

BACKGROUND NOTE

Solomon Islands Access to Justice Project

Role of Community Legal Advocates in the Provinces

Introduction

The socio-economic inequalities spread internationally and internally within nation-states reverberates into injustices faced by many, but disproportionately amongst rural and marginalized members such as women, youth, and people with disabilities (PWDs). Sustainable development can be stalled when people do not know of, and cannot exercise, their basic rights regarding how their land is used, to fight against discrimination, and to be a critical check and balance in holding authorities to account. Law is essential to addressing these structural challenges which are being faced today. Sustainable Development Goal (SDG) 16 is one of the broadest and fundamental goals of all the 17 SDGs. It is acknowledged that sustainable development is dependent on peace, justice, and strong institutions.

Community legal advocates/officers, or “barefoot” lawyers are an innovative addition to the justice sector. Their work in providing justice services contributes to achieving SDG 16 at a grassroots level. Community legal advocates (CLAs) provide a dynamic, cost-effective, community-oriented alternative to lawyers, in a similar relationship as rural public health workers fill in relation to doctors. They work in conjunction with lawyers and can enhance the use of the law and the applicability of legal and policy solutions to individual and community problems.¹ CLAs are selected from the community they are intended to serve and consequently have a deep knowledge of their context. They can provide tailored solutions not just to individuals, but to whole groups, and assist with empowering the community to advance their interests.² They come from diverse professions, such as educators, public servants, social workers, and lawyers, with the ability to draw from these skills and employ an array of tools and strategies to resolve justice problems efficiently that through the formal legal system.³

Context

The term ‘justice sector’ broadly refers to all the different agencies and actors that are involved in the provision, management and administration of justice. This encompasses:

- the Judiciary, which comprises the Court of Appeal, the High Court, the Magistrates Court and the Local Courts; and
- the executive justice bodies, which includes the Ministry of Justice and Legal Affairs, the Office of the Director of Public Prosecutions, the Public Solicitor’s Office, the Attorney-General Chambers, the Registrar General’s Office and the Law Reform Commission; and
- civil society partners including chiefs, churches, NGOs, disability and women’s advocacy groups.

¹ Open Societies Paralegal Manual

² Open Societies Paralegal Manual

³ Open Societies Paralegal Manual

The Justice Sector Strategic Framework underpins the goals in SDG 16. Its vision for the sector is that: *'all people in the Solomon Islands have timely and relevant access to a robust and independent justice system which they have confidence will support a safe and peaceful society.'*

The PSO is the constitutionally mandated institution providing legal services to people facing socio-economic challenges. Their work facilitates the understanding, protection and vindication of their legal rights through community awareness, advocacy, assistance, advice and representation. They have permanent offices in Guadalcanal (Honiara), Malaita (Auki), Makira (Kirakira), Temotu (Lata) and Western Province (Gizo). The PSO employs 29 lawyers. The majority of whom are based in Honiara.

One aspect of the PSO is their provision of community awareness on legal issues in rural parts of the provinces they are located in. These community awareness sessions are run by PSO lawyers, with support of paralegals and volunteers. The PSO has not yet engaged the support of CLAs in locations not in close proximity of their provincial offices.

Since 2014 in the Solomon Islands, the World Bank has been running its 'Community Governance and Grievance Management Program' incorporating a variation of the traditional CLA called community officers. There are community officers, elected by their own community and based in numerous wards (groups of communities) in the four provinces of Rennell and Bellona, Makira, Malaita and Central. The community officers under the World Bank project work for their respective Provinces to assist with government tasks including tax collection, notifications of elections and census, as well as facilitating dispute resolution.

The PSO has established links with the World Bank project lead to distill lessons learned from their community-based program and how the CLA pilot can complement the work undertaken.

Role of Community Legal Advocates

The Solomon Islands Access to Justice Project will train a total of twelve CLAs. There will initially be six CLAs engaged in 2020 and remaining in 2021. They will be selected from specific rural communities within the proximity of Magistrates' courts circuit locations on Malaita, Temotu and Western Provinces. There will be two CLAs based in each of the aforementioned provinces. These CLAs would be part-time employees of the PSO based in their communities with a basic level of literacy and education. They would balance their daily role in the community with the tasks required in the CLAs position.

As part of their primary role the CLAs will provide a PSO presence at the rural community level, linking the community to the formal justice system. They will be trained to provide legal information, awareness raising and education on legal rights, mediation, problem solving solutions to community members. CLAs will make referrals to the PSO for high level legal advice and refer non-derogable legal issues such as sexual assault and murder, to the Royal Solomon Islands Police Force (RSIPF).

A description of the duties of CLAs are outlined below. It is anticipated that the duties may evolve over the course of the project and are thus, subject to change.

Community Legal Advocates

1	Supporting survivors and victims of domestic violence, and other non-derogable crimes, to attend police stations to report a crime and through the criminal process
2	Provide referrals of serious matters for legal representation to the PSO lawyers
3	Recording keeping of activities undertaken such as dispute resolution, community awareness
4	Providing relevant referrals to clients for any social support, such as disability support groups, Seif Pleis and Christian Care Centre
5	Prepare for PSO litigation and circuit courts, taking statements, interpreting, and following up on cases for PSO lawyers and working as a link between the community and PSO lawyers
6	Facilitate community organisation and advocacy to address legal problems in the community
7	Deliver community legal education and awareness presentations to the community on the legal system, rights and empowerment
8	Facilitate alternate dispute resolution through different techniques (negotiation, mediation, conciliation) with aggrieved community members

Skill Development

The CLAs will undergo initial training before deployment and will strengthen their practical skills in the field. They are required to have basic education levels. The training will include modules relating to the following areas:

- Legal system knowledge
- Communication skills
- Administrative skills
- Advocacy
- Community education
- Engagement with survivors of domestic violence
- Engagement with youth, women and people with disabilities
- Alternate dispute resolution
 - i. Negotiation
 - ii. Mediation
 - iii. Conciliation
- Ethics

Competencies and Critical Success Factors

- General knowledge of, and interest in, the law, legal system and legal procedures;
- A developed understanding of social disadvantage through lived, professional or voluntary experiences and a commitment to improving the lives of vulnerable people in the community;

- Strong understanding of local context, customs, and connections to Provincial regions;
- Ability to complete work in a timely manner;
- Basic literacy (reading and writing levels);
- Good communication, presentation and interpersonal skills;
- Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability;
- Technological literacy (ability to use a phone and possibly computer);
- Consistently approaches work with energy and a positive, constructive attitude;
- Remains calm, in control and good humored even under pressure;
- Demonstrates capacity to participate effectively in small teams;
- Responds positively to critical feedback, differing points of view and critical thinking skills;
- Possessing established networks with communities on Malaita, Isabel and/or Central Islands provinces through education and organizing efforts would be highly advantageous;
- Understanding and appreciation of the role of the PSO and prior experience in community work;
- Has good standing within the community and respected by community members;
- Fluency in oral and written English required. Fluency in the language of the duty station required;