



## SUPPORTING LEGAL EMPOWERMENT PRACTITIONERS TO ADVANCE JUSTICE FOR ALL IN WEST AFRICA

*Outcome Document of the West Africa Virtual Legal Empowerment Summit 2020*

We, the participants of the West Africa Virtual Legal Empowerment Summit, assembled virtually from October 5-9, 2020 to begin a regional conversation on legal empowerment in order to discuss common challenges and realize our collective aspirations to make access to justice a reality for all. The summit took place during the COVID-19 global pandemic, which continues to present unique obstacles that threaten to widen justice gaps throughout West Africa. However, initial responses to the crisis underscore the resiliency of legal empowerment organizations and practitioners, whose adaptations to provide ongoing community justice services were highlighted throughout the week. Summit participants shared experiences, innovative solutions, common challenges, and good practices from legal empowerment projects in the region.

We anticipate that the summit will achieve the following: increased awareness of the essential role of paralegals and other grassroots legal empowerment actors in bridging justice gaps, increase engagement between local- and national-level justice communities tasked with designing responsive policies that address citizen needs; serve as a starting point for the development of a peer network of community-based paralegals; and help legal empowerment actors and organizations identify common policy priorities focused on paralegals and legal aid.

The summit's sessions highlighted the importance of:

- Strengthened partnerships between legal empowerment practitioners, community-based organizations and governments to guarantee access to justice for all;
- Innovative approaches by legal empowerment practitioners and organizations to better deliver access to justice through the use of innovative and flexible approaches, often using technology, especially during the ongoing COVID-19 crisis and to address the wider socio-economic impacts during recovery;
- The need to guarantee sustainable financing models for legal empowerment;
- Establishing systems of capacity building and learning through peer exchange across organizations implementing legal empowerment projects aimed at improving practitioner's skills, knowledge, and ultimately, their organization's legal empowerment work; and
- Seizing regional opportunities to advance access to justice through collaborative advocacy and participatory engagement of justice sector actors.

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**Based on the proceedings of the summit, we hereby adopt the following declaration, call-to-action, and commitments to strengthen support for legal empowerment providers and community-based paralegals in West Africa:**

**We appreciate** that access to justice is the ability of people to uphold their rights and seek redress for their grievances through formal or informal institutions of justice, in compliance with human rights standards;

**We emphasize** that access to justice is a fundamental principle of the rule of law and a prerequisite that enables people to exercise their rights, have their voice heard, challenge unfair actions or decisions, and hold decision-makers accountable;

**We underscore** the important role that legal empowerment practitioners and community-based paralegals play in West Africa due to their ability to respond to the legal needs of marginalized populations both in rural and urban contexts, particularly when formal justice mechanisms are inaccessible or not preferable;

**We appreciate** that legal empowerment practitioners and community-based paralegals offer people-centered, cost-effective, and lasting solutions that contribute to social and economic justice in ways that reduce the strain on overburdened formal justice mechanisms through mediation, referral services, rights education, advocacy, and accompaniment;

**We note** that a fair, open, and accountable justice system is a foundational feature of [open government](#) and serves as a powerful catalyst for citizens seeking remedies for their grievances as well as protection against infringement of their rights by individuals, governments, or corporations;

**We note** the 2012 [Declaration of the High-level Meeting of the UN General Assembly on the Rule of Law at the National and International Levels](#) (A/RES/67/1), which "[...] emphasize[s] the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights, and in this regard we commit to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid.";

**We note** the [2012 United Nations General Assembly Resolution adopting United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#) (A/RES/67/187), which "[...] noted that States employ different models for the provision of legal aid. These may involve public defenders, private lawyers, contract lawyers, pro bono schemes, bar associations, paralegals and others.";

**We recall** the critical role that access to justice plays as an enabler for sustainable development, a necessary precondition for peaceful, just and inclusive societies, and as a specific goal, as outlined in the [2030 Agenda for Sustainable Development](#) and [Sustainable Development Goal 16](#) (*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*);

**We note, with consideration,** the African Union Commission's emphasis on the rule of law and access to justice as one of the seven aspirational priorities outlined in [Agenda 2063: The Africa We Want](#) as well as the ECOWAS Commission's ongoing efforts to develop a regional framework on access to justice and rule of law;

