

Financing people-centred justice in Africa



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In the many places where access to justice is limited, funders should put money into supporting community-based paralegals

The 2019 'Justice for All' report found that 5.1 billion people – a staggering two-thirds of the world's population – lack access to meaningful justice solutions. This figure represents more than a 20 per cent increase over a decade in the number of people worldwide who are trapped in the justice gap. But what does this statistic really mean?

In places like Malawi and Sierra Leone, it means prisons are overcrowded with people who have been detained for petty offences such as loitering or small debt charges, often for months in poor conditions, as legal aid lawyers are overwhelmed and courts are inundated with

burgeoning caseloads. In South Africa, social grant recipients have been targeted by micro-lenders who provide loans at exorbitant interest against the grants that people depend on to keep their families afloat.

In these countries and many others, community paralegals represent the only access for disadvantaged populations to legal and other important services. This is what has been defined as people-centred justice – where people's justice problems are resolved outside of court, using a human rights framework. Community paralegals work to address critical community needs, despite having limited resources and little to no financial support or recognition from their governments.



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Mott's approach

For nearly three decades, the Charles Stewart Mott Foundation has worked to strengthen South Africa's paralegal infrastructure through our support for the country's community advice offices (CAOs). CAOs were instrumental in leading community resistance to apartheid, and to providing justice services promised in South Africa's post-apartheid constitution and we remain committed to bolstering the work of community-based paralegals and supporting the sector's efforts to gain recognition and sustainable financing from the South African government.

Mott has expanded its justice portfolio beyond South Africa and is now supporting NGOs and independent legal aid institutions to provide people-centred justice services in Kenya, Malawi, Rwanda and Sierra Leone. On a broader scale, Mott is working to promote continental learning and sharing across Africa and to ensure that NGOs providing justice services are included in high-level global discussions around financing justice as part of development package negotiations. In



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important, the courts are generally inaccessible, expensive, and time-consuming for the people who need them most – and in most instances, not the appropriate way to resolve day-to-day justice issues. Governments in Malawi, Kenya, Zambia, Tanzania and Sierra Leone have acknowledged the role that paralegals play in their legal aid laws, but have yet to provide adequate and sustainable financing for their work.

Cost-benefit studies in various countries have shown how investing in people-centred community justice services has offset other high-cost expenditures. Instead of funding expensive detention centres, governments could channel those funds towards supporting paralegals who work to keep people from being detained in the first place. In the long run, outreach activities undertaken by paralegals on human rights and laws help foster law-abiding citizens, which eases the financial and operational burden on justice systems.

The ever-widening global justice gap makes it clear that it's time to change the way we think about how people access justice services. SDG 16 provides a call to action, but to achieve the goal we need substantial, long-term financing to build new systems that put people – not institutions – at the centre of justice systems, and justice at the heart of the sustainable development agenda. ●

Above: Community advice session in Tyinira village, South Africa.

collaboration with the Hewlett Foundation and the Fund for Global Human Rights, we will launch a global Grassroots Legal Empowerment Fund in 2021 to help support local organisations that use legal empowerment approaches to address injustice in their communities. We aim to raise \$100 million over ten years, in partnership with other philanthropic foundations and development institutions who are committed to financing justice services to achieve the SDG agenda.

Sustainable financing

SDG 16, with its focus on promoting peaceful societies and providing justice for all, has laid the foundation

for countries to support justice outcomes more clearly. For the first time people-centred justice is not only viewed as a civil and political right, but also a development goal that needs to be financed and implemented. Though the justice goal has the potential to be a gamechanger, philanthropic support from Mott and other donors simply will not be enough to close the world's justice gap.

Governments throughout Africa and beyond have an obligation to finance justice services, but funding rarely goes beyond ensuring the basic functioning of a court system and, while this is

\$100m

Amount the Grassroots Legal Empowerment Fund aims to raise over ten years to support local organisations access justice services.