

Kenya

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 (2016).
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	
Advocating to authorities?	Yes	
Monitoring for violations of rights?	N/S	
Litigating (with or without the help of lawyers)?		
- Criminal	Yes	
- Civil	Yes	
Navigating administrative processes?	N/S	
Recognized Places of Work		
Government-run offices or legal aid centers?	Yes	
Non Governmental Organizations?	Yes	
Independent practice?	No	
INDEPENDENCE AND ACCOUNTABILITY		
Is the independence of community paralegals explicitly protected?	N/S	
Are there boards or bodies that monitor community paralegals?	Yes	
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	
QUALITY AND STANDARDS		
Must community paralegals meet certain criteria in order to practice?	Yes	
Is there a board, body, or certification scheme to recognize qualified community paralegals?	Yes	
SCALE AND FINANCING		
Does any public revenue fund community paralegals?	Yes	

	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?
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Note: The law provides for reimbursement of providers by the Kenyan Government based on their determination of costs. However, in practice, no funding has been issued. Paralegals are not allowed to set their own prices or profit from provision of legal aid services.

Issues			
Criminal Justice	Yes	Yes	Yes
Civil and Political Rights	Yes	Yes	Yes
Education	Yes	Yes	Yes
Environmental Justice	Yes	Yes	Yes
Family Law	Yes	Yes	Yes
Health	Yes	Yes	Yes
Housing	Yes	Yes	Yes
Labor & Employment	Yes	Yes	Yes
Land & Natural Resources	Yes	Yes	Yes
Migrants, Refugees, & Citizenship	Yes	Yes	Yes
Peace-building	N/S	Yes	Yes
Transparency	Yes	Yes	Yes
Water & Sanitation	Yes	Yes	Yes

Key			
	N/S = Not specified	? = 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?

The Legal Aid Act of 2016 established a formal legal aid scheme for Kenya.¹ According to the Act, “legal aid providers” include: advocates operating under the Law Society of Kenya’s pro bono program, paralegals, firms of advocates, public benefit or faith based organizations, universities or other institutions operating legal aid clinics, and government agencies accredited to provide legal aid.²

Paralegals, under the Act, are defined as persons “employed by the [National Legal Aid Service] or an accredited legal aid provider who [have] completed a training course in the relevant field of study in an institution approved by the Council of Legal Education”.³

The Paralegal Support Network (PASUNE), which advocated for “the enactment of legislation that would recognise and institutionalise paralegals within the justice sector,”⁴ developed a handbook referred to as “The Paralegal’s Handbook”. Within this, PASUNE provided its own definition of paralegals:

“A paralegal worker is [a] community based individual, who is not a lawyer but who has basic legal knowledge and skills. Paralegal workers are therefore development workers and community members who educate people about the law or offer basic legal services. Paralegals can refer to persons who are part of the legal process like court prosecutors, court clerks, and probation and children officers. These persons although not lawyers offer essential legal services as part of their work. The second category is those members of the local community who render legal services on a voluntary basis and outside or in addition to their normal work.”⁵

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

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

¹ Kenya Gazette Supplement, *The Legal Aid Act*, NATIONAL COUNCIL FOR LAW REPORTING LIBRARY, Issue No. 56: Act No. 6 (April 26, 2016), Section 3.

² *Id.*, at Section 2.

³ *Id.*

⁴ *Empowering the Poor through Community-based Paralegals*, CENTRE FOR ACCOUNTABILITY AND RULE OF LAW, (March 29, 2010), http://www.carl-sl.org/home/articles/402-empowering-the-poor-through-community-based-paralegals#_ftn26.

