



ILAG CONFERENCE – OTTAWA – JUNE 2019

CLAIRE CARLTON-HANCILES
EXECUTIVE DIRECTOR, LEGAL AID BOARD SIERRA LEONE



Not just Access to justice (A2J) is important, but also **legal literacy**. People need to have knowledge and awareness of their rights and duties; they need to better understand the resources that are available to them in solving their judicial problems; they need to be assisted in understanding their legal rights and how best to pursue them. Globally there seems to be a growing care for public legal education programs to enlarge legal literacy. When it comes to access to justice, it is not only the responsibility of the legal aid lawyers, but of the entire legal profession.

The need is expressed for a **better coordination amongst / between departments**. Also, the issue is raised which department should pay for this: justice or health & welfare? But this cooperation should not just be top-down, we also need it to be bottom-up. There is an **increasing cooperation between all kinds of providers**, also outside the legal sector (for example social, health care). More and more integrated services are being developed. Legal aid seems less isolated and more in cooperation with other service providers. The national reports present a lot of alternatives and various types of contracts.

For example, health and justice partnerships:
(Mental) illness leads to legal problems and legal problems cause illness. The paradigm case of “Alicia, her baby, and mold” shows that legal help can do something that medicine can’t. Often there are complex needs that need to be addressed. Early intervention is helpful and can be done in the shape of just ‘red flagging’ a problem, without solving the problem.

Also, various countries are moving towards a better cooperation between the first and second line of legal help and/or a strengthening of the first line of help to tackle problems (also non-legal problems) in an earlier stage. There should be a more integrated service that puts the client in the center of attention: How is he helped best? A better cooperation leads to better understanding of the needs of clients. Customer journey research might also help to learn about the needs of the client.

Globally there is a rising attention for **legal needs assessment** and monitoring. Also, the influence of SDG 16.3 is important (sustainable solutions), as well as EU directives and case law of the ECtHR. It is, for example, not a sustainable solution to put repeat offenders with chronic drug and alcohol problems in prison. For some situations out of the box thinking is necessary.

A significant culture shift is felt to be necessary: innovation is needed, and we should focus on the needs of real people. We should change the way law is thought about. We should change the way law is operating. We should change the way law is characterized.

We should rethink the entire justice system! (for example: restorative justice, decriminalization of marihuana).

The **justice gap** represents the people who are not helped with their legal problem. Also, you can specify this for certain service gaps, for example for **vulnerable groups** (like disabled persons or elderly, but perhaps also the indigenous people); vulnerable people 'don't just walk in the door'. Poverty is not just monetary; there are many social dimensions of poverty: health, education, standard of living, employment, victimization of crime, perception of crime, etc. This is the multidimensional index of poverty.

Undissolved legal problems lead to many other problems. A government can ask how much it costs to have a good working legal aid system; but it should ask the more important question: how much does it cost to *not* have a (good working) legal aid system? The multi-dimensional costs of not giving proper legal aid are high. Also, there is a lobby to reform laws that adversely affect legal aid clients.

Every system that faces budget cuts is relooking for more efficient ways to help people. There is need for **evidence-based experiments and pilots**. It is important to think about what results you expect, what changes you intend and in what ways those can be measured. It is also suggested that to run a good experiment or pilot you should take your time to think things through and you shouldn't rush things.

Furthermore, it is said that technology provides no one magic bullet; one should be looking for a range of incremental improvements. Technology can supplement, but not substitute for, people. It should be seen as a way of getting more value for money, not to save money. Technological efforts should be evaluated and shared globally.

The overall impression from the national reports is a positive one (compared to those of previous years), according to Peter van den Biggelaar. It is recommended to everyone to read the national reports, because they provide ideas and stimulate out of the box thinking.

REINFORCING THE NEED FOR EVIDENCE-BASED DECISION MAKING: ILAG 2019

MADHURIMA DHANUKA

**PROGRAMME HEAD, PRISON REFORMS PROGRAMME COMMONWEALTH
HUMAN RIGHTS INITIATIVE, INDIA**



It was my first as a participant to the International Legal Aid Group (ILAG) Conference held in Ottawa in June 2019. Aptly titled 'Legal Aid as Public Service: Is it achievable?', the programme schedule covered key challenges faced by policy makers and practitioners in ensuring access to effective legal aid services across jurisdictions. While international conferences promote learning across borders, they also inculcate a sense of solidarity. Forums such as the ILAG provide a platform to collectively discuss, deliberate and inform policy decisions to address similar issues plaguing legal aid systems in one's own jurisdiction.

