreover, the law requires the disclosure of conflicts of interests that members may have in matters before the Board. It is left to the Board to determine whether that member shall participate in deliberating the matter in question. The Board must annually report its activities and operations to the Minister of Justice, who in turn must submit the report to Parliament with any comments.

³ Margaux Hall, *Justice in health care delivery: a role for Sierra Leone's paralegals*, RELIEFWEB, (March 30, 2012), <http://reliefweb.int/report/sierra-leone/justice-health-care-delivery-role-sierra-leone%E2%80%99s-paralegals>.

⁴ *The Legal Aid Act of 2012*, *supra* Note 1, Part VI, Section 14(2).

⁵ *The Legal Aid Act of 2012*, *supra* Note 1, Part III, Section 11.

⁶ *Update on Ongoing Efforts to Implement Sierra Leone's Legal Aid Law*, CENTER FOR ACCOUNTABILITY AND RULE OF LAW, (Aug. 11, 2016), <http://www.carl-sl.org/pres/update-on-ongoing-efforts-to-implement-sierra-leones-legal-aid-law-2/>.

By law, the Legal Aid Board must include “one representative each from civil society and non-governmental organizations having experience, knowledge and expertise on issues relating to legal aid.”⁷ Currently, two civil society representatives sit on the Board.

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?

The Board has broad power to accredit paralegals, review the quality of legal aid representation, and discipline paralegals who fail to provide adequate representation. The law stipulates that to be accredited by the Board, paralegals must complete the appropriate courses at the Judicial and Legal Training Institute or another Board-approved institution. As of 2017, the Board has yet to finalize an official certification scheme for paralegals.

Specific criteria to judge the quality of paralegal services are not specified in the Legal Aid Act. However, a “Legal Aid Guide” that will address such standards is under development.

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

Training is primarily undertaken by a variety of civil society organizations.⁸ NGOs such as Timap for Justice have put together multi-week training courses and other capacity-building programs for paralegals.⁹ In partnership with Namati, Timap produced a Paralegal Manual that acts as the foundation for all trainings.¹⁰

The University of Makeni also has a paralegal training program, which collaborates with partner organizations to conduct short-term trainings for paralegals.

Public Financing

Does any public revenue fund community paralegals?

The Board is to be funded by appropriations from Parliament, proceeds generated in the course of its services, as well as by grants and donations. All funds are managed by the Board’s Director and audited by the Auditor General.

⁷ *The Legal Aid Act of 2012*, *supra* Note 1, Part 2, Section (2)(2)(g).

⁸ These include the Access to Justice Law Centre (AJLC), BRAC, Justice and Peace Commission (JPC), the Methodist Church, Sierra Leone Namati, and the Open Society Justice Initiative.

⁹ Vivek Maru, *Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide*, 31:2 *Yale J. of Int’l Law*, 428, 442 (2006), <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1276&context=yjil>.

¹⁰ *Paralegal Manual 2012: A Paralegal’s Guide to Providing Basic Justice Services in Sierra Leone*, TIMAP FOR JUSTICE, (June 2012), <https://namati.org/wp-content/uploads/2012/09/Final-Timap-Manual-June-2012.pdf>.

So far, little public funding has gone to support the Board or, through it, the work of paralegals.

As of 2016, the Board has begun to support some paralegals assisting pre-trial detainees, but it has not certified or funded paralegals serving communities on a wider range of justice issues. According to the executive secretary of the Board, the government is planning to place paralegals at police stations. These paralegals may draw upon government funding in the future.

Practitioner Perspectives on Community Paralegals

General observations about the law in practice

The Legal Aid Act of 2012 allowed for the formal recognition of paralegals, which can be seen as a significant achievement. Prior to this, organizations such as Namati, Timap for Justice, Access to Justice Law Centre, Defense for Children, and others had lobbied for such a law to be passed.

Unfortunately, some say the government has not made any significant effort at implementing the law.¹¹ In both the 2013 and 2014 budgets, the Ministry of Justice failed to allocate funds for the setting up of the Legal Aid Board.¹² The eventual establishment and launch by the President of the Legal Aid Board was an important step. In 2014, the Legal Aid Board was constituted and a Chairperson for the Board was approved by parliament. Also, in the end of 2014, the Justice Sector Coordinating Office (JSCO), a unit within the Office of the Attorney-General and Minister of Justice, and the Chairperson of the newly constituted Board submitted a budget of nearly one million US Dollars (\$1,000,000) or four billion Leones (Le 4,000,000,000) to fund the Board. The DFID-funded Access to Security and Justice Program (ASJP) committed Le 267,000,000 and the Government of Sierra Leone provided Le 354,000,000 towards ensuring that the board was up and running by January 2015. This money was intended for use to provide office space and recruit key staff to jump-start the work of the Board.¹³

However, a continual lack of funding since then has limited the Board's ability to operate. The executive secretary of the Legal Aid Board maintains that there is insufficient money to employ and deploy paralegals and lawyers throughout the country. For now, the Board is providing some criminal legal aid services using a lawyer-centered model.