⁵ Paralegal Support Network, *The Paralegal’s Handbook*, PASUNE, 4, <https://namati.org/resources/the-paralegals-handbook-pasune/>

Under the Legal Aid Act, paralegals work in the broadly defined sphere of “provid[ing] legal advice and assistance in accordance with the Act.”⁶ The Act aims to promote access to justice by: 1) “providing affordable, accessible... and accountable legal aid services to indigent persons;” 2) “providing a legal aid scheme to assist indigent persons to access legal aid;” 3) “promoting legal awareness;” 4) “supporting community legal services by funding justice advisory centers, education, and research;” and 5) “promoting alternative dispute resolution methods that enhance access to justice.”⁷

Some paralegals are trained to take a generalist approach – they aim to respond to problems that affect a given community. They usually work out of their homes or are based in modest local offices maintained by community based organizations. Most paralegals however focus on specific thematic areas or marginalized groups. For example, the Bar Hostess Empowerment and Support Programme trains paralegals from within the sex worker community and the Nubian Rights Forum works with minority communities in order to help with their legal identity documents or proof of citizenship. A third category of paralegals are based within state institutions. They are integrated into state services such as prisons and remand homes.⁸

Where do community paralegals work?

According to the Legal Aid Act, paralegals are employed by the National Legal Aid Service (NLAS) or an accredited legal aid provider.⁹ These legal aid providers include legal aid clinics and community justice centers, such as those centers run by Kituo Cha Sheria.¹⁰ Accredited paralegals may provide legal advice under the supervision of either an advocate or an accredited legal aid provider.¹¹

Independence and Accountability

Is the independence of community paralegals explicitly protected?

The agency of paralegals is linked to the legal aid providers that supervise them. In order to provide legal advice, they must be supervised by a lawyer or other accredited legal aid providers. Furthermore, the NLAS is responsible for coordinating paralegals and other legal service providers, and for giving general directions on the proper implementation of legal aid.

⁶ *The Legal Aid Act, supra* Note 1, Section 68.

⁷ *The Legal Aid Act, supra* Note 1, Section 3.

⁸ Abigail Moy, *Kenya’s Community-Based Paralegals: A Tradition of Grassroots Legal Activism*, in *COMMUNITY PARALEGALS AND THE PURSUIT OF JUSTICE* (Vivek Maru & Varun Gauri ed., forthcoming 2018).

⁹ *The Legal Aid Act, supra* Note 1, Section 2.

¹⁰ *About Us*, KITUO CHA SHERIA: LEGAL ADVICE CENTRE, (2016), <http://kituochasheria.or.ke/about-us/#1455270346317-28f38c18-df2f>.

¹¹ *The Legal Aid Act, supra* Note 1, Section 2.

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?

Under the Legal Aid Act, paralegals are subject to the NLAS, whose board oversees the broader legal aid scheme. The board would oversee the work of paralegals—and legal aid providers more generally—in terms of both setting accreditation standards and the continued monitoring of the work provided.¹² The latter task is to be done through establishing a publically available register of legal aid providers,¹³ developing a code of conduct to apply to legal aid providers,¹⁴ and then monitoring and evaluating the work of the providers through the maintenance of records of the services provided.¹⁵

In addition to the Director, the board consists of: a person appointed by the President from among persons qualified to be appointed as a judge of the High Court, a judge of the High Court nominated by the Chief Justice, the Principal Secretary in the Ministry responsible for matters relating to justice, the Principal Secretary in the Ministry responsible for matters relating to finance, the Principal Secretary in the Ministry responsible for the coordination of National Government, the Director of Public Prosecutions or a representative, one person nominated by the Law Society, one person nominated by the Kenya National Commission on Human Rights, one person nominated by the Council for Legal Education, one person elected by a joint forum of Public Benefit Organizations, and one person nominated by the National Council of Persons with Disabilities.¹⁶

The accreditation process reveals the type of broad engagement with a variety of actors that is envisioned under the new framework. In setting standards, the board is to consult with the Law Society of Kenya, the Attorney-General, the Cabinet Secretary, Director of Public Prosecutions, public benefit organizations, and “any other person that the Service considers necessary”.¹⁷

While the board is expressly made independent¹⁸ and it is to consult with a number of governmental and non-governmental organizations, it does nonetheless report to the Cabinet Secretary in the government for purposes of accountability.¹⁹

¹² *Id.*, at Section 7.