**We note** the 2019 call from Pathfinder's Task Force on Justice, which invited all countries and partners to work together to prevent and resolve global justice problems and to use people-centered justice approaches to help individuals, communities, and societies fulfill their potential ([Justice for All Report](#));

**We note** subsequent declarations and resolutions that underscore the international community's commitment to the promotion of equitable access to justice for all: [The Hague Declaration on Equal Access to Justice for All by 2030](#) (2019), and [Access to Justice for All in Conflict-Affected Countries Declaration and Joint Action Plan](#) (2019);

**We recall** the commitments and resolutions made during previous gatherings that underscore the role of paralegals in ensuring access to justice for all, notably: [ACHPR Resolution on the Right to a Fair Trial and Legal Assistance in Africa, Dakar Declaration](#) (1999); [ACHPR Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#) (2003); [The Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa and Plan of Action](#) (2004); [The Bamako Declaration on Impunity, Justice and Human Rights](#) (2011);

[Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels](#) (2012); [Kampala Declaration on Community Paralegals](#) (2012); [The Johannesburg Declaration on Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#) (2014); and [The Kigali Declaration on Collaboration Between the Judiciary and Indigenous/Home-Grown Community Justice Institutions](#) (2017);

**We acknowledge** that great progress has been made in the last decade to accelerate access to justice for all; however, many citizens throughout West Africa are not able to receive effective recourse for their grievances due to biased legal systems and justice actors, institutionalized corruption, distance between justice providers and communities, the lengthy time required to achieve justice, the costly nature of formal systems, and/or other personal reasons;

**We further acknowledge** the nuanced disparities faced by women and girls when attempting to access justice or satisfy their legal needs (as underscored by the [2019 Global Justice for Women Report](#));

**We appreciate** that our individual organizations utilize distinct strategies and tools to meet the specific needs of the populations we serve; however, we uniformly use elements of legal empowerment to promote legal awareness and education and support advocacy initiatives aimed at placing community-led solutions at the center of justice and development challenges;

**We re-commit** to championing access to justice, supporting legal empowerment practitioners and community-based paralegals, and promoting continued regional engagement in order to exchange experiences, harmonize good practices, and advocate for an enabling, efficient framework that allows community-based paralegals to thrive in West Africa.

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**In furtherance of the above, and to ensure strengthened support and collective action for legal empowerment practitioners and community-based paralegals in West Africa, the following actions can and must be taken now to ensure people centered access to justice for all in West Africa:**

#### *Recommendations Relating to Recognition of Legal Empowerment Practitioners and Regional Coalition Building*

- Governments and regional actors, including ECOWAS, must strengthen recognition and support for the role that community paralegals play in ensuring access to justice for people throughout West Africa, including through national and regional legislation and policy.
- This summit should be a starting point for community-based paralegals and legal empowerment organizations to establish systems of learning and to share and engage on common solutions and challenges, regardless of geographic location. A peer network of regional legal empowerment practitioners should be established as an outcome of the summit to ensure robust sharing of innovative ideas and good practices and provide a referral platform in the spirit of collaboration and transformative growth and improvement. Coalition building is key to legal empowerment work being successful. Organizations should share those ideas, resources, and models that are successful in their communities so that they can be adapted and applied in different contexts. While models cannot be copied and pasted from one community to the next and context should always be considered, the sharing of ideas and building coalitions is essential to seeing progress.

#### *Recommendations to Elevate Good Practices in People Centered Justice Delivery by Legal Empowerment Service Delivery Models*

- Legal empowerment organizations should purposefully address and seek to improve how they ensure gender equality and meaningfully address gender discrimination, given the myriad of challenges faced by women paralegals themselves and women justice seekers in often male dominated justice spaces.
- Legal empowerment practitioners and organizations in West Africa need to strengthen the use of data-informed approaches to provision of people centered access to justice services. This includes employing participatory community engagement, justice needs surveys, and bottom-up multi-stakeholder collaborative approaches.

- Governments and legal empowerment practitioners and organizations in West Africa should scale up investment in meaningful justice and rights awareness to ensure that people adequately understand their rights and the remedies available to them within the prevailing legal and justice systems in order to ensure they can solve their most pressing justice problems.
- Partnerships between governments, civil society and legal sector actors (bar associations, judiciary, legal education providers, mediation/ADR systems) should be strengthened with regard to legal empowerment in West Africa. This includes improved engagement through multi-stakeholder initiatives such as the Open Government Partnership.

