

POLICY BRIEF

Issues and Challenges of Community Based Paralegal Services in Nigeria



BACKGROUND

Legal services are expensive and in some cases unaffordable. It is worse for people in the communities where poverty is prevalent and worst still for women who bear the brunt of poverty. Poverty is said to wear the face of a woman.

To address this issue, increasingly NGOs and institutions are training paralegals at the community level to assist such people with legal aid. These community paralegals are trained to offer legal advice, legal education, legal advocacy, linkages and interface with law enforcement, alternative dispute resolution services and make referrals to lawyers in cases that need to be litigated.

Community paralegals working on the field have however always been faced with the challenges of identification usually from law enforcement agents when the matter involves crime or with parties to a case when they are invited to tell their side of the story. People always question their identity and their license to do what they do.

The legal aid act of Nigeria 2011(17(3) empowers the Legal Aid Council of Nigeria (LACON) to license and regulate persons who render paralegal services.

IWEI a Kano-based Civil Society Organization (CSO) has in the past 8 years worked on access to justice and empowerment projects in rural communities in Kano state in North West Nigeria. A key component of these projects has been the training of volunteers that successfully provided paralegal services at the community levels through legal aid clinics. As part of its project evaluations, it established and document key challenges associated with paralegal services and access to justice at the community level.

Key assessment questions included:

1. Why is the legal and operational framework for paralegal practice in Nigeria not being implemented?
2. What needs to be done to implement the legal and operational framework for paralegal practice in Nigeria?
3. Who should be involved in developing the implementation roadmap of the legal and operational framework for paralegal practice in Nigeria?

Findings from the rapid assessment revealed the following issues, challenges, implications and provided evidence for the recommendations of this brief.





Issues:

1. The provisions of the legal aid act 2011(17(3) while recognizing and legalizing paralegal services and service providers, does not explicitly breakdown and stratify levels of paralegal services and service providers.
2. There is a very high level of ignorance of the provisions of the legal aid act on paralegal services even among key stakeholders in the justice system and law enforcement.
3. There is currently no formal and institutionalized training, certification and regulation of paralegals in Nigeria.
4. There is currently no clarity and consensus among key stakeholders at all levels as to the pathway for the development and implementation of an operational framework at all levels based on the provisions of the legal aid act.
5. Many stakeholders recognize the importance of community paralegals as part of our legal aid system, for the promotion of citizens' rights and the delivery of justice to all. However, the mechanism needed to kick-start urgent and necessary actions to kick-start the process towards formal recognition and institutionalization of community paralegals is currently unavailable.

Implications

1. In the absence of an implementation plan and framework of the legal aid act provisions for paralegals, paralegal services generally and community paralegals lack legal and institutional backing for practice. This puts them at risks and renders their practices subject to abuses, loss of credibility and acceptability.
2. Without a legal and operational framework being implemented, the wide-scale expansion of the paralegal services and practices to millions of Nigerians in much need of paralegal services (in a country where many more have no access to any form of legal services) will not be possible.
3. States in Nigeria have no template to adopt to domesticate the framework for paralegal services in the absence of implementation of a National framework; thus nothing to guide and regulate establishment and operations.
4. Without domestication in states, a critical mass of Nigerians at the community level and at social and economic disadvantaged situations will be further alienated from access to the justice system.

Recommendations:

1. **IWEI** in collaboration with LACON and support of other CSOs convene a stakeholder's forum in May of 2019 to discuss the assessment findings and other issues related to challenges of implementation of the legal aid act provision for paralegal services in Nigeria.
2. The forum should develop a roadmap for the resolution of all identified challenges and bottlenecks to implementation.
3. The forum should develop an agenda for a national summit on paralegal services in Nigeria to be convened by LACON later in 2019.
4. The forum should constitute a Technical Working Group (TWG) from among the stakeholders to be responsible for the implementation of all resolutions and consensus reached.