



FOREWORD

PROFESSOR ALAN PATERSON, CHAIR, INTERNATIONAL LEGAL AID GROUP

Dear Colleagues

There has never been a busier time in the legal world for networking and conferences – legal aid has come nearer the top of the agenda for a whole range of international bodies. I am delighted that the ILAG Newsletter is playing a key role in the dissemination of ideas in this time of flux. As before, congratulations go to Peter van den Biggelaar for his enthusiastic drive for articles and to Paul Ferrie for the news updates. The next ILAG conference is only 7 months away – so please send in paper abstracts if you have not already done so.

Have a good holiday season when it comes.

Alan (Paterson)

Chair, ILAG

IDENTIFYING THE ECONOMIC BENEFITS OF LEGAL AID

**LUCY SCOTT-MONCRIEFF
IBA ACCESS TO JUSTICE AND LEGAL AID COMMITTEE**

The IBA and the World Bank are jointly funding a project to identify the economic benefits of legal aid and to produce guidance that any jurisdiction can use to calculate the benefits in their own country. This project has emerged from the work started in 2016 on producing a Guide to Legal Aid Principles in Civil, Administrative and Family Justice Systems, which was launched in Rome on 9 October, and which I attach for your information.

The intention of the new project is to identify the economic benefits of legal aid; set them in the wider context, with which we are all familiar, of the economic benefits of the rule of law, including access to justice; and establish how jurisdictions with widely differing circumstances, traditions and economies can calculate the economic benefits of legal aid.

Funding will be made available for experts to conduct the research, review the literature and write the report, but wider involvement is needed to ensure that the experts have access to as much relevant information from across the world as possible.

The report will be published at the IBA Annual Conference in Seoul in October 2019, but of course the World Bank needs papers much sooner than that.

I attach a paper, produced by the World Bank, intended to start the process of information gathering. It has not had the benefit of a widespread literature review, but nonetheless provides an excellent starting point for comment and response.

At the end of the paper you will see that we are asking that you assist the work by:

- Providing any existing research, policy, thought piece or other document relevant to identifying the economic benefits of legal aid, or the economic costs of not providing legal aid;
- Identifying potential economic benefits from legal aid that are not mentioned in the document;
- Making any other comments with a view to ensuring the final report is comprehensive, relevant for jurisdictions of all types and traditions, and of use to all governments and policy makers in developing or reforming their legal aid systems.

Relevant information can range from nation-wide studies of whole legal aid systems carried out by academics and professional researchers to small-scale studies carried out by practitioners looking at the effects of legal aid or its lack in the community served by the practitioners.

Information from, or about, jurisdictions under-represented in the examples in this document is particularly welcome, including civil law jurisdictions and those in Africa, Asia, Central and South America, Europe and Oceania;

I hope very much that you will help us in this project, and please feel free to pass this request to practitioners, policy makers and academics in your country or elsewhere who you think would like to contribute.

All responses should be sent to gharley@worldbank.org

If you have any queries, please feel free to contact me at lscottmoncrieff@scomo.com

INTRODUCTION: THE NATIONAL LEGAL AID POLICY, REPUBLIC OF ZAMBIA, 2018

KAROL LIMONDIN, SENIOR LEGAL ADVISER, LUSAKA, ZAMBIA

On 1st October 2018, the **Government of Zambia adopted a National Legal Aid Policy** with the objective to ensure efficient and effective delivery of legal aid services to the poor and vulnerable people in Zambia.

The development of the Legal Aid Policy followed an inclusive approach based on extensive consultations involving institutions and stakeholders at provincial and national levels. The process was led by the Ministry of Justice and the Legal Aid Board in Zambia. The participants in the consultations included ministries and other state institutions, the Law Association of Zambia, universities and other higher educational institutions, and more than 25 civil society organisations involved in legal aid.