¹³ *Id.*, at Section 60.

¹⁴ *Id.*, at Section 61.

¹⁵ *Id.*, at Section 65.

¹⁶ *Id.*, at Section 9.

¹⁷ *Id.*, at Section 57.

¹⁸ *Id.*, at Section 23.

¹⁹ *Id.*, at Section 83.

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?

According to the Legal Aid Act, paralegals must meet the accreditation standards established by the Service. To be considered a paralegal as defined by the Act, an individual must complete a training course “in the relevant field of study in an institution approved by the Council of Legal Education”.²⁰ The National Action Plan published in 2017 reinforces a strategic objective to develop an accreditation, certification and licensing system for paralegals. Towards this end, the NLAS has been tasked with establishing a training system and criteria for admission into the paralegal training program and standards for paralegal operations.²¹

As previously stated, the NLAS is to consult a variety of actors in determining the accreditation criteria for legal aid providers. These include both government officials and public benefit organizations.

The NLAS also reserves the right to cancel accreditation on a number of grounds, including if it is satisfied that the accreditation was obtained by mistake or misrepresentation, or if the legal aid provider has failed to comply with any of the conditions of their accreditation.²²

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

There are a number of different ways in which paralegals can receive training. The most formal is through the Kenya School of Law, which has developed a “Diploma of Law (Paralegal) Studies programme” to “bridge the existing gap in a middle cadre to support legal professionals at the practicing Bar, the corporate world and government institutions.”²³ The program runs for two years and seeks to “serve among others the Kenya Police, Kenya Prisons, the Judiciary, the State Law Office, the Bar and Government departments”.²⁴ Paralegals that work as grassroots legal advocates, however, typically do not have this kind of formalized paralegal training.

Outside of the Kenya School of Law, a number of non-profit organizations work to engage with and train community paralegals to address a number of different issues in the area of legal aid. For example, Kituo cha Sheria in conjunction with UNHCR Kenya and the International Rescue Committee, offers training focused on empowering community representatives to assist their community with access to justice issues.²⁵ While Kituo cha

²⁰ *Id.*, at Section 2.

²¹ Office of the Attorney General and Department of Justice, *National Aid Plan: Legal Aid 2017-22 Kenya*, 48-50, (2017) <http://www.statelaw.go.ke/wp-content/uploads/2017/12/NAP-Legal-Aid-2017-2022.pdf>.

²² *Id.*, at Section 67.

²³ *Paralegal Studies: Diploma in Law (Paralegal Studies) Curriculum*, KENYA SCHOOL OF LAW, (2015), <http://www.ksl.ac.ke/index.php/academic-programmes-course-offerings/paralegal-studies>.

²⁴ *Id.*

²⁵ *Community Based Protection Paralegal Training*, KITUO CHA SHERIA: LEGAL ADVICE CENTRE, (2016), <http://kituochasheria.or.ke/community-based-protection-paralegal-training-congratulations-graduands/>.

Sheria is known to conduct two-week trainings with refresher courses conducted on a quarterly basis, the Legal Resources Foundation Trust conducts longer-term one year trainings. More broadly, PASUNE created a manual and curriculum to “harmonise and standardise paralegal training and coordination,”²⁶ and the Legal Resources Forum Trust has sought to regulate and train paralegals.²⁷

Public Financing

Does any public revenue fund community paralegals?

The Legal Aid Act explicitly prohibits the paralegals from requesting or receiving payments from persons who qualify for legal aid. While the Act does not proscribe remuneration of paralegals by the training or parent organization, community paralegals in Kenya are usually not paid in practice and are treated as “volunteers”. The Act establishes the Legal Aid Fund to “defray the expenses incurred by the representation of persons,” “pay remuneration of legal aid providers,” or “meet the expenses incurred by legal aid providers.” While this leaves the door open for public financing of paralegals, details on how the fund will work in practice are still being negotiated. In their recommendations to the government on legal aid implementation and financing, civil society has emphasized sustainable measures along with setting up systems to assess community needs and monitoring progress toward the Act’s goals. Multi-stakeholder meetings involving civil society, multiple government agencies, members of Parliament, the Human Rights Commission, the private sector, and international and donor agencies have been sought to be convened.²⁸ While noting how the now defunct National Legal Aid and Awareness Programme (NALEAP) was allocated the least funds in the budgetary allocation to the justice sector, the National Action Plan pushes for genuine government commitment in the form of a specific vote by Treasury on legal aid.²⁹

