**Access to Justice and Paralegals**

[Jamil Junejo](https://dailytimes.com.pk/writer/jamil-junejo/)

January 2, 2020

Paralegals are considered significant element of access to [justice](https://dailytimes.com.pk/531141/justice-mamoon-rashid-takes-oath-as-new-chief-justice-of-lhc/). There is no single definition of paralegals. However, paralegals can be defined as persons who have basic understanding of the relevant laws and mechanisms and work with people helping them to know and use the law and connecting them with the State’s institutions including redressal mechanisms. They are also called barefoot lawyers. The paralegals work within the criminal justice processes and at the community level. The paralegals have now been commercialized too and are working with law firms. Many universities run paralegal certification and degree programs in the world.

The Open Society Justice Initiative in its publication “Paralegals a Practitioner’s Guide” writes that billions of people have difficulty accessing justice. In communities throughout the world, people struggle with legal issues related to housing, family, debt, crime, property, and other matters that affect their well-being. Those who are poor, geographically isolated, or otherwise vulnerable often cannot obtain assistance in solving their justice problems. They may suffer under discriminatory laws or lack the legal means to enforce norms that should protect them. Community-based paralegal programs can help communities that lack access to the legal system resolve their justice issues.

There is also critique on paralegals that their role in bridging gap in access to justice is not theorized and the empirical evidences behind the claim that paralegals have significant role in providing access to justice to the common people are lacking. However, in the times when legal regimes especially rights law are expanding world over and accessing legal assistance and aid remains costly business, the necessity of the paralegals surfaces hard.

Paralegals programs are running in many countries across the world. UK Aid and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Bangladesh has been implementing a mega program on Access to Justice through Paralegal Services and Restorative Justice since 2013 in Bangladesh. One of the major components of this program is the “Paralegal Advisory Services (PAS)”. These paralegals are a group of men and women who are trained to provide legal aid services on the front line of the formal Criminal Justice System in police stations, courts and above all in prisons.

Unfortunately, paralegal culture is almost non-existent in Pakistan. At government level, Committee for the Welfare of Prisoners-Legal Aid Office-CWP-LAO in Sindh has a convict-led paralegal program. The committee is now part of the Sindh Prisons and Corrections Services Act, 2019

In Malawi’s, the Paralegal Advisory Service (PASI) was started in Malawi in May 2000 as an initiative of Penal Reform International (PRI), which sought to create a private-public partnership linking local NGOs with the Ministry of Justice and Malawi’s Prison Service. PASI trains paralegals to provide legal education, advice and assistance throughout the criminal justice processes, from arrest to appeal.

Many countries have legalized and institutionalized paralegals. Our neighbor country India has a paralegal program working within the broader domain of National Legal Services Authority and its subsidiary institutional tiers. Legal Services Authorities Act was passed in 1987 in India which later established (NALSA) and other subsidiary institutional tiers. In 2010, the Chief Justice of India constituted a National Committee for the Paralegal Training and Legal Aid activities. Pursuant to this vision NALSA framed its paralegal volunteer scheme. So far, there are 76,844 paralegal trained and 26,909 paralegals deployed at the legal aid clinics across 36 State Union Territories. These paralegals work within the criminal justice system and grassroots communities.

There is a legal and institutional framework in Pakistan on human rights, women rights, child rights, gender-based violence, rape, acid crimes, and child marriages. More than this, the constitution guarantees many fundamental human rights. However, the knowledge and understanding level of common people of these laws and mechanisms is almost nonexistent. Further, the victims of violations who are often marginalized and poor have not sufficient financial resources to hire services of the professional lawyers and thus stay without access to justice. Paralegals can help in bridging this gap to considerable extent.

Unfortunately, paralegal culture is almost non-existent in Pakistan. At government level, Committee for the Welfare of Prisoners-Legal Aid Office-CWP-LAO in Sindh has a convict-led paralegal program. The committee is now part of the Sindh Prisons and Corrections Services Act, 2019. These trained convict paralegals conduct paralegal clinics with under trial prisoners. The topics they cover include fundamental human rights, trial stages, and payroll, probation and prison rules.

The other provinces in Pakistan have not any such paralegal program working within the criminal justice systems and processes. Khyber Pakhtunkhwa and Punjab have now Legal Aid Acts. However, both provinces have had better chance to institutionalize paralegals within their legal aid acts what they missed unfortunately. Nevertheless, the way National Legal Services Authority in India constituted National Committee for the Para Legal Training and Legal Aid activities, the legal aid authorities in KP and Punjab can devise separate paralegal schemes.

The writer holds a Master’s degree in Human Rights and Democratisation from the University of Sydney