The **Danish Institute for Human Rights (DIHR)** and the **Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)** have been providing continued technical assistance and expertise since 2012 to date, to the Drafting Committee and Technical Working Group appointed by the Ministry of Justice with the task of developing the National Legal Aid Policy.

The Legal Aid Policy establishes a **comprehensive and forward-looking legal aid system in Zambia**. It widens the scope of legal aid services. It recognises the role of civil society organisations in providing legal aid through paralegals and law degree holders, and the additional contribution from university law clinics and legal practitioners providing pro bono legal aid. It puts emphasis on the effective mobilisation and coordination of all legal aid service providers including state and non-state actors. It supports increased awareness on the law and legal aid services amongst the population in order to empower people to claim their rights and obtain remedies. Overall, the Legal Aid Policy recognises the duty and responsibility of the State to provide for legal aid and expands the mandate and functions of the Legal Aid Board to include the coordination, regulation and monitoring of the legal aid system.

For more information, contact DIHR at kli@humanrights.dk or visit humanrights.dk.



FACT SHEET

THE NATIONAL LEGAL AID POLICY, REPUBLIC OF ZAMBIA, 2018

The Government of the Republic of Zambia has committed itself to **enhancing equal access to justice particularly for the poor and vulnerable people**, as part of its efforts to observe the rule of law and adhere to human rights, in line with the Seventh National Development Plan 2017-2021 and the National Vision 2030 of the Republic of Zambia.

Access to justice is generally understood as the **ability of people to seek and obtain a remedy** through formal or informal institutions of justice, and in conformity with human rights standards. It goes beyond mere access to institutions and covers the whole process leading from grievance to remedy. Enhancement of access to justice necessitates effective provision of legal aid. On 1st October 2018, the Government of Zambia adopted a National Legal Aid Policy with the objective to ensure **efficient and effective delivery of legal aid services** to the poor and vulnerable people in Zambia.

Expanding the Mandate and Functions of the Legal Aid Board

The Legal Aid Policy recognises the **duty and responsibility of the State to provide for legal aid**. The Legal Aid (Amendment) Act No. 19 of 2005 establishes the Legal Aid Board as a public institution mandated with the provision of legal aid.

The Legal Aid Policy provides for a **strengthened legal aid institutional framework** with the mandate and functions of the Legal Aid Board being expanded to include not only the provision and administration of legal aid, but also the coordination, regulation and monitoring of the legal aid system.

The Legal Aid Policy provides for the further **decentralisation and rolling out of the Legal Aid Board** to more districts. It also puts emphasis on the effective mobilisation and coordination of all legal aid service providers in order to maximise the effectiveness and impact of the legal aid system.

Broadening the Definition of Legal Aid

The Legal Aid Policy widens the **scope of legal aid services** for the provision of the full spectrum of legal services to the poor and vulnerable people.

As a result, services consisting of **legal education, legal information, legal advice** and mechanisms of **alternative dispute resolution** expressly fall within the scope of the legal aid system in Zambia, in addition to **legal assistance** and **representation** in court.

This will enable the Legal Aid Board and other legal aid service providers to apply more resources on **legal education** and **awareness campaigns on the law and legal aid services** amongst the population to empower people to claim their rights and obtain remedies.

Recognising Paralegals and Legal Assistants

The Legal Aid Policy creates a framework for **non-lawyers** to deliver legal aid services in Zambia. This includes **paralegals** and **legal assistants (law degree holders)** with a requirement that they register at the Legal Aid Board for purposes of providing legal aid. Paralegals are organised in **three categories (level 3, level 2 and level 1 paralegals)** whereby qualification requirements match the various levels of specialisation.

In July 2018, the **Technical Education, Vocation and Entrepreneurship Training Authority (TEVETA)** approved the newly established three-level training scheme for paralegals in Zambia, in line with the Legal Aid Policy.

Different university, higher educational institution and civil society organisations have accredited as training providers with TEVETA and will start offering the paralegal training courses in 2019.

