

Community Paralegals as a Tool to Foster Domestic Workers' Legal Empowerment and Access to Justice

Community paralegals are members of a community or group who are equipped with basic legal training to assist other members with their legal issues. Community paralegals typically work with poor and marginalized groups, providing legal assistance while seeking to empower those they serve. This brief presents an overview of the characteristics of community paralegals, explains what they do, and examines whether the community paralegal model could be used effectively to foster domestic workers' legal empowerment and access to justice.

The brief has four key parts:

- I Who Are Community Paralegals?
- II What Do Community Paralegals Do?
- III Setting Up a Community Paralegal Programme
- IV The Case for Community Paralegals Working with Domestic Worker Organizations

I. Who Are Community Paralegals?

Community paralegals have particular characteristics that set them apart from other legal professionals. Trained in the basics of the law, community paralegals are not lawyers and do not need a law degree. Their mark, rather, lies in their knowledge and understanding of the challenges faced by the group or community they serve and in their accessibility, both economic and geographic. These features mean that paralegals act as bridges between individuals or groups, on the one hand, and the law and legal and judicial institutions on the other, thus fostering access to justice.

In particular, community paralegals typically have the following features: **Embeddedness in the community:** Community paralegals are usually embedded in the community or group they serve. Whether they are members of that community, or live and work there, they understand the local socio-cultural context and the prevailing power relations within the group or community. They have direct or indirect experience of the challenges, injustices and inequalities facing community or group members.

Working with the community to find legal solutions: When providing their services, paralegals focus on the lived realities and needs of the members of their community. Rather than unilaterally applying their legal knowledge to resolve the problems they are presented with, community paralegals engage with community members to find solutions that best suit their situation. In the process, they break the barriers of uneven legal knowledge, inaction and power imbalances by educating, empowering and lending support to communities to build their agency and address injustices together.

LBH Masyarakat in Indonesia trains former drug users as paralegals to provide legal assistance to drug users and people living with HIV who are harassed by police.

In India, the Centre for Social Justice, which works on several justice issues, selects individuals who have "faced violence or [have] somebody in the family who has faced violence" to work on domestic violence issues.

The Domestic Helpers Organization in Sierra Leone employs paralegals to facilitate legal education sessions, draft legal documents and do mediation and advocacy work. Paralegals partner with domestic workers who work on a voluntary basis as "community champions".

Affordability: Paralegals' services are usually free to communities and their members. In some cases, paralegals are volunteers, while in others they are paid by the organization or institution that runs the paralegal programme.

Accessibility: Community paralegals, by their nature, work in the community they serve, thus providing easy access. In some cases, organizations equip paralegals with means of transportation so that they can reach community members at their residence or place of work.

Flexibility: Community paralegal models are designed to respond to the specific context of the community or group. Depending on the needs, paralegals use different skills, including adult education, mediation, negotiation, advocacy and community organizing.

II. What Do Community Paralegals Do?

Community paralegals, with their particular characteristics and skills, provide a varied bundle of services to foster access to justice and legal empowerment.

(i) Legal Advice and Assