

WORKING GROUP ON ACCESS TO JUSTICE RECOMMENDATIONS FOR ACTION

1. ADDRESS THE INFORMATION DEFICIT

Main Idea:

- To help improve access to justice in each country throughout the region, the following data needs to be compiled:
 - o Level of unmet legal need in each country (identification of needs at both local and national levels) – who needs help and what type of assistance is needed?
 - o Data on existing resources to provide help to those with unmet legal needs – accurate information is needed about the composition of the legal profession (how many lawyers, geographic distribution, areas of practice, etc.).

Course of action suggested by the group:

- Undertake a research project to breach this informational gap.
- Lobby appropriate government agencies to include in census questions on access to justice.

2. ENSURE THAT THE STATE COMPLIES WITH ITS RESPONSIBILITY FOR PROVIDING ACCESS TO JUSTICE

Main Idea:

- In most of countries in the Americas, government has a constitutional obligation to provide access to justice.
- On the whole, governments are not fulfilling this obligation.

Course of action suggested by the group:

- Offer strategic collaboration with the state to improve access to justice.
- If the government does not respond, develop strategies including legal action that will require government to comply.

3. BEYOND PRO BONO: PRO BONO IS NOT A MAGIC SOLUTION

Main Idea:

- Pro bono work, while a critical mechanism to advance access to justice for the poor, is not a solution to address systemic access to justice challenges.
- Efforts need to be initiated / continued to establish pro bono as one of the principle tools to enhance access to justice.
- Must retain emphasis on obligation of state to ensure access to justice.

Course of action suggested by the group:

- Other sectors need to be involved and trained to achieve an improvement in access to justice.

- A pro bono approach has to be multifaceted and multisectoral.

4. INVEST IN FUTURE GENERATIONS THROUGH LAW SCHOOL CLINICS

Main Idea:

- Investing money in training new generations of lawyers to embrace and advocate for an expanded culture of pro bono is a worthwhile investment.
- Legal clinics play a key role in achieving this objective.

Course of action suggested by the group:

- Be more creative in the way legal clinics are implemented so as to attract and motivate student participation.

5. ESTABLISH CLEARING HOUSES

Main Idea:

- Create and integrate this mechanism within the access to justice system.
- An institution that does not do the legal work per se, but that acts as an intermediary or facilitator between the components of the profession, screening and reviewing cases to be assigned to lawyers, is essential to achieve progress.

Course of action suggested by the group:

- Support and train staff running the clearing houses.
- Create and develop the required infrastructure.
- Provide training to the cadre of lawyers that will provide legal services.