The quality assurance framework for paralegals will be further developed by a multi stakeholder **Paralegal Standing**

Committee to be constituted by the Legal Aid Board. This will ensure the competence and accountability of paralegals in the legal aid services delivered.

Involving Civil Society Organisations and University Law Clinics

The Legal Aid Policy officially recognises civil society organisations and university law clinics as legal aid service providers, subject to their accreditation at the Legal Aid Board. Civil society organisations and university law clinics will complement services provided by the 12 offices of the Legal Aid Board countrywide, whereby supporting the **geographical expansion** of the **legal aid system** in Zambia.

Establishing a Mixed Legal Aid Delivery System

The Legal Aid Policy establishes a mixed legal aid delivery system involving **complementary legal aid service delivery models** based on cooperation and engagement between state and non-state legal aid service providers.

This includes the continued establishment of **legal desks based at police stations, correctional facilities and courts of law**, where legal services can be jointly provided by the State and civil society, involving the various categories of legal aid staff with paralegals, legal aid assistants and legal practitioners from the Legal Aid Board. To date, 15 of such desks are already in operation, with six legal desks (called '**Legal Services Units**') active at subordinate court level, eight legal desks operating from correctional facilities and one legal desk established at police station level.

Strengthening the Role of the Legal Profession in the Delivery of Legal Aid Services

The Legal Aid Policy promotes the establishment of a **comprehensive pro bono framework** for an increased number of legal

practitioners to provide legal aid services on a pro bono basis. This will ensure legal practitioners take on pro bono cases and complement legal aid work carried out by the Legal Aid Board, civil society organisations and university law clinics.

The Right to be Informed on Legal Aid

The Legal Aid Policy establishes a duty for state institutions to **inform persons on their right to legal aid** and the availability of legal aid services. It further requires institutions to assist unrepresented detained persons in contacting the Legal Aid Board in order to apply for legal aid.

This should ensure that legal aid becomes readily accessible at all stages of the justice system enabling individuals to claim their rights.

Overall

The majority of the poor and vulnerable people in Zambia currently have limited

access to legal aid services. This means that the rights to legal assistance, legal representation and equality before the law as set out in the Constitution of the Republic of Zambia are not adequately fulfilled in practice.

The Legal Aid Policy lays the **foundation for the establishment of a comprehensive legal aid system** in Zambia that is accessible, effective, credible and sustainable. The efficient and effective delivery of legal aid services will in turn enhance **equal access to justice for the poor and vulnerable people in Zambia**.

The development of the Legal Aid Policy has been supported by the European Union and the Federal Republic of Germany under the Programme for Legal Empowerment and Enhanced Justice Delivery in Zambia (PLEED) with technical assistance from the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Danish Institute for Human Rights (DIHR).

GUIDE ON LEGAL AID PRINCIPLES IN CIVIL, ADMINISTRATIVE AND FAMILY JUSTICE SYSTEMS AND ITS COMMENTARY

IBA, 2018

Since 1991, the IBA has recognised that legal aid is an essential element of access to justice, which is, itself, a universal human right.

Recently the IBA Section on Public and Professional Interest and Bar Issues Commission endorsed a new guidance.

In 2012, the UN General Assembly adopted Resolution 67/187 on the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems ('UN Principles and Guidelines on Criminal Legal Aid'). That Resolution recognised that legal aid is 'an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law'.

UN General Assembly Resolution 67/187 on the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), at page 2, available [here](#).

The IBA guide starts from the position that legal aid is also an essential element in a fair, humane and efficient civil, administrative and family justice system that is based on the rule of law and focuses on access to legal aid in civil, administrative and family justice systems.

It is in the spirit of UN Resolution 67/187 and the recognition therein that legal aid is ‘an essential element of a functioning criminal justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process’. The Resolution also recognises that the UN Principles and Guidelines on Criminal Legal Aid ‘can be applied by Member States, taking into account the great variety of legal systems and socioeconomic conditions in the world’.