Practitioner Perspectives on Community Paralegals

General observations about the law in practice

Beginning in the year 2000, civil society organizations have combined forces to mobilize their resources towards development of training modules and a code of conduct for paralegals, and to advocate for the legal aid law which was eventually passed in 2016. The organizations were also successfully able to lobby for legal aid providers, in addition to advocates, to accredit paralegals under the law.

With the passing of the law and the consequent formal recognition of paralegals, the community acknowledges that that this development is a milestone. At the same time, concerns have also been voiced regarding the potential dampening effect that a formal accreditation and licensing system can have on the effectiveness of paralegal work in Kenya. It places an onerous burden on community paralegals (in particular, those living in villages) who are

²⁶ Centre for Accountability and Rule of Law, *supra* Note 4.

²⁷ *About Us*, LEGAL RESOURCES FOUNDATION TRUST, (2018), <http://www.lrf-kenya.or.ke/history#>.

²⁸ Abigail Moy, *supra* Note 8, at 192-193.

²⁹ *National Aid Plan*, *supra* Note 21, at 40.

required to go through a formal accreditation process when they do not necessarily have easy access to advocates or accredited legal aid providers. Further, it is unlikely that advocates in law firms who have historically resisted formal recognition of paralegals, will be forthcoming in so far as accrediting community paralegals are concerned. Civil society organizations worry that the formal accreditation system may dis-incentivize people from becoming community paralegals or lead to an elite capture by paralegals whose motives are not driven by voluntarism or community interests.

Even though the legal aid fund has not yet been put in place, preliminary efforts at implementing the system have begun with the circulation of draft regulations on eligibility and accreditation of paralegals and a code of conduct. In light of the government's renewed commitment to legal aid under the National Action Plan and directions on legal aid in courts by the former Chief Justice in 2016, practitioners are positive that the legal aid fund and accreditation system will be put in place soon.

ANNEX: The Law (Excerpts)

The Constitution of Kenya³⁰

...

48. The State shall ensure access to justice for all persons and, if any fee is required, it shall not impede access to justice.

49. Rights of arrested persons.

1) An arrested persons has the right:

c. [...] to communicate with an advocate, and other persons whose assistance is necessary;

50. Fair hearing.

2) [...] Every accused person has the right to a fair trial, which includes the right:

g. [...] to choose, and be represented by, an advocate, and to be informed of this right promptly;

h. to have an advocate assigned to the accused person by State and at State expense, if substantial injustice would otherwise result, and to be informed of this right promptly;

Legal Aid Act (2016)

...

AN ACT of Parliament to give effect to Articles 19 (2), 48, 50 (2) (g) and (h) of the Constitution to facilitate access to justice and social justice; to establish the National Legal Aid Service; to provide for legal aid, and for the funding of legal aid and for connected purposes

2. In this Act, unless the context otherwise requires

"accredited paralegal" means a person accredited by the service to provide paralegal services under the supervision of an advocate or an accredited legal aid provider;

"advocate" has the meaning assigned thereto in the Advocates Act;

"aided person" means a person who is granted legal aid under this Act and includes-

(i) a person who is granted legal aid on an interim basis;

and (ii) a person whose grant of legal aid has been withdrawn under section 52;

"Fund" means the Legal Aid Fund established under section 29;

"grant of legal aid" means a grant of legal aid under this Act and includes any amendments to that grant;

"indigent person" means a person who cannot afford to pay for legal services;

"justice advisory centre" means a centre established by the Service for administering and providing legal aid services in Kenya;

³⁰ *The Constitution of Kenya*, THE OFFICIAL LAW REPORTS OF THE REPUBLIC OF KENYA, (Rev. 2010), <https://www.kenyaembassy.com/pdfs/The%20Constitution%20of%20Kenya.pdf>.