There were a number of aspects covered at the conference, including two extremely problematic aspects that legal aid systems often struggle to address -- financial constraints and ensuring quality of legal services provided. Another aspect which seemed to be threaded across all presentations was the increased affirmation that knowledge of one's rights is a pre-requisite for one to be able to realise their rights. That is to say, that one cannot enjoy one's rights, if one is not aware of them.

This aspect was also emphasised upon by Mr David Lametti, Minister of Justice and Attorney General of Canada in his welcome address to the participants.

Day one included intriguing discussions on pro bono services and current challenges; a presentation on the importance of placing the client at the centre, and understanding their needs through Project Rosemary; and the sharing of a visually enticing journey across provinces in Canada and their legal aid systems. The main highlight, however was to comprehend the unique challenges faced in delivering legal services in the Arctic region in Canada. The efforts made to tailor make services for this region highlights the importance placed by Canada, to ensure that those living even in the remotest of regions, have access to legal services.

Day two started with presentations on use of technology in improving access to courts, and an interesting issue was raised with regard to artificial intelligence and human rights. There is a growing trend to use automated decision making in criminal justice processes, in particular for determining immigration and refugee status, as well as for determining whether an accused is at high or low risk of re-offending. However, there is little research on the potential risks of such increased use, including the fear of the system being biased. The presenters raised concerns of institutional biases seeping into these processes, particularly because the parameters on which automated decision making is based are decided by persons, who given the existing institutional bias, will inadvertently assimilate similar parameters in the system. Some baseline research which was shared as part of the presentation, substantiated the argument. Thus, the need to develop and regulate ethical artificial intelligence usage was highlighted.

In the Indian context, artificial intelligence has just been introduced though more in regard to mapping judicial processes etc. There are however, discussions on using artificial intelligence for further liberalising of bail provisions i.e. for risk assessment of accused. In this regard, the presentation was particularly thought-provoking, as it resonates with my personal views somewhat, given I don't feel one can ever, or rather should ever fully automate decision making where it concerns the liberty of any individual.

While this presentation was the highlight for the day for me, the next session was on exploring gaps in provisions for vulnerable people. Here a presenter from the Legal Aid Foundation, Taiwan shared how they are developing an evidence-based approach to locate the potential need for strategic planning. An interesting model to map demand of legal aid services was shared, as well as how they are using the data to identify gaps in legal delivery, which will help in future planning and service improvement. This was followed by presentations from India, from myself and from a representative from the National Legal Services Authority in India. Very little is known about the Indian legal aid system, so I focused more on sharing the basic structure, and how the legal aid authorities in India have been focussing on improving outreach. Given the vastness of the Indian sub-continent, and the remote pockets of populations in several states, outreach and awareness activities assume much importance. Data on legal service providers, legal services clinics and legal aid beneficiaries were shared, along with details of campaigns conducted recently and their outcomes. This was further complemented by the next presentation, which added more information on outreach activities in India.

This session was followed by presentations on health and legal services. Interesting models of health justice partnerships were shared from different jurisdictions. The benefits and challenges of integrating community legal services within healthcare services were discussed, as was the lack of funds for such services. This was an interesting facet of legal aid, hitherto unexplored in the Indian context. Provision of services through clinics in health care establishments, relationship

between legal issues, and subsequent health concerns was interesting to understand, and thus appreciate the value of provision of legal services in such situations.

The next session was on innovative approaches to questions of cost and affordability, which included presentations on correlations between poverty and access to justice. Interesting examples were shared on how poverty alleviation programmes can often be undermined if legal problems are left unaddressed. This was substantiated through data obtained through a survey which documented how impacts of legal problems affect poverty and inclusion. Another interesting presentation was on the 'mixed' model of services delivery in Australia, which sought to ensure that resources allocated to legal aid commissions are used effectively, economically and can optimise the number of people who can receive assistance. This model was premised on the allocation of work between in-house counsels and private practitioners.

