

## **National Report Template ILAG Ottawa June 2019**

It would be much appreciated if you could fill in what you can for your jurisdiction. Please highlight any recent significant changes in your legal aid programme:

1. Country details :

Name, Population, GDP, Poverty line / % of population deemed to be living in poverty, number of practising lawyers in the jurisdiction.

**The 2015 census puts the population of Sierra Leone at 7,092,113. The GDP growth in 2017 and 2018 is at 3.7%. It is expected to rise to 5.5% in 2019. The Human Development Index 2018 ranks Sierra Leone at 184/189 countries placing the country in the low human development category. Income poverty is 57% and the incidence is high in rural areas. Multi-dimensional Poverty is 64.8% and is also high in rural area.**

2. Legal Aid Organisation / Authority:

Name and Status of LAO (Independent, within Government, part of the Bar Association / Law Society, Public Defenders Office etc). Delivery method (salaried, private profession, paralegals etc. Please give numbers for each sector. If mixed please give the division of labour and balance of the mix). What payment methods are used to recompense any private lawyers in your system (e.g. contract, fixed fee, hourly rate, part pro bono, etc)?

**Legal Aid Board is a statutory body which is an independent non-profit scheme. The Legal Act was passed in May 2012. The Board started operations in May 2015. The Act provides for the 'establishment of the Legal Aid Board, to provide accessible, affordable, credible and sustainable legal aid services to indigent persons and for other related matters'.**

**The Legal Aid Board is the regulatory body for legal aid provision in the country. The core functions are as follows: Legal advice and Legal representation, Alternative Dispute Resolution (ADR), Legal Empowerment/ Legal Education through Community and School Outreach and Accreditation of Legal Aid Providers.**

**The Board can only defend in criminal matters. Section 20 (1) (b) of the Legal Aid Act 2012 provides that an indigent who is arrested, detained or accused of a crime shall have 'legal representation, where the indigent's application for legal representation has been approved by the Board from the moment of his arrest until the final determination of the matter and subject to section 28, the appellate process.**

**The Board can prosecute and defend in civil matters. Section 20 (2) provided that 'Where the interest of justice so requires, an indigent who wishes to bring or defend a civil matter shall have access to- (a) legal advice and assistance; (b) legal representation, where the indigent's application for legal representation has been approved by the Board.**

**The Legal Aid Board is currently the largest legal aid organization in Sierra Leone. It has an office**

and at least two paralegals each in fourteen of the sixteen districts. The Board has 16 Lawyers and 42 Paralegals. It has at least one resident lawyer in eight of the sixteen districts. Moreover, it is the only legal aid organization with a resident lawyer in three districts in the country – Port Loko, Moyamba and Kono.

The Board has a Memorandum Of Understanding (MOU) with the following Justice Sector Institutions - The Sierra Leone Bar Association, Sierra Leone Police and Sierra Leone Correctional Service. With only sixteen lawyers on the staff, the Board from time to time, based on need, hires lawyers from the Sierra Leone Bard Association to service some of its clients. In September 2015, the Board hired 25 lawyers to provide legal representation to 50 of its clients. Also, the Board has contracted private lawyers in a number of class actions on behalf of the workers.

Lawyers hired to represent clients in the Magistrate Courts are paid US\$ 58 per client, those who represent clients in the High Court receive US\$ 116 and those who represent clients in the Appeals Court receive US\$ 174. They will represent the client until the case is concluded.

3. Budget and Spend:

Please give the budget for Publicly Funded Legal Services / Legal Aid in your jurisdiction for the last two years. If possible show the actual expenditure broken down by civil, criminal, initial advice. Please indicate the proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government. Is your legal aid budget demand led, capped, uncapped or a mixture? (Please elaborate).

The Legal Aid Board is the state Legal aid organization by virtue of the fact that it is a statutory body. The Board is funded by the government. Salaries of staff are paid by Government. Also, every year, the Government allocate money to the Board to cover operational costs.

The government allocated Le 3,687,900,000 (US\$ 428,825) to the Board in 2017 and Le5,906,378,210 (686,788) in 2018. Every January, the Board present the proposed budget for the year to the Ministry of Finance at a public event to explain and defend the proposed budget it presents to the Government. For instance, a proposed budget of over 7 billion leones for 2019 was presented at the public hearing but over six billion was approved.

The Board also received a year's support from the Open Society Initiative for West Africa (OSIWA) towards the provision of primary justice services. It received support from United Nations Development Programme (UNDP) towards the March 2018 elections and United Nations Children's Funds (UNICEF) towards access to justice for children in contact with the law and capacity-building for Board staff and non-state legal aid service providers. It is currently receiving support from Global Fund/National HIV/AIDS Secretariat towards the protection of the rights of people living with HIV/AIDS.