#### *Recommendations to Address Emerging Challenges from Covid-19 Pandemic*

- During COVID-19 crisis, legal services were not considered an essential service in many places in West Africa, which often left communities without adequate resources to adequately respond to and deal with their most pressing legal problems, including on issues relating to domestic violence, housing rights, or employment rights. Moving forward governments must recognize that justice is an essential service and provide necessary support for service providers to continue meeting the needs of communities.
- A lack of access to information on justice services and related decision-making has increased the justice gap during the pandemic. Governments should proactively incorporate transparency and accountability mechanisms into decision-making related to the pandemic. Importantly, establishing the conditions and practices of a more open justice system will improve citizens' access to justice as well as build trust between citizens and government in the long term. Addressing the root causes of economic injustices, with justice actors collaborating to identify problems and develop solutions, can help countries build back better after the pandemic.
- Effective use of technology must be encouraged at the national and community level, with the objective of both mitigating current COVID-19 related challenges and ultimately enabling greater reach and impact. Spaces must be created for legal empowerment practitioners and entrepreneurs to develop, prototype, and scale responses to the economic emergency.
- To avoid an implosion of legal problems, governments must better tailor emergency responses to reflect the nuanced needs and circumstances of vulnerable groups and prevent disproportionate targeting of these groups for punitive measures and restrictions.

#### *Recommendations to Support Innovation and Technology for Justice in West Africa*

- Civil society and governments in West Africa should support and enable the effective use of technology by legal empowerment practitioners, which includes building a broader ICT infrastructure, reconsidering the full effects of restrictive policies (such as internet shut-downs, taxation of digital economy), updating outdated regulatory frameworks that do not facilitate an enabling environment, and adopting technological developments themselves.
- Legal empowerment organizations and practitioners in West Africa should foster creative partnerships between legal tech providers and large tech companies, the private sector, civil society, and government to increase/diversify the funding for legal tech developments and support the scaling of successful initiatives across countries and communities.
- Tech innovations should be able to adapt and be responsive to the diverse contexts within which legal empowerment practitioners and community-based paralegals work. Any innovation aimed at promoting access to justice should be developed in consultation with the communities it aims to benefit.

#### *Recommendations on Sustainability and Financing for Justice in West Africa*

- Civil society organizations and community based legal empowerment organizations should use domestic and global processes such as the national OGP platform and the SDG platform to advocate and leverage funding from the government.

- Governments should demonstrate their political will for legal empowerment of their poor and vulnerable citizens by committing resources that will be directed at community-based organizations and legal aid. However, government funding should not affect the independence of legal empowerment organizations.
- Civil society organizations providing legal empowerment services must think creatively about how to change their models of support so that they can begin sourcing their own funding, which might mean considering social enterprise and membership-based models.

## WEST AFRICA LEGAL EMPOWERMENT SUMMIT - COMMITMENTS ON JUSTICE

In light of rapidly changing global circumstances, the importance and urgency for action on people-centered justice is too loud to ignore. As an outcome of the West Africa Legal Empowerment Summit and in order to ensure solid commitment from local, regional, and international organizations, summit partners and participants are encouraged to commit to bold actions that secure justice for all by uplifting the region's most marginalized and vulnerable populations. We call on governments, international and regional organizations, civil society, justice professionals, the private sector, communities, and individual people to commit to the movement to deliver justice for all.