Day three started with presentations on the most discussed and relevant topic on legal aid in recent times i.e. ensuring quality. A brief summation of UNODC's recently published handbook on ensuring quality of legal services was provided to the participants, along with discussions on mechanisms such as peer-review, external audits, client's feedback, outcome in ensuring quality of services provided. This session was followed by an interesting one on technology and access, and a snapshot of the recent developments in this field were shared. DIY (do it yourself) unbundled services as well as guided pathways and online assistance, in context of the Rechtswijzer project, MyLawBC etc. and other initiatives were shared.

The last and final session of the conference was on the Sustainable Development Goals 2030 (SDGs) in particular SDG 16.3 and legal aid at the early stages of criminal proceeding. SDG 16.3.2 in particular looks at the proportion of unsentenced prisoners as an indicator towards promoting the rule of law at the national and international levels, and ensuring equal access to justice for all. In this respect, strategies that seek to reduce pre-trial detention rates and are linked to legal services gain importance. In this context some intriguing presentations were made. These included introduction to an innovative application created under the 'Digital Legal Rights' project in the UK, which sought to engage with young suspects, and ensured that suspects are aware of their legal rights, in particular procedural safeguards, when interviewed by the police. Another interesting model – 'first hour procedure' – was shared from a representative of the Legal Aid Commission in Fiji. This mechanism, introduced as a pilot, seeks to ensure that suspects are accorded the service of a lawyer within the first hour of arrest. Details of the pilot and the efforts undertaken to ensure its success, which including bringing together key criminal justice functionaries, were shared and subsequently discussed amongst participants.

I am not a policy maker, neither am I an academician, but my work profile as the Programme Head, Prison Reforms Programme at the Commonwealth Human Rights Initiative gives me an opportunity to be engaged with both research and policy making, often being the link between the two. Since 2010, I have engaged in building evidence around legal aid service delivery in India, with specific focus on persons in custody. My participation at the ILAG, gave me affirmation, and a strong push to continue building evidence around legal aid services, and using that evidence to effectively advocate for necessary changes in the legal aid delivery systems. I hope to participate in the next ILAG conference and share how we build evidence to inform policy making at the national level in India, and impress upon the important role civil society actors such as myself play, or rather hope to play, in order to nudge processes and systems along in the right direction.

MY IMPRESSIONS OF THIS YEAR'S ILAG CONFERENCE

SUSANNE PETERS

RESEARCHER, LEGAL AID BOARD THE NETHERLANDS



International Legal Aid Group (ILAG) conferences have now become a common ground for those of us in the business of legal aid to meet and share ideas on a range of issues including the groundbreaking and incredible work we are doing in our various corners and also map out the future direction of legal aid services around the world.

This year's International Legal Aid Group (ILAG) Conference in Ottawa, Canada from the 17 – 19 June was an eye-opener for some of us in several ways. It was both a thrilling and learning experience getting to meet and interact with over 100 legal aid experts including Chief Executive Officers from forty countries. The excitement in the faces of colleagues from India, Fiji and Canada will live with some of us for a long time.

The sessions were motivating and inspiring particularly listening to the national reports and getting to know what colleagues are doing differently. For instance issues around the future of lawyers in access to justice and pro bono services especially in Canada.

Some topics provided a rare insight into current trends in legal aid services. For instance, the role technology is playing to improve access to justice particularly in the area of civil litigation. Also, the gaps in offering legal services to vulnerable people in our respective countries.

For schemes like ours with a small budget, learning about the use of affordable and cost effective innovative approaches in the delivery of legal aid services would not have come at a better time. Also, Health justice partnership and the way forward for legal aid and health services was really a very captivating topic.

The conference would not have closed on a better subject than SDGs 16.3 not only because our future work lies in this Goal but also because the Legal Aid Board is a lead agency in implementing Goal 16.

Another important feature of the conference is the unique insight into the delivery of legal aid in Canada and important historical landmarks. Also, our walk from Ottawa Hilton Hotel to the Museum of history across the river into Quebec was very captivating. The reception we had at the Supreme Court of Canada underlines the awe and might of the people of Canada and the supremacy of the law in that country. The performance by the indigenous people of Canada during that dinner will always be cherished by us.