It is also a response to the UN Sustainable Development Goal 16 to:

- promote inclusive and peaceful societies for sustainable development;
- provide access to justice for all; and
- build effective, accountable and inclusive institutions at all levels.

Summary of the Guide

The IBA has set out 27 principles under the headings of:

- Funding, Scope and Eligibility
- The Administration of Legal Aid
- The Provision of Legal Aid

We deal with such topics as the matters to be considered when setting a legal aid budget; the relationship between those administering legal aid and their government; how to avoid corruption and favouritism; how decisions should be made on who should be allowed to do legal aid work and how cases should be allocated to them; and how to calculate how much legal aid providers should be paid.

We drew up the principles with the help of legal aid experts from around the world, who came together for a round table discussion in Belfast in May 2017. The Bingham Centre for the Rule of Law helped us to create a consultation document from the outcome of the round table, which was distributed throughout the IBA and beyond, and the Bingham Centre then analysed and collated the responses. This document was drafted from those responses and that analysis.

All of the 27 principles put forward in the consultation were agreed by the majority of those who responded to the consultation, and many were agreed by nearly all who responded.

There are considerable divergences of opinion on some matters, which reflect different cultural and practical ways in which countries have developed their justice and legal aid systems. We have set out the views of those who disagree with particular principles as fully as the views of those who agree with them, in acknowledgement that there are many legitimate ways to achieve our shared objective of providing universal access to justice.

The principles and examples in this document are not prescriptive, but are intended as starting points for debate and consideration. We recognise that some of the principles will not suit the circumstances of some jurisdictions, for reasons that they find compelling.

Nonetheless, we think that all of these principles should be looked at when setting up or reforming legal aid systems, so that proposals can be tested against the principles. The outcome of such comparisons may be a rejection of the principle (in which case a reason can be articulated); or a recognition that the principle can be worked towards but not implemented immediately (in which case a plan towards implementation can be expressed); or the principle may be seen to have merit that had previously not been obvious (in which case it can be adopted); or it may be familiar and accepted (in which case any proposal can be measured against it for validity).

We have quoted from responses, and given examples of differing viewpoints. This has been with the intention of stimulating discussion. To ensure that readers are not unduly influenced by the sources of the quotes and comments, they have not been attributed.

Although this guidance is complete in itself, it is intended to be a living document, with comments and examples being added from time to time, to recognise the many different ways jurisdictions can use the principles to further the aim of equal access to justice in their country. Definitions are set out in section 3. The principles are set out in section 4. An analysis and description of the differing points of view in relation to many of the principles is given in section 5. The list of contributors is at section 6.

An analysis and description of responses to supplementary questions is given in Appendix 1 and examples of how the principles are applied in different jurisdictions are in Appendix 2. These examples are attributed, to allow readers to compare their systems with systems in similar or different jurisdictions, as such comparisons can produce useful insights.

It is possible to download the Guidance [here](#).

INTERNATIONAL LEGAL AID GROUP CONFERENCE, OTTAWA, CANADA, JUNE 17-19, 2019

***EILEEN RITCHIE, ILAG CONFERENCE CO-ORDINATOR
COREEN LAPOINTE, LEGAL AID ONTARIO***

**CONFERENCE VENUE
*Ottawa Art Gallery (OAG)***



10 Daly Avenue, Ottawa, Ontario CANADA
<https://oaggao.ca/>

HOTELS

We have secured several blocks of rooms at group rates for the conference, from Sunday June 16th to Thursday June 20th.

The prices quoted are also available for 3-4 days prior and following the blocked dates, depending on the venue, for those wishing to extend their stay.

Please see the [notes](#) at the end of this document for some important details.

Novotel Ottawa

33 Nicholas Street, Ottawa

<https://www.novotelottawa.com/>

Three minute walk from the OAG

We have a 60 room block (40 with King beds, 20 with 2 double beds).