Name of Organization, Government, Partner, or Individual Making Commitment	West Africa Commitments on Justice (can take various forms)	Countries Impacted (or elsewhere)
Isa Wali Empowerment Initiative (IWEI)	IWEI's commitments for West Africa are as follows: <ul style="list-style-type: none"> <li>• To continue to advocate and engage at state and National level for legal empowerment</li> <li>• Follow up on the outcome of the regional summit</li> <li>• To continue to build and strengthen collaborations with JEI and other legal empowerment actors</li> <li>• To continue to provide legal education &amp; awareness to urban &amp; rural poor and vulnerable groups (women, children and youth)</li> <li>• To continue to train and build capacity of community-based paralegals to ensure access to justice for urban &amp; rural poor and vulnerable groups (women, children and youth).</li> </ul>	Nigeria
Justice & Empowerment Initiatives	We commit to: <ul style="list-style-type: none"> <li>• Continue to scale up our paralegal services program in Nigeria and Benin providing access to justice for the urban poor</li> <li>• Convene intercity paralegal learning exchanges to create spaces for horizontal learning between paralegals</li> <li>• Continue to document our unique paralegal services model and analyze our case handling data to develop evidence-based learnings aimed at deepening impact</li> <li>• Work with the Legal Aid Council of Nigeria (LACON), the Isa Wali Empowerment Initiative (IWEI) and other like-minded organizations towards convening regular annual legal empowerment summits in Nigeria</li> <li>• Explore opportunities for intra-regional advocacy in partnership with other legal empowerment organizations.</li> </ul>	Nigeria & Benin
Namati	Namati, as convenor of the Legal Empowerment Network, commits to the following: <ul style="list-style-type: none"> <li>• Firstly, we commit to working with legal empowerment organizations in West Africa to strengthen a robust regional peer network, utilizing our various learning and sharing platforms. We will cultivate an active core group of West African paralegal organizations within the network, who will routinely connect to explore opportunities for collaboration and coordination.</li> <li>• Secondly, we will support West African grassroots organizations with meaningfully deepening the impact, sustainability, or quality of their legal empowerment work. Every year, we will design and execute high-quality learning events that help members to explore practical solutions to concrete</li> </ul>	Regional

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	<p>challenges. We will emphasize peer-to-peer learning, leverage e-learning technologies, and offer opportunities for learning exchanges.</p> <ul style="list-style-type: none"> <li>• Thirdly, we will work with West African network members to seize regional opportunities to transform the policy environment for legal empowerment. We will invite the cooperation of justice sector actors and other allies throughout the region and advocate collectively to seek justice for our communities.</li> </ul>	
Open Government Partnership	<p>Over the past few years, justice and promoting transparent, accessible and inclusive justice systems has become an increased focus in the open government community. With this in mind, the Open Government Partnership (OGP) created the <a href="#">OGP Coalition on Justice</a>, a group of OGP members, civil society organizations, and other national and international partners advancing a people-centered approach to justice through their OGP action plans. OGP will continue to support OGP members – including through the OGP Coalition on Justice – to advance the co-creation of justice commitments in OGP action plans.</p>	<p>OGP national and local members are listed <a href="#">here</a>, but include the following West African countries: Burkina Faso, Cote d'Ivoire, Ghana, Nigeria, Senegal, and Sierra Leone.</p>
The Carter Center	<p>We commit to continuing:</p> <ul style="list-style-type: none"> <li>• To support communities to address their legal needs through formal and informal justice systems using our community justice advisors, community dispute resolution monitors, and legal associates.</li> <li>• To support robust awareness raising activities on access to justice for communities and stakeholders throughout Liberia.</li> <li>• To provide technical support to the Government of Liberia's ongoing plans to comprehensively address alternative dispute resolution through a national policy.</li> <li>• And to seek creative mechanisms that will allow our partners to further build their capacity and for all of us to better reach all Liberians, assuring equitable access to justice.</li> </ul> <p>We also remain committed to this new community of practice and to share our experiences and scale our programming. Including participation in a future follow-up conference, when it is safe to do so again.</p>	Liberia, and possibly beyond
<p>H.E Mr. Musa F. Dean, Minister of Justice and Attorney General of Liberia</p> <p><i>Remarks made during closing session</i></p>	<p>Committed to continuing to use the Open Government Partnership (OGP) platform to advance people-centered justice reforms</p> <p>Liberia is developing its fourth OGP action plan, which includes commitments to help citizens to know their rights and to strengthen their ability to monitor the justice system. The plan also includes a commitment to use alternative dispute resolution mechanisms, including legal empowerment, to expand access to justice.</p>	Liberia
<p>Maarten Brouwer, Ambassador of the Netherlands to Mali</p> <p><i>Remarks made during closing session</i></p>	<p>Netherlands commits to continuing to work towards SDG 16 by supporting Mali and other countries in the Sahel to bring justice closer to the people and make it more responsive to their needs. Access to justice, he said, is a cornerstone of his country's efforts to reduce instability and promote development in the Sahel, and its paralegal networks have reached more than 300,000 people with legal awareness counselling, referrals, and dispute resolution.</p>	Mali, countries in Sahel
<p>Eyesan Emmanuel Okorodudu, Head of Democracy and Good Governance</p>	<p>Outlined strategic priorities of ECOWAS to the justice sector:</p>	Regional