Meanwhile, the JSCO (Justice Sector Coordinating Office) partnered with a six-member working group of local and international organizations to undertake a mapping survey of all organizations involved with the provision of legal aid services; including legal advice, assistance, education, and paralegal services. As of August 2013, the

¹¹ Margaux Hall, *supra*. Note 1.

¹² Ibrahim Tommy & Aruna Kallon, *The Legal Aid Act of Sierra Leone: When will Implementation Start?*, CENTER FOR ACCOUNTABILITY AND RULE OF LAW, (Aug. 11, 2016), <http://www.carl-sl.org/home/articles/668-ibrahim-tommy-and-aruna-kallon>.

¹³ Aruna Kallon, *Funding for Legal Aid Board at Last: A Glorious Step Forward in the Implementation of the Legal Aid Act*, CENTER FOR ACCOUNTABILITY AND RULE OF LAW, (Aug. 11, 2016), <http://www.carl-sl.org/pres/funding-for-legal-aid-board-at-last-a-glorious-step-forward-in-the-implementation-of-the-legal-aid-act/>.

report was written and will be shared with the Legal Aid Board.¹⁴ The JSCO also hired a consultant to “develop a communications strategy that seeks to promote uniformity in messaging of legal aid-related services” thanks to funding from the UK Department for International Development (DfID).¹⁵

The Legal Aid Board is focused in the near future (2015–2020) on enhancing the fiscal and administrative capacity of the Board while continuing to fulfill its missions.¹⁶ An Amnesty International report as of July 31, 2015 described the Legal Aid Board as not yet operational.¹⁷

Despite delayed official implementation, community paralegals are helping provide legal services in various parts of the country. For example, paralegals are improving health care service delivery by helping communities to hold the government accountable for breakdowns in the system that lead to absent nurses.¹⁸ They are aiding women in conflict with the law, supporting women in prison, or otherwise offering assistance with pre-trial services.¹⁹ Paralegals are also working with communities to hold investment companies accountable for environmental damage and other unethical operations, assisting communities with negotiating land deals with companies, and providing legal information and advice through a toll-free public telephone line.²⁰

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Synopsis of the Legal Aid Programme*, SIERRA LEONE LEGAL AID BOARD, (September 4, 2015), <https://www.linkedin.com/pulse/synopsis-legal-aid-programme-legal-aid-board>.

¹⁷ *Amnesty International Report 2014/15: Sierra Leone*, AMNESTY INTERNATIONAL, (2014), http://www.justice.gov/sites/default/files/pages/attachments/2015/07/31/amnesty-international_2014_sierra-leone.pdf.

¹⁸ *Bringing Justice to Health Services: The Role of Sierra Leone’s Community Paralegals*, WORLD BANK, (March 14, 2012), <http://www.worldbank.org/en/news/feature/2012/03/14/bringing-justice-to-health-services-the-role-of-sierra-leones-community-paralegals>.

¹⁹ *What We Do*, ADVOCAID, (2017), <http://advocaidsl.org/what-we-do/>.

²⁰ *Protecting Community Lands & Resources in Africa: Grassroots Advocates’ Strategies & Lessons*, NAMATI, 155 (Eds. Stephanie Booker, Rachael Knight, and Marena Brinkhurst: 2015), <https://namati.org/wp-content/uploads/2016/01/Protecting-Community-Lands-and-Resources-in-Africa-Namati-and-Natural-Justice-LR.pdf>.

ANNEX: The Law (Excerpts)

The Legal Aid Act (2012)

1. In this Act unless the context otherwise requires-

...

“accredited paralegal” means a person employed by the Board, a government department, an accredited civil society organization or a non-governmental organization and who has completed a training course in the relevant field of study at the Judicial and Legal Training Institute or an educational institution approved by the Board;

...

"Legal advice and assistance" means providing information in both criminal and civil cases about the relevant law and legal processes, assisting with alternative dispute resolution, advising on legal issues, assisting with the drafting of documents other than instruments prohibited under section 24 of the Legal Practitioners Act, 2000, referring matters to legal practitioners and other forms of assistance that do not constitute legal representation.

...

“legal aid practitioner” means a legal practitioner employed by the Board, a legal practitioner in private practice accredited by the Board, a legal practitioner employed by an accredited civil society, non-governmental organization or university law clinic, to provide legal aid; “legal aid provider” means a legal practitioner, civil society organization, non-governmental organization, university law clinic or paralegal accredited to provide legal aid;

...

PART II-ESTABLISHMENT OF LEGAL AID BOARD

2. (1) There is hereby established a body to be known as the Legal Aid Board.

...

4. The Board shall consist of the following members: -

- a) a chairman who is a judge of the Superior Court of Judicature recommended by the Chief Justice and appointed by the President subject to the approval of Parliament;
- b) a representative of the Law Officers Department not below the rank of Principal State Counsel;
- c) a representative of the Ministry responsible for social welfare not below the rank of Deputy Director ;
- d) a representative of the Bar Association of not less than five years standing at the Bar ;
- e) a representative of the Department of Law, Fourah Bay College;
- f) a representative of the Council of Paramount Chiefs ;

- g) one representative each from civil society and non-governmental organizations having experience, knowledge and expertise on issues relating to legal aid;
- h) a representative of the Inter-Religious Council; and
- i) the chairman of the Local Government Association.