"legal aid" includes —

- (a) legal advice;
- (b) legal representation;
- (c) assistance in —
 - (i) resolving disputes by alternative dispute resolution;
 - (ii) drafting of relevant documents and effecting service incidental to any legal proceedings; and (iii) reaching or giving effect to any out-of-court settlement;
- (d) creating awareness through the provision of legal information and law-related education;
- and (e) recommending law reform and undertaking advocacy work on behalf of the community;

"legal aid clinic " means a law clinic accredited by the Service or offered by an accredited legal aid provider;

"Legal Aid Guide" means the Guide referred to in section 85;

"legal aid provider" means —

- (a) an advocate operating under the pro bono programme of the Law Society of Kenya or any other civil society organization or public benefit organization;
- (b) a paralegal;
- (c) a firm of advocates;
- (d) a public benefit organization or faith based organization;
- (e) a university or other institution operating legal aid clinics;
- or (f) a government agency, accredited under this Act to provide legal aid.

"paralegal" means a person employed by the Service or an accredited legal aid provider who has completed a training course in the relevant field of study in an institution approved by the Council of Legal Education;

"public benefit organization" means a public benefit organization registered under Public Benefit Organizations Act;

- 3.** *The object of this Act is to establish a legal and Object of Act. institutional framework to promote access to justice by*
- (a) *providing affordable, accessible, sustainable, credible and accountable legal aid services to 102 No. 6 Legal Aid 2016 indigent persons in Kenya in accordance with the Constitution;*
 - (b) *providing a legal aid scheme to assist indigent persons to access legal aid;*
 - (c) *promoting legal awareness; (d) supporting community legal services by funding justice advisory centers, education, and research;*
 - and (e) *promoting alternative dispute resolution methods that enhance access to justice in accordance with the Constitution.*

...

PART II—THE NATIONAL LEGAL AID SERVICE

5. (1) *There is established a service to be known as the National Legal Aid Service.*

(2) *The Service shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name be capable of —*

- (a) *suing and being sued;*
- (b) *acquiring, holding, charging or disposing of movable and immovable property;*

and (c) doing or performing all such things or acts for the proper discharge of its functions under this Act, Guiding principles Establishment of the National Legal Aid Service. 103 2016 Legal Aid which may be lawfully performed by a body corporate.

(3) The Service shall be the successor to the National Legal Aid and Awareness Program existing immediately before the coming into force of this Act.

6. The headquarters of the Service shall be in the capital city but the Service may establish branches in every County in Kenya to ensure reasonable access of its services.

7. (1) The functions of the Service shall be to—

- (a) establish and administer a national legal aid scheme that is affordable, accessible, sustainable, credible and accountable;
 - (b) advise the Cabinet Secretary on matters relating to legal aid in Kenya;
 - (c) encourage and facilitate the settlement of disputes through alternative dispute resolution;
 - (d) undertake and promote research in the field of legal aid, and access to justice with special reference to the need for legal aid services among indigent persons and marginalized groups;
 - (e) take necessary steps to promote public interest litigation with regard to consumer protection, environmental protection and any other matter of special concern to the marginalized groups;
 - (f) provide grants in aid for specific schemes to various voluntary social service institutions, for the implementation of legal aid services under this Act;
 - (g) develop and issue guidelines and standards for the establishment of legal aid schemes by Non-Governmental Agencies;
 - (h) in consultation with the Council of Legal Education, develop programs for legal aid education and the training and certification of paralegals;
 - (i) promote, and supervise the establishment and working of legal aid services in universities, colleges and other institutions; No. 6 Headquarters. Functions of the Service. 104 No. 6 Legal Aid 2016
 - (j) promote the use of alternative dispute resolution methods;
 - (k) take appropriate measures to promote legal literacy and legal awareness among the public and in particular, educate vulnerable sections of the society on their rights and duties under the Constitution and other laws;
 - (l) facilitate the representation of persons granted legal aid under this Act;
 - (m) assign legal aid providers to persons granted legal aid under this Act;
 - (n) establish, coordinate, monitor and evaluate justice advisory centers;
 - (o) coordinate, monitor and evaluate paralegals and other legal service providers and give general directions for the proper implementation of legal aid programs;
 - (p) administer and manage the Legal Aid Fund;
- and
- (q) perform such other functions as may be assigned to it under this Act or any other written law.