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<p>Political Affairs Directorate, ECOWAS Commission</p> <p><i>Remarks made during closing session</i></p>	<ul style="list-style-type: none"> <li>• The revisit to the issues of Free Legal Representation, to address the impact of the challenges of poverty which denies most citizens the opportunity of having a legal representation. (Resurrecting the West African Bar Association (WABA) – using this platform to enhance international cooperation’s on justice sector reforms and programmatic agenda setting (Art. 57 (B) ECPF – reform national of national constitution to promote access to justice).</li> <li>• Creating Convergence Principle on the Practices and Operations of Paralegal Services in the region, with a view to enhance a common standards and norms to adopted and use across Member States.</li> <li>• Strengthening of support to court process with a view to enhancing justice sector accountability Mechanism through the Promotions of Amicus Curiae (friend of the Court).</li> <li>• To generate advocacy schemes to promote Public Interest Litigation in matters that have people-centered justice concerns. This is relevant in the today’s practice of the constitutional issue of referendum.</li> <li>• Create access for community citizens to avail themselves to access justice through the means of the Mediator de la Republic and the Office of the Ombudsman. This avails the State the opportunity to strengthen its responsiveness to citizens.</li> <li>• Opening up the justice space to drive the Alternative Justice Systems (AJS) mechanism as a broader channel for creating citizens access to justice.</li> <li>• Creating opportunities for Member State Justice sector to Invest and redistribute the budget of the justice sector to provide for Mobile Courts. The Mobile Courts creates the opportunities for rural citizen’s dwellers to have access to conventional judicial practice, which is usual absent in rural community that only has traditional customary court. (Art. 57(L) ECPF – implement measures to modernize traditional. religious and community justice delivery system).</li> <li>• Upscale the Traditional Courts systems which are one of the oldest in the region to adapt to modernization and new social values. There is increasing quest for access to traditional alternative dispute resolution courts system which are outside the conventional civil and common law systems.</li> <li>• Encourage the conducive environment for Judicial Activism to strive, through the support to conducting Research in Constitutionalism and Traditional justices’ practices.</li> <li>• Create/Strengthen the Forum of Ministers of Justice of ECOWAS Member States to address Constitution and justice sector challenges: <ul style="list-style-type: none"> <li>- Support Judicial Reforms that promote democratic principles, stability and harmony in the region;</li> <li>- Support the promotion of justice, reconciliation and the rule of law in the region;</li> <li>- Support the Institutionalization of Forum of West Africa Bar Association;</li> <li>- Support campaign on Judicial Advocacy through Public Interest Litigation and Mediator of the Republic.</li> </ul> </li> </ul>	
<p>Simeon Koroma, African Centre of Excellence for Access to Justice</p> <p><i>Remarks made during closing session</i></p>	<p>Main commitment for West Africa is “to push for the development and adoption of legal and other mechanisms that promote, facilitate, and incorporate paralegal and indigenous community justice solutions that are accessible and affordable. See this as a possibility through four key priority areas for the region:</p> <ul style="list-style-type: none"> <li>• Expand membership within West Africa;</li> </ul>	<p>Regional</p>

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	<ul style="list-style-type: none"> <li>• Increase research and documentation of best practices;</li> <li>• Conduct capacity-building exchanges; and</li> <li>• Increase advocacy for the recognition and participation of paralegals in justice systems.</li> </ul>	
Ayisha Osori, Executive Director, Open Society Initiative for West Africa (OSIWA)	<p>OSIWA's commitments for West Africa are as follows:</p> <ul style="list-style-type: none"> <li>• To conduct advocacy on the importance of legal aid and alternative justice mechanisms</li> <li>• To work with partners to standardize paralegal training curriculums, where possible</li> <li>• To encourage more countries to set up legal aid boards like that established in Sierra Leone</li> <li>• To help mainstream alternative justice solutions into the formal justice system</li> <li>• To support more multi-stakeholder collaborations across the region.</li> </ul>	Regional
<b>To Be Included by Participants</b>		