...

9. (1) The object for which the Board is established is to provide, administer, coordinate and monitor the provision of legal aid in civil and criminal matters.
- (2) Without prejudice to the generality of subsection (1), it shall be the function of the Board to–
- a) provide legal aid;
 - b) accredit persons or bodies to provide legal aid;
 - c) determine the types of persons and cases for which legal aid may be granted;
 - d) determine the circumstances in which contributions towards legal aid shall be paid by legally-aided persons and how the contributions shall be calculated;
 - e) enter into cooperation agreements with legal practitioners, civil society and nongovernmental organizations, university law clinics or law departments;
 - f) compile and publish information about the functions of the Board and other legal aid providers;
 - g) cooperate with other bodies as it may determine for achieving its object;
 - h) carry out other activities conducive to the attainment of the object of the Board;
 - i) undertake research into all aspects of legal aid.

...

10. The Board shall have power to do all things necessary to provide legal aid in accordance with its functions under this Act including –
- a) granting legal aid with or without conditions or varying , withdrawing or revoking the legal aid;
 - b) contracting legal aid work to legal aid practitioners in private practice on such terms and conditions as the Board may consider appropriate;
 - c) entering into co-operation agreements with legal aid providers;
 - d) establishing mechanisms for the effective administration, coordination and evaluation of legal aid;
 - e) undertaking inquiries or investigations which the Board considers expedient in order to discharge its functions;
 - f) disseminating information regarding the national legal aid scheme;
 - g) requesting assistance of the ministry responsible for justice, public and private and other bodies as may be necessary for carrying out its functions.

11. The Board shall not be subject to the direction or control of any person or authority in the performance of its functions.

...

14. (2) Without prejudice to subsection (1), the Board shall appoint at least one paralegal to each Chiefdom-
- a) to provide advice, legal assistance and legal education to the Paramount Chief and the inhabitants of the Chiefdom;
 - b) where appropriate to assist in diverting certain cases to the formal justice system.

...

15. (1) The activities of the Board shall be financed by a fund consisting of-
- a) monies appropriated by Parliament for the purposes of the Board;
 - b) monies generated by the Board in the course of its activities; and
 - c) grants, donations, bequests or other contributions made to the Board.
- (2) The funds of the Board shall be managed by the Director who shall also act as the vote controller in accordance with the Public Budgeting and Accountability Act, 2005.

16. The Board shall keep proper books of accounts and proper records in relation to the accounts and in a form approved by the Auditor-General.

17. (1) The books and account of the Board for each financial year shall be audited by the Auditor-General or an auditor appointed by the Auditor-General.
- (2) The Auditor-General may, in addition to any accounts under subsection (1), at any time, audit the accounts and the records in relation to the accounts of the Board.
- (3) The Auditor-General shall submit to the Board a report of the audit carried out by him.

...

19. (1) The Board shall, as soon as practicable, after the end of each financial year, but within six months after that, submit to the Minister an annual report dealing generally with the activities and operations of the Board within the financial year and the report submitted by the Auditor-General.
- (2) The Minister shall, within one month after receiving the report lay it before Parliament together with any comments on the report that he may make.

...

PART VI-PROVISION OF LEGAL AID

20. (1) Where the interest of justice so requires, an indigent who is arrested, detained or accused of a crime shall, subject to this Act, have access to-
- a) legal advice and assistance;
 - b) legal representation, where the indigent's application for legal representation has been approved by the Board from the moment of his arrest until the final determination of the matter and subject to section 28, the appellate process.

(2) Where the interest of justice so requires, an indigent who wishes to bring or defend a civil matter shall have access to-

- a) legal advice and assistance;
- b) legal representation, where the indigent's application for legal representation has been approved by the Board.

...

30. (1) The Board shall subject to subsection (2) and for the purpose of providing legal aid accredit-

- a) legal practitioners;
- b) civil society organizations;
- c) university law clinics;
- d) paralegals; and
- e) non-governmental organisations.

(2) The Board shall accredit university law clinics or paralegals only if in the case of-

- a) university law clinics, that are affiliated with the Judicial and Legal Training Institute; or
- b) paralegals, that have been certified as having gone through the appropriate courses at the Judicial and Legal Training Institute or any other appropriate institution approved by the Board.

31. Legal aid providers shall keep proper records of their activities on behalf of their clients as determined by the Board and submit quarterly reports of the activities to the Board.

32. (1) The Board shall monitor and evaluate the quality of legal representation in legal aid procedures.

(2) Where the results of monitoring and evaluation conducted under subsection (1) indicate that a legal aid practitioner or pupil barrister has been guilty of unprofessional conduct the Board shall refer the information to the General Legal Council for appropriate disciplinary action.