(2) The Service shall issue guidelines specifying matters or classes of matters relating to the provision of legal aid.

8. The Service shall have all powers incidental to and necessary for the effective discharge of its functions under this Act and any other written law.

PART III – ADMINISTRATION

9.(1) The Service shall be governed by a board which shall consist of –

- (a) a person appointed by the President from among persons qualified to be appointed as a judge of the High Court, who shall be the chairperson;
- (g) one person nominated by the Law Society of Kenya;
- (h) one person nominated by the Kenya National Commission on Human Rights;
- (i) one person nominated by the Council for Legal Education;

(j) one person elected by a joint forum of Public Benefit Organizations offering legal aid to the public, including women, youth and children;

(k) one person nominated by the National Council of Persons with Disabilities;

10. The Board shall –

(c) monitor and evaluate the performance of the service

(f) set and monitor standards for the establishment and operations of legal aid schemes;

...

PART V – THE LEGAL AID FUND

29.(1) There is established a fund, to be known as the Legal Aid Fund, which shall vest in and be managed by the Service.

(2) The Fund shall consist of –

(a) moneys allocated by Parliament for the purposes of the Service;

...

PART VI – LEGAL AID SERVICES

35.(1) The Service shall provide legal aid services at the expense of the State to persons who qualify for legal aid services under this Act.

(2) The Service shall provide legal aid services in –

(a) civil matters;

(b) criminal matters;

(c) children matters;

(d) constitutional matters;

(e) matters of public interest; or

(f) any other type of case or type of law that the Service may approve.

36.(1) A person is eligible to receive legal aid services if that person is indigent, resident in Kenya and is –

(a) a citizen of Kenya;

(b) a child;

(c) a refugee under the Refugees Act;

(d) a victim of human trafficking; or

(e) an internally displaced person; or

(f) a stateless person.

37. The Service shall not provide legal aid services in respect of civil proceedings –

(a) to a company, corporation, trust, public institution, civil society, Non-Governmental Organization or other artificial person;

(b) in matters relating to tax;

(c) in matters relating to the recovery of debts;

(d) in bankruptcy and insolvency proceedings; and

(e) in defamation proceedings.

...

39.(1) The Service may, where it deems it necessary, recommend an aided person to alternative forms of dispute resolution and may for that purpose, provide the aided person with such services at the expense of the Service.

(2) An alternative dispute resolution service may be provided by –

(a) an employee of the Service; or

(b) a person or institution with expertise in the area of alternative dispute resolution that is engaged by the Service specifically to conduct an alternative dispute resolution programme.

...

PART VIII – ACCREDITATION OF LEGAL AID PROVIDERS

56. A person or organization shall not provide legal aid services under this Act unless that person or organization is accredited to provide those services.

57.(1) The Service shall, through regulation, develop and adopt criteria for accreditation

(2) In developing accreditation criteria, the Service shall consult with the Law Society of Kenya, the Attorney-General, the Director of Public Prosecutions, public benefit organizations and any other person that the Service considers necessary.

58.(1) A person or organization wishing to provide legal aid services shall apply to the Service for accreditation in the prescribed manner.

...

65.(1) A legal aid provider shall—

(a) keep proper records of activities undertaken on behalf of an aided person; and

(b) provide legal services, as prescribed by the Service.

(2) The Service shall monitor and evaluate the activities and the quality of legal representation offered by a legal aid provider under sub-section (1).