Unreserved rooms in the block will begin to be released on a tiered basis beginning on April 16th, 2019.

Rates: \$233 / night (\$199 + taxes). This rate will be available until May 17, 2019.

Modifications or cancellations of individual rooms will be accepted without penalty until 7 days prior to the day prior to arrival.

\$22 buffet breakfast (\$19.50 + tax)

Check in: 15:00 Check out: 12:00

To book: A dedicated website is available to book:

[Click here \(https://book.passkey.com/e/49792497\)](https://book.passkey.com/e/49792497)

Les Suites Hotel

130 Besserer Street, Ottawa

<https://www.les-suites.com/>

Three minute walk from OAG

This hotel has apartment suites, with kitchens

Premier 1 bedroom Suite – block of 30

\$269 / night (\$229 + taxes)

Premier 2 bedroom Suite – block of 10

\$351 / night (\$299 + taxes)

Unreserved rooms in the block will be released May 3, 2019; However, the rates will continue to be available after that date.

Check in: 15:00 Check out: 11:00

To book online:

[Click here](#)

<https://www.secure-res.com/res/vn4/cglogin.aspx?hotelid=1833&rlog=1294&wtpid=1&culture=1&culturename=en-US>

Password: **175648**

To book by phone:

Call 1-800-267-1989 (US & Canada) or 1-(613) 232-2000 (International) and quote group reservation code **175648**.

Lord Elgin Hotel

100 Elgin Street, Ottawa

<https://lordelginhotel.ca/>

Eight minute walk from OAG

30 room block

\$269 (\$229 + taxes)

\$21 buffet breakfast (\$19.00 + tax)

Check in: 15:00 Check out: 12:00

Unreserved rooms in the block will be released on May 16th, 2019. After that, availability of rooms and rates are not guaranteed

To book:

Phone 1-800-267-4298 or email groups@lordelgin.ca

Block code is 180616LAON

Please note that there is a 7 day cancellation policy for all reservations made under this group block. Any reservations that are changed or modified within 7 days of the arrival date will be charged the full cost of the original booking.

Please be sure to make your reservations by the cut-off date of **May 16, 2019**. The system will automatically release all the rooms that have not been reserved. After that, we cannot guarantee that rooms, or rate, will be available.

There are also other more economical accommodations in close proximity to the OAG. We have not obtained any blocks or preferred pricing, but include information for three here:

Bella Notte Bed & Breakfast

107 Daly Avenue, Ottawa

<http://www.bellanottebb.com/>

Four minute walk from OAG

Three rooms, with private bathrooms. Prices start at \$197 / night (\$168 + taxes), including breakfast

King Edward Bed & Breakfast

524 King Edward Avenue, Ottawa

<https://www.kingedwardottawa.com/>

Three rooms, two with shared bathroom, one with private bath.

Five minute walk from OAG

Prices \$141 - \$176 (\$120-\$150 + taxes), and appear to include breakfast.

HI Ottawa Jail (Hostel)

75 Nicholas Street, Ottawa

<http://hihostels.ca/en/destinations/ontario/hi-ottawa>

Two minute walk from OAG

This is a previous jail that has been renovated and converted into a hostel. Various rooms and set ups, some with private bath and/or kitchenette.

Prices \$47-\$159 / night (\$45-\$135 + taxes), including breakfast

Notes

- *Guests are responsible for all accommodation costs and charges associated with their reservation*
- *All amounts are in Canadian dollars*
- *All prices are based upon single/double occupancy. Extra fees apply for additional guests beyond two per room.*
- *In Canada, most prices are quoted before tax. The prices here have been calculated with tax for your convenience, but be prepared to see before tax amounts when booking, and for most purchases in Canada generally.*
- *High-speed internet is included in most hotel rates*
- *Parking fees are not included in these rates*
- *Breakfast / restaurant tipping: Gratuities are seldom included in Canadian restaurants. It is customary to tip approximately 15-20% on the total bill before tax, less for poor service, more for truly exceptional service. Many restaurants may charge an automatic 15-18% gratuity for larger groups.*