4. Scope, Caseload and Eligibility:

What restrictions on scope are there for civil and criminal legal aid and for initial advice in your jurisdiction? Total number of applications and grants for the last two years. Please break down by civil, criminal and initial advice as well as by year. Proportion of the population eligible for civil legal aid and/ or initial Advice. Eligibility limits for criminal legal aid. Are means tested contributions part of your (a) civil (b)

criminal (c) initial advice eligibility requirements? In your jurisdiction, are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

**189,708 clients including non-Sierra Leoneans benefitted from the scheme in 2017 and 2018 by way of legal advice and Legal representation, Alternative Dispute Resolution (ADR) and Legal Empowerment/ Legal Education. 106,655 people benefitted from the scheme in 2018. This is up 23,602 on 2017 when 83,053 people benefitted from the scheme.**

**During this two year period, 31,965 criminal cases were provided legal representation, 90, 044 civil matters were mediated through ADR service provided by Adjudicators and Paralegals and 67,699 benefitted from legal empowerment through community and school outreach.**

**30,009 females and 39,834 children benefitted from the scheme in 2018. This accounts for 14% and 19% of beneficiaries respectively. While males accounted for majority (78%) of beneficiaries of legal representation provided by Legal Aid Counsels, females and children accounted for majority (80%) of beneficiaries of the Alternative Dispute Resolution/Mediation.**

The Board provides legal aid to persons and bodies who are poor and marginalized and therefore cannot afford to hire the services of a lawyer. To qualify for the scheme, the applicant should pass the 'Means Test.' This means the applicant's income should not be above the country's minimum wage of Le 500,000 (US\$ 58). This requirement does not apply to the disabled, aged, retiree, war amputee, war widows and juveniles.

5. Quality Assurance:

System used – Complaints to LAO, Complaints to the Bar Association/ Law Society, Client Satisfaction questionnaires / interviews, CLE, Mentoring, Peer Review, Supervisor audit, Observation or video/audio tape etc? What requirements are there ( if any ) for lawyers and others who wish to provide legal aid, other than membership of the Bar / professional association e.g. registration, experience, special exams, interviews, upper or lower limits on number of cases undertaken annually etc ?

**The Board is responsible for regulating legal aid provision in the country. This involves accrediting legal aid providers as provided in Section 9 (2) (b) of the Legal Aid Act which provides that the Board shall 'accredit persons or bodies to provide legal aid.' The Act prescribes penalties for defaulters.**

**Section 37 (2) provides that a person or organization who – (a) provides legal aid without being accredited or (b) whose cooperation agreement with the Board has elapsed or has been terminated and who continues to provide legal aid, commits an offence and is liable on conviction to a fine not exceeding thirty million leones or to imprisonment for a term not exceeding three years.**

**For Paralegals to be accredited by the Board to work in the country, they first have to complete a training course in the relevant field of study at the Judicial and Legal Training Institute or an educational institution approved by the Board. Section 30 (2) (b) of the Legal Aid Act provides that**

the Board shall accredit 'paralegals, that have been certified as having gone through the appropriate courses at the Judicial and Legal Training Institute or any other appropriate institution approved by the Board.'

The Board can also enter into a cooperation agreement with legal aid providers. The Act prescribes penalties for breach of the agreement. Section 33 (1) of the Legal Aid Act provides that 'The Board may enter into cooperation agreements with legal aid providers, for the implementation of this Act. Section 33 (2) states that 'Where a legal aid provider fails to meet its obligations under a cooperation agreement the Board may after giving three months notice in writing to rectify the anomaly terminate the agreement. Section 33 (3) provides 'On the termination of a cooperation agreement the legal aid provider concerned shall cease to offer legal aid under this Act.'

Additionally, the Board is also responsible for monitoring and evaluating the quality of legal aid provided by Legal Aid Providers. Section 32. (1) of the Legal Aid Act states that 'The Board shall monitor and evaluate the quality of legal representation in legal aid cases in accordance with the prescribed procedures.' Section 32 (2) further provides that 'Where the results of monitoring and evaluation conducted under subsection (1) indicate that a legal aid practitioner or pupil barrister has been guilty of unprofessional conduct the Board shall refer the information to the General Legal Council for appropriate disciplinary action.'

The legal aid providers must not demand payment for their services. Those who do so commit an offence. Section 37 (1) provides that 'A legal aid provider who charges a fee for the provision of legal aid commits an offence and is liable on conviction to a fine not exceeding twenty million leones or to a term of imprisonment not exceeding two years.

6. Public Legal Education:

Initiatives in last two years to increase public awareness of the availability of PFLS/ legal aid in your jurisdiction and how to access it. (Include any particular approach for those in remote areas or those with special legal needs). IT packages introduced to enhance access for the public. Has there been a country wide Needs Assessment study in your jurisdiction in recent years, looking at the distribution of justiciable problems and how the public respond to them?

The Board's legal empowerment programme is aimed at educating people on the laws, human rights and the legal processes. This is rooted in the firm belief that education is crucial to ensuring people know the laws and therefore able to assert their rights when accessing the justice system. This programme has helped people to understand the justice system and therefore gain confidence in seeking justice especially through the criminal justice system.

Legal Empowerment is done through community and school outreach. Some of the events have been undertaken in collaboration with partners and local authorities. The topic for the event is determined by the justice needs of the community or school. The Paralegals have done a lot of outreach events on topics drawn from the Child Rights Act 2007.