It was a good summer with nice summer colours worn by residents and people on the streets. This blended neatly with the flowers which were full blown making the summer experience a remarkable one.

In conclusion, I wish to acknowledge Professor Alan Peterson's very interesting recap of the whole meeting. It really sent us into laughter as picture after picture showed how the conference unfolded. The intense moments as well as the satirical ones. On this note, we are very happy to welcome his latest grandchild into the fold.

The government and people of Canada and the Legal Aid Ontario also deserve a big thank you for a very well organized summer conference. I also want to thank our own Guido Shakenraad, Annik Wills, David McKillop, Michele Leering, Peter van den Biggelaar and Tracy Baguley to name a few for educative input and contributions.

I have to confess that Canada left a lasting impression with me following the meeting with indigenous people of the North. I will not forgive myself if I fail to acknowledge the lunch and dinners which were delicious.

We missed some of our familiar faces who could not attend for one reason or the other. But we hope and pray that we will all be able to be at the next meeting in Australia

Australia here we come for the next meeting. Colleagues, let us be ready to pack our bags and meet in Australia for the next ILAG meeting in 2021.

SUMMARY OF EVALUATION QUESTIONNAIRES FOR ILAG CONFERENCE OTTAWA, CANADA - 17 TO 19 JUNE 2019

EILEEN RITCHIE
ILAG CONFERENCE CO-ORDINATOR



The following summarizes the main findings of the evaluation questionnaires:

- A total of 85 delegates attended the conference of which a few delegates attended specific sessions only. Two further delegates presented their conference paper by Skype. Twenty nine countries were represented at the conference by sixty nine organisations.
- Of the 85 delegates, 32 delegates completed the questionnaire giving a response rate of 37.65%. Not all questions were answered by the 32 delegates.
- Session 5 (Holistic Provision), Session 7 (Quality) and Session 8 (Technology and Access) were particularly highlighted as the best sessions in the Conference.
- Twenty three delegates answered the question about the return of breakout sessions. Fourteen delegates stated that they would like to see the return of breakout sessions in comparison to 9 delegates who did not wish to see their return giving a positive response rate of 64.3%. Reasons for wishing the return of breakout sessions include:
 - More engaging and time for more interaction.
 - To discuss ideas in smaller groups and break up the format.
 - Would welcome chance to discuss issues in more detail.
 - It may allow for deeper conversations on subjects.
 - Further discussion about sessions that have ended but some want more to learn and offer.
- Accommodation: Nineteen delegates rated the Novotel from 5 (very satisfied) down to 3 with 82% of delegates rating in the top two levels. Two delegates rated Les Suites; one delegate rated at 4 and one delegate at 3. The delegate who rated the Lord Elgin rated it as 5 (very satisfied). Hotels were generally rated highly.
- Catering at Conference Venue: Twenty eight delegates rated the conference venue from 5 (very satisfied) down to 3 with 78% of delegates who responded rating the catering in the top two levels.

- Conference Dinners/Receptions: Twenty two delegates rated conference dinners/receptions from 5 (very satisfied) down to 3 with 95% of respondents rating them in the top two levels. Conference dinners/receptions were rated especially highly.
- Conference Organisation: Twenty seven delegates rated the conference organisation from 5 (highly satisfied) down to 4 with the majority of respondents (56%) rating it as 5 (highly satisfied).
- Conference Website: Twenty delegates rated the conference website from 5 (highly satisfied) down to 2 with 80% of respondents rating the conference website in the top two levels.
- Twenty three delegates answered the question 'did the Conference facilitate discussion and dialogue of international developments in policy and research related to legal aid services?' from 5 (very much) down to 3 with 91% of respondents rating this statement in the top two levels.
- Twenty nine delegates answered the question 'did the Conference provide a forum for the identification and understanding of important issues, trends, gaps and/or opportunities for innovation in the provision of legal aid services and access to justice?' from 5 (very much) down to 3. Ninety six percent of respondents rated this in the top two levels.
- All 26 delegates who answered the question about the ILAG newsletter stated that the newsletter is still useful if it comes out twice a year. Of the fourteen delegates who responded to the question asking if the newsletter should be altered in any way the majority, 86%, stated that it should not be altered. Respondents were, therefore, generally satisfied with the newsletter.

