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United Nations Development Programme



LEGAL AID SERVICE PROVISION A GUIDE ON PROGRAMMING IN AFRICA

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FOREWORD

There is a growing recognition within the development community that legal aid is increasingly playing a significant role in improving access to justice for impoverished, marginalized and excluded groups, and in providing them with access to legal entitlements, resolution of disputes, and justice processes. The Sustainable Development Goals includes under Goal 16 a very significant set of targets that will strengthen the work of all stakeholders who support legal aid: promoting the rule of law at the national and international levels and ensuring equal access to justice for all requires, so that no one is left behind, a strong investment in legal aid.



Legal aid support is central to UNDP's rule of law and access to justice programming, which in line with our 2014-2017 Strategic Plan aims to strengthen democratic governance, foster peace and achieve progress towards sustainable development. It is holistically incorporated within programmes that are designed to enhance the capacities of institutions to deliver justice and the capacities of people to seek remedies for injustices. Globally, UNDP contributes to strengthening legal aid in over 50 countries, of which 17 are in Africa, through both state-led legal aid systems as well as non-state and paralegal mechanisms. We work across different development settings and political contexts, in fragile, conflict-affected and post-conflict countries; and in partnership with governments, local and international civil society organizations, universities and law schools, regional organizations and the broader UN System.

Across Africa, UNDP has been expanding its work on strengthening rule of law and promoting access to justice. While the region has seen much economic growth and expansion of democracy over the past decade, many poor and vulnerable groups still face significant obstacles which prevent them from benefitting from the opportunities brought by these developments. Ensuring legal frameworks that facilitate access to opportunities for all, remedies when people's rights have been violated, and independent and fair justice systems, is at the heart of UNDP's efforts to promote resilient governance and human development. Our approach to rule of law in the African region seeks to strengthen the capacities of justice institutions, while also placing a strong emphasis on legally empowering marginalized groups. This includes support for rights awareness and legal aid provision, including through paralegals who play an important role in ensuring access to justice at the community level.

Legal aid has emerged as a critical tool to tackle key issues in the region, such as addressing women's inheritance rights, empowering local communities to promote the accountability of extractive industries, securing legal identity or ensuring equal access to health, education and other social and economic services. Women living in rural areas who are denied inheritance rights, subsistence labourers who are denied their wages, or people held in police custody without access to due process rights, face immense power imbalances in trying to resolve their grievances. Often, legal aid service providers, whether lawyers or paralegals, can help correct some of these imbalances by supporting people in navigating the justice system, as well as by advising and/or representing them to claim their rights and entitlements.



This Practitioners' Guide is the outcome of an extensive consultative process involving UNDP and UNICEF practitioners, 15 UNDP Country Offices from Africa, as well as other partners. Drawing on our rich experience in the region, this Guide brings a field-tested, evidence-based perspective to the wide range of technical guidance available on legal aid. It seeks to assist practitioners in strengthening the policy framework and state-led legal aid systems, as well as the capacity of non-state legal aid providers, including those at the grassroots. It also offers technical advice on key aspects of legal aid programming, including monitoring and evaluation, resource mobilization and capacity development.

We trust that you will find this publication a useful resource to inform ongoing and future efforts to strengthen and integrate legal aid support within rule of law and access to justice programming.

Magdy Martínez-Solimán

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