

Project 5: Legal Aid - Summary

Access to Justice → Project 5 – Institutionalising Legal Aid

Purpose/Outcome: To appraise the need and nature of support access to legal aid within the region.

Rationale: PJSI supports the courts to administer justices across the region. The performance of the courts, which operate in the adversarial system of justice, is heavily interdependent on the ability of citizens to access legal advice and representation to exercise their legal rights in court.¹

Legal aid serves a crucial role in enabling access to justice through the provision of free or subsidised legal services. While legal aid exists in some jurisdictions - however named as the Public Defender, Public Lawyer or for example the Micronesian Legal Service - its existence and coverage is variable and patchy. Many people across the region operate in relatively cashless economies and cannot readily afford to pay for the services of private lawyers, thereby being disadvantaged in claiming or defending their legal rights in court. This inability to pay for legal services constitutes a gap or barrier to justice. PJDP-PJSI have already undertaken considerable work through its *Access to Justice/Enabling Rights* project, which could provide a foundation for this project further enabling citizens to access justice by using the courts more effectively through the provision of improved legal aid services. Any pilot would undertake a situation/needs assessment and explore the appropriateness and feasibility of including para-legals in those jurisdictions that may want them.

Without diverting PJSI's core focus on supporting court-based justice services, the purpose of this pilot activity is to appraise what is needed to address these gaps.

Leaders include: Chief Justices, heads of bench, Registrars, members of National Judicial Development Committees, National Coordinators, Regional Legal Aid Actors, National/Regional Training Team members or other senior judges/staff nominated by the Chief Justice as representative judicial leaders.

Outputs:

1. A 'desk review' (web/literature review and survey) situation analysis report of the needs for and the needs of legal aid conducted, and strategic recommendations developed including and any external resource partnerships.
2. Stakeholders consulted and a proposed action plan developed.

Countries Involved:

Activity	Activity Type	Countries Involved	Activity Start Date	Activity End Date
Legal Aid Strategy Paper	Remote - Regional	Regional	1/03/2020	1/03/2020

¹ This need is sometimes described as the 'equality of arms' doctrine of adversarial justice. This jurisprudential principle is formally recognised as being an essential part of the right to a fair trial in the European Convention for Human Rights and Fundamental Freedoms.

Personnel involved:

Advisers: Carolyn Graydon

Risks/Challenges:

As a regional project, risks and challenges have always been defined at the regional/programmatic level. See separate Risks Summary.

Outcomes Achieved:

See: Project 5 & 7 – Legal Aid and Lawyer Association Project Completion Report; and PJSI Completion Report, page 3.

Future Directions:

See: PJSI Completion Report, page 20. And strategy papers developed, page A-14.