

## **CEERD External Advisory Committee**

### **Working group on Legal Services for the Poor**

#### **RECOMMENDATIONS**

##### **PILOT PROJECTS:**

With respect to CEERD pilot projects:

- The pilot projects should not be implemented until a suitable design is developed which includes components which address the following issues:

- systemic reform
- community-driven development
- group representation
- public education
- sustainability
- monitoring which includes an assessment of systemic impact

- Pilot projects should expand their focus, to consider support for:

- additional issues, beyond women and children's rights, such as immigrant rights, housing, labor rights, prisoner's rights

- additional implementers, such as university-based legal clinics, in order to create synergies with the cross-cutting educational activities

- additional strategies, including systemic reform advocacy and representation of groups, in order to create synergies with community-based development activities

The background materials for the EAC meeting identified 6 countries for potential pilots on legal services for the poor. In two countries – Jordan and Sri Lanka - Bank-supported legal services organizations had already been identified for study. In Kenya a legal and justice sector assessment is underway, which will provide a basis for identifying a pilot organization. In the remaining countries had not yet been made according to information provided by representatives of the Legal and Judicial Reform Practice Group (LJR)

In going forward with the pilots LJR's plan is to build on the legal and judicial reform project in Ecuador which provided support for legal aid clinics for women and children. The Ecuadorian project was the subject of a rigorous but very focused evaluation. The basic question posed in that evaluation was: "Were women who had access to legal aid and related services better off than women who did not have such access, holding other factors equal." (Study, pg. 3) The analysis focused on women who were seeking child support, and clearly concluded that legal aid made a difference. While the study went beyond economic issues, it was clearly designed to determine the individual impact on the direct beneficiaries of legal aid services. There are some general

references to the role of legal aid organizations in legal and judicial reform, there was no attempt to look at the systemic impact, if any, of these particular projects. Two of the pilots under consideration appear to be substantially the same as the Ecuadorian project.

Without in any way detracting from the significance or methodology of the Ecuadorian study, we suggest that the assessments of the LSOs in Jordan and Sri Lanka explicitly consider other dimensions of their work. Activities such as legal awareness training, networking, group representation and systemic advocacy need to be examined to determine their effectiveness. In addition any study should look at organizational capacity building and sustainability.

With respect to the additional pilot programs we urge that the LJR group consider several different types of LSOs for study. These could be organizations with a particular subject matter focus such as housing or labor rights or those serving particular constituencies such as immigrants or prisoners. Perhaps more importantly, we are suggesting that the pilots include LSOs doing work in different ways, with particular emphasis on work with groups, systemic advocacy and community driven development. While the Ghana is not on the list of pilot countries, we have in mind work like the advocacy on health and sanitation issues being done by LRC-Ghana, for example. We think it is important to capture the breadth and depth of LSO work.

## **CAPACITY BUILDING**

With respect to capacity building, the WB should support the development of:

- Internship programs
- Exchanges
- Training (on group and impact work and related management issues)
- Technical assistance
- Leadership training
- Collection and dissemination of best practices
- Web-based support

Our group felt that that internships, exchanges and various training programs are very valuable. The workshop on legal services in April provided an excellent example of how an internship can lead to important changes. The Director of the Legal Resources Center-Ghana explained how his organization was established directly as a result of an internship at the Legal Resources Centre South Africa. In order to put a capacity building program into operation we suggest that the Bank to form a partnership with a private donor. This type of cooperative effort could provide the flexibility needed for the program and begin to promote donor coordination (see below). Ideally a capacity building program should be linked to the pilot organizations.

## **BANK PRACTICES**

With respect to WB practices:

- Include justice sector reform and legal services for the poor within the guidelines for topics to be considered in a CAS
- Promote government practices which facilitate access to justice, including budgetary and other forms of transparency and the collection of data relating to justice delivery
- Include legal services as a component of community-driven development projects

In general we are recommending that steps be taken to raise awareness of legal services within the Bank planning processes and to promote collection of information regarding access to justice. Again, the pilot programs should be designed provide a starting point for this effort.

## **DONOR FORUM**

Convene Donor Forum on Legal for the Poor, in order to:

- Coordinate donor knowledge about role of legal services in promoting civic engagement, empowerment and diversity.
- Develop sustainability strategies
- Identify gaps and synergies in donor strategies
- Support establishment of independent NGO to promote sustainability and best practices on behalf of the poor
- Among donors to include would be: OSI, Ford, USAID, DHD, SIDA, DANIDA, NOVIB, etc.

We strongly urge that the Bank not act in isolation from other sources of support for legal services. There is a strong need for a more coordinated approach among donors. As suggested above, one way to start would be to seek out other funders for involvement in the capacity building project.

Our general conclusion is that more work needs to be done to incorporate the lessons from the April Legal Services Workshop into all element of the CEERD legal services component, especially regarding the pilot programs. While the Ecuadorian study demonstrated the economic value of direct services to clients, it did examine questions of how best to reach the most disadvantaged people and how best to accomplish systemic reform. Adding to our knowledge of these elusive issues would be valid goals for any pilot study. We would welcome the opportunity to provide additional comments as this important project moves forward.