

# Access to Justice Programming

**Access to justice is “the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards” (UNDP).**

## What is access to justice programming?

Without clearly defined and implemented laws, a functional court system or reliable dispute resolution bodies, an informed population and a well-trained police force, societies are at risk of descending into chaos and violence. The rule of law is eroded in times of conflict and natural disaster. In these instances, many people may lack access to the legal system, and thus face a futile quest for justice. Women experiencing violence in refugee camps, people who have lost their legal documents in a natural disaster and returning refugees who find their land occupied all need support from the legal system.

The IRC's access to justice programs help to restore the dignity of individuals by providing them with a voice to claim their rights and entitlements, supporting them to seek remedies for their claims, and empowering them to hold justice institutions - formal or informal - to account.

The IRC employs a legal empowerment approach: we use the law to help disadvantaged populations to take control of their lives, to break the cycle of poverty or the cycle of impunity. To that end, the IRC works on three inter-connected program angles:

- Increasing legal awareness;
- Providing legal assistance; and
- Strengthening dispute resolution mechanisms and institutions



**Tak Province, Northwest Thailand** A community outreach event on rights and access to justice in Mae La Camp

## Increasing Legal Awareness

People's ability to access justice can be severely affected by a lack of understanding of their rights, the law and legal procedures. In many of the contexts in which the IRC works, people are unable to recognize and solve their legal problems as they are unaware that legal remedies exist. This lack of awareness also contributes to low levels of confidence in actors such as the police, lawyers and judges and fosters an environment where corrupt practices, such as charging money for investigating crimes, can thrive. The IRC places a focus on locally-driven legal awareness initiatives such as on procedures for obtaining identity documents. We support efforts by civil society organizations, paralegals and national Bar Associations to empower people by increasing their legal knowledge through a wide variety of methods, from radio campaigns, community discussions, information dissemination to drama, and the use of information communication technology.

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**At the IRC we help disadvantaged people in using the law to take control of their lives and to break the cycle of poverty and/or impunity.**

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## Providing Legal Assistance

Legal empowerment occurs when individuals have increased legal awareness and increased access to legal assistance. In areas affected by conflict and natural disasters, it is often difficult to find or afford a lawyer. Against this backdrop, the formal justice system remains largely inaccessible. In many of the countries where the IRC works, the vast majority of legal disputes or claims are settled through informal justice systems, either because the informal system is preferred or because the formal justice system is undeveloped, unaffordable and/or simply not understood.

The IRC provides legal assistance in a number of ways:

- We provide independent and free legal advice, guiding individuals on the options that are available to them in seeking justice and/or by representing them through formal or informal justice systems.
- We train members of the community to become 'paralegals' who play a crucial role in information provision, mediating disputes, and providing basic legal support. The IRC also supports people to pursue legal problems through the justice system, with legal aid provided by our own legal staff or networks we build with volunteer lawyers, national Bar Associations and public defenders.
- We support people to obtain personal documentation such as birth certificates and identity cards, which are often a prerequisite to accessing state-delivered services, including education, healthcare and social benefits.

### Access to Justice in Action - Legal Assistance in Pakistan and Iraq:

In Pakistan and Iraq, the IRC helps people to access government entitlements, including compensation for flood victims (in Pakistan) and for displacement (in Iraq). The teams' lawyers and paralegals do not only provide direct assistance to the most vulnerable beneficiaries, they also have developed easy-to-understand leaflets which provide detailed information on the criteria, required supporting documents and procedures that need to be followed in order to claim government assistance.

## Strengthening Dispute Resolution Mechanisms and Institutions

An essential component of the IRC's access to justice programming is strengthening the capacity of dispute resolution institutions to provide fair and timely responses to people's legal needs.

The IRC works with informal justice systems to strengthen skills and capacities to solve disputes in line with national and international laws and standards. This skill-strengthening may take many forms, including discussions, specific trainings on mediation skills and promoting interactions with formal justice providers. The IRC also works with governmental administrative bodies and lower-level formal courts to strengthen their ability to deal with particularly vulnerable individuals and to reinforce knowledge on rights and entitlements for these individuals. Moreover, the IRC advocates for the delivery of these rights and entitlements in order to make a lasting change in the lives of these vulnerable individuals. For example, the IRC has successfully advocated on the rights of widows to receive inheritance and also on the rights of displaced persons to reclaim property or to receive compensation for lost property and to acquire new land.



**Tak Province, Northwest Thailand** The IRC Legal Assistance Center in Mae La Camp