SELECTED 'LEGAL AID' NEWS FROM ACROSS THE WORLD

PAUL FERRIE, ONLINE EDITOR, ILAG & DIRECTOR, STIRLING & MAIR

The news items shown below are largely compiled from articles on the internet, found on the basis of a simple search for terms such as 'legal aid', 'access to justice' and 'pro bono'. Therefore, readers must, just as buyers, beware of authenticity. The links worked at the time of writing but some will obviously fail after a period of time.

Australia

[Call For More Funding To Meet 'Untapped Demand' For Legal Aid Services](#) - Sydney Morning Herald
[Legal Aid Records Increase In Services For Family Violence Survivors](#) – Daily Liberal

Canada

[Ian Mulgrew: Do The Right Thing On Legal Aid, Province Told](#) – Vancouver Sun
[Ian Mulgrew: Eby's Quick And Dirty Review Of Legal Aid Blowing Up In His Face](#) – Vancouver Sun
[Legal Aid, Union Sign Agreement To Resolve Woes At Saskatoon Office](#) – CBC

China

[Nearly 7 Million Chinese Receive Legal Aid In Past Five Years](#) - Xinhua

England & Wales

[Bar Conference: Civil Legal Aid 'Not Fundamental', Says Sumption](#) – Law Society Gazette
[Government Pledges Extra £8m In Legal Aid Fee Climbdown](#) – Law Society Gazette
[Legal Aid Lawyers Win £23m Fee Rise After Strike](#) - BBC
[Legal Aid Cuts Have Failed The Public Purse And Betray Our Values](#) – The Times
[Legal Aid Cuts Are 'Huge Threat' To Access To Justice In UK](#) - The Guardian

[Legal Aid Cuts, Disability And The Silent Storm Hitting Our Community](#) – Open Democracy
[Ministers ‘Preyed On Goodwill’ To Cut Legal Aid](#) – The Times
[New Research Questions Link Between Austerity And Cuts To Legal Aid](#) – Politics Home
[Surge In Number Of Solicitors Withdrawing From Legal Aid Rota](#) – Express & Star
[We're No Replacement For Legal Aid, Says Crowdfunding Pioneer](#) - Law Society Gazette
[UK Charities Launch Legal Aid Service To Help Poor Women Get Equal Pay](#) - Reuters

Ghana

[ECOWAS To Develop Regional Strategic Framework On Access To Justice](#) – Ghana Business News

India

[Legal Aid Facility Fails To Meet Objective](#) – The Tribune

Jersey

[Lawyers Threaten To Stop Funding Legal Aid System](#) – Jersey Evening Post

Kuala Lumpur

[MIC Offers Free Legal Aid To All Affected By Temple Fracas](#) - The Star

Scotland

[Edinburgh Lawyers Make Further Cutbacks To Legal Aid Workloads](#) – Herald Scotland
[Lawyers Condemn 'Wholly Discredited' Scottish Government Legal Aid Review](#) – The Herald
[Legal Aid Lawyers To Receive Three Per Cent Increase In Fees From Next April](#) – Scottish Legal News
[Margaret Taylor: We Will All Lose Out If Legal Aid Is Not Properly Funded](#) – Herald Scotland
[Plans for Legal Aid Reform Published](#) – Law Society of Scotland

Singapore

[Singapore Parliament Passes Legal Aid Bill](#) – Jurist
[New System To Speed Up Legal Aid For The Needy From Next Year](#) – Straits Times

Tanzania

[Tanzania: Zanzibar Govt Plans to Provide Free Legal Aid](#) – All Africa

Uganda

[Victims Of Gender Based Violence To Get Free Legal Services](#) – New Vision

For more information about the work of the *International Legal Aid Group*, please visit our website which can be found at <http://www.internationallegalaidgroup.org>.