40,953 people and school going children benefitted from the programme in 2018. This accounts for 38% of beneficiaries of the scheme in the period. 13,723 beneficiaries were school children. This accounts for 34% of beneficiaries. 79,409 have benefitted from the programme from May 2015 to December 2018. This accounts for 37% of beneficiaries of the scheme in the period.

People especially those in remote communities are prone to abuse and exploitation in their contacts with both the formal and informal justice system because they are either uneducated or not educated enough on the laws and how the justice system works. For instance, many are not aware of the fact that the police have a duty to inform suspects at the time of their arrest of their right to call on a lawyer or any person to assist with their case as provided for in Section 17 (2) (b) of the Sierra Leone Constitution.

7. Alternative Sources of legal services:

What are the other principal sources of legal help for disadvantaged citizens in your jurisdiction, and how many clients do they assist annually ( e.g. legal expenses insurance, trade unions, claims companies, community law clinics, university law clinics etc ).

ADR/Mediation service was first introduced by the Board in Freetown in March 2016. The service mediate civil matters or matters of non-criminal nature such as debts, child and wife maintenance, inheritance, marital disputes, family disputes, community level disputes, land and labour matters.

The ADR is an integral component of primary justice services provided by Paralegals around the country.

The Board's Alternative Dispute Resolution service mediated 48,452 civil matters in 2018. 15,125 (31%) complaints lodged by women were settled. Also, 23,789 (49%) complaints lodged by children were resolved.

The Board has made a lot of progress in improving access to justice for women through the ADR. 31,429 women have had their complaints mediated since the ADR was introduced in March 2016 to December 2018. This accounts for 31% of cases mediated under the ADR.

Majority (75%) of complaints lodged with the ADR by women relate to child maintenance. Through this, the Board has ensured fathers who had failed to take care of their children do so.

The Board has a civil lawyer whose responsibility include securing Court Orders for those who breach the settlement reached at the ADR. This is done regardless of status. Also, the ADR has ensured women are not disadvantaged in cases of inheritance, divorce and property.

The ADR has reduced the pressure on the police and the courts. This is because community level disputes and civil matters which before now were taken to the police or courts are now being taken to Board for mediation. Also, there have been instances in which the police and the courts have referred civil matters to the Board for mediation.

The satellite offices of the Board, the Community Advisory Bureaus also provide ADR services. This is an initiative of the Board which is aimed at making justice accessible by empowering local communities to cater for the justice needs of its members by mediating civil matters, engaging in

community outreach and providing advice and legal assistance to those accessing the formal and informal justice system.

The Board has so far established 16 Bureaus in Wards in the Western Area. Each Bureau is managed by volunteers drawn from the community. We will continue to establish the Bureaus until the remaining 430 Wards in the Country have one.

The poor also receive legal aid from non-state legal aid service providers. While Legal Aid Board operates in all the sixteen districts, non-state legal aid organizations operate in specific areas of the country and target specific groups. For instance, AdvocAid target women and girls in parts of the country they operate in.

While non-state legal aid organizations including community based organizations provide primary justice services, a few can afford to recruit lawyers to represent their clients in the courts. Some, hire lawyers to represent their clients as and when resources are available. Others refer clients to the Legal Aid Board for them to be represented in court.

8. Holistic legal services:

Is your jurisdiction exploring link ups between legal services providers and non-lawyer professionals e.g. health/ justice partnerships, social work / justice collaboration, or other forms of “one stop shop”?

The Board has a partnership agreement with over two hundred civil society groups and community based organizations including the Sierra Leone Labour Congress, Sierra Leone Teachers Union, Sierra Leone Motor Drivers and General Workers Union, National Farmers Federations and the Traders Council.

The Board works with these organizations mostly in the provision of primary justice services in the area of legal education through community outreach, mediation of civil matters and community level disputes and referrals.

The Board also works with UN agencies, National and international institutions. For instance, the Board is implementing a three-year Global Fund/National HIV/AIDS Secretariat funded project to promote the rights of indigents living with HIV and AIDS in the country.

It has worked with the Open Society Initiative for West Africa (OSIWA) on the provision of primary justice services through the work of Paralegals. The Board worked with UNICEF on child rights issues and UNDP on election issues.

9. UN SDG Standard 16.3

Please identify any steps being taken to articulate and elaborate Sustainable Development Goal 16.3 in your jurisdiction.

The Ministry of Planning and Economic Development is the Government Ministry responsible for the implementation of the Sustainable Development Goals (SDGs). The

**Legal Aid Board is one of the lead agencies for the implementation of Goal 16.3 which seeks to 'Promote the Rule of Law at the national and international levels and ensure equal access to justice for all.'**

**The Board is holding nation-wide sensitization meetings on scaling up access to just, peaceful and inclusive society in the aftermath of the March 2018 elections which divided families and communities along political lines. These meetings will be organized in all the sixteen districts in collaboration with partners. This is part of the Board's lead role in implementing Goal 16 of the Sustainable Development Goals.**