Ratings and comments given in the questionnaires indicate that the majority of respondents were highly satisfied with the conference and its preparation and organisation and with the ILAG newsletter.

GLOBALACCESSTOJUSTICE.COM
THE WEBSITE OF THE NEW WORLDWIDE SURVEY ON ACCESS TO JUSTICE WAS LAUNCHED AT ILAG CONFERENCE IN OTTAWA

ALAN PATERSON

PROFESSOR OF LAW AND DIRECTOR OF THE CENTRE FOR PROFESSIONAL LEGAL STUDIES AT STRATHCLYDE UNIVERSITY LAW SCHOOL, SCOTLAND, CHAIR OF THE ILAG.

BRYANT GARTH, DISTINGUISHED PROFESSOR AND VICE DEAN AT THE UNIVERSITY CALIFORNIA-IRVINE SCHOOL OF LAW.



CLEBER FRANCISCO ALVES

PROFESSOR OF LAW AT FLUMINENSE FEDERAL UNIVERSITY (BRAZIL), PUBLIC DEFENDER OF STATE OF RIO DE JANEIRO – BRAZIL.

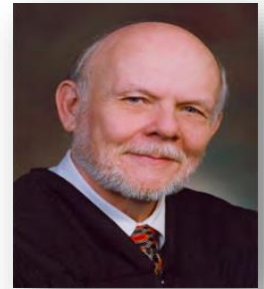


DIOGO ESTEVES

PROFESSOR OF LAW AT FESUDEPERJ, RESEARCHER AT THE FLUMINENSE FEDERAL UNIVERSITY'S PROGRAM OF SOCIOLOGY AND LAW, PUBLIC DEFENDER OF STATE OF RIO DE JANEIRO – BRAZIL.

EARL JOHNSON JR.

FORMER JUSTICE OF THE CALIFORNIA COURT OF APPEAL, FORMER PROFESSOR OF LAW AT THE UNIVERSITY OF SOUTHERN CALIFORNIA, VISITING SCHOLAR AT THE WESTERN CENTER ON LAW AND POVERTY.



True democracy is founded on the rule of law, and becomes an illusion if justice is not available for all. Formal recognition of rights by legal systems does not automatically imply their practical implementation, while those denied access to the justice system risk having their rights ignored or violated.

Access to justice is therefore the most basic civic right in any modern democratic state claiming to guarantee the protection of equal rights for all.

The United Nations Commission on Legal Empowerment of the Poor estimates more than half of the world's population fall outside the effective protection of the law. On current figures, this means around 3.8 billion people cannot claim their most basic rights via the justice system, which in turn often results in social and political exclusion, or marginalization, of both legal issues and citizens, but especially the poorest and most vulnerable members of society.

The Global Access to Justice Project aims to research and identify practical solutions to this “access” problem by forming an international network of scholars drawn from all over the globe, and on an unprecedented scale. Through collaboration between leading experts representing diverse cultures, disciplines and nations, and wherever possible including First Nation and other excluded peoples at the margins of society, the project will gather the very latest information on the impact of the world's major justice systems, analyzing legal, economic, social, cultural and psychological barriers that prevent or inhibit many, and not only the poor, from entering and using the legal system.

This project offers much more than a conceptual analysis of justice in the contemporary world. Grounded in empirical and comparative analysis of legal processes, while drawing upon practical human experience, it documents the attempts, achievements, and failures of all those struggling to deliver justice in the so-called real world. And because of its unique multi-dimensional epistemological approach, and broad geographical reach, the project has the ambition to become the most comprehensive survey ever conducted on access to justice to date.

This new world worldwide survey on access to justice is now available on the internet at: [**www.globalaccesstojustice.com**](http://www.globalaccesstojustice.com)

The project website was launched by the research coordinators during the last ILAG Conference in Ottawa.

The website makes available to the general public all information about the survey, as well as an updated real-time map with all participating countries and researchers. Currently, the Global Access to Justice team is bringing together 158 researchers, coming from 83 different nations. And the numbers are increasing every day.

For those who crave a fairer future and dream of a world where equal access to justice is a global reality, the project promises to be a source of inspiration and perhaps a stimulus for us to finally be the change we wish to see in the world.

SELECTED 'LEGAL AID' NEWS FROM ACROSS THE WORLD

PAUL FERRIE

ONLINE ADMINISTRATOR, ILAG AND ASSOCIATE SOLICITOR, FULTON'S

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

['Absurd': NSW Government Ignored Report on Looming Legal Aid Crisis](#) – Sydney Morning Herald
[Lawyers Warn Legal Aid at Breaking Point After NSW Murder Trial Derailed](#) – The Guardian
[Virtual Lawyers A Reality for WA Legal Aid](#) – Lawyers Weekly

Cambodia

[Cambodian Human Rights Committee \(CHRC\) To Form Legal Assistance Team](#) - The Phnom Penh Post

Canada

[Canada Boosts Provincial Legal Aid for Asylum Claims Amid Funding Disagreement](#) – Yahoo News
[CBA BC President Margaret Mereigh Is Fighting for Access to Justice In B.C](#) – Canadian Lawyer
[Cuts to Legal Aid Ontario Will Cause Hearing Delays. Immigration and Refugee Board Warns](#) - CBC
[Fair Access to Justice Must Be for All Indigenous People](#) – The Globe & Mail
[Feds Pledge \\$25.7M To Ontario Immigration and Refugee Legal Aid](#) – Newswire.Ca
[Government of Canada Supports Initiative to Address Workplace Sexual Harassment and Improve Access to Justice in Ontario](#) – Newswire.Ca
['Insurmountable' Access to Justice Issues Could Come from Ontario's Crown Immunity Change](#) – Law Times
[Scott McCannell: B.C.'S Front-Line Legal Aid Lawyers Ignored](#) – Vancouver Sun
[Supreme Court of Canada Decision Provides Important Access to Justice for Victims of Price-Fixing](#) – Newswire.Ca

England & Wales

[Deep Legal Aid Cuts 'Have Left Women at Risk of Abuse'](#) – The Times
[Legal Aid System in Crisis. 70 Years Since Launch](#) – Campaigners – ITV
[Long List of Legal Aid Controversies](#) – AOL
[Separated Migrant Children Given Better Access to Legal Aid](#) – Ministry of Justice
[Students Give Legal Advice to Fill Gap in Local Support](#) – Law Society Gazette

Fiji

[Fiji Workshop Aims to Empower Remote Communities](#) – RNZ

[Legal Aid to Launch New 3-Year Strategic Plan Providing Better Access to Justice for Poor and Vulnerable Fijians](#) – Fiji Village

[More Than 9,000 Criminal Cases with Legal Aid Commission](#) - Fiji Village

India

[Assam Government to Provide Legal Aid to Needy People Excluded from NRC List: MHA](#)

[Law Schools Across India Launch Legal Aid Clinic to Assist People Excluded from Final List](#) – Scroll In

[Make Best Use of Technology to Ensure Quality Legal Aid: CJI](#)- The Times of India

Malaysia

[AG Pledges to Support Bill for Legal Aid Law](#) – FMT News

[Bar Urges More Lawyers to Give Legal Aid to Refugees](#) – FMT News

[Johor Working on Providing Legal Aid Service for Women](#) – Malaysiakini

Nigeria

[Many Ways Indigent Nigerians Can Access Free Legal Representation](#) – All Africa

Northern Ireland

[Concerns Raised Over Failure to Tackle Increasing Legal Aid Bill](#) – Belfast Telegraph

Republic of Ireland

[More Than 25,000 People Sought Free Legal Advice](#) – Belfast Telegraph

Scotland

[Law Society of Scotland Responds to Consultation on Legal Aid Reform](#) – Scottish Legal News

[Legal Aid Board Boss Makes the Case for Radical System Change](#) – Scottish Legal News

[Legal Aid Fee Increase Has Not Improved Morale Among Lawyers](#) – Scottish Legal News

[Legal Aid Review Tops the Agenda for Latest Law Society President](#) – The Herald

[Scotland Is Right to Give Refugees Legal Aid ... So Should the Whole UK](#) – The National

[Scottish Lawyers Warn of Catastrophe Over Legal Aid 'Deserts'](#) – The Times

Uganda

[Museveni Supports Legal Aid for Soldiers](#) – Daily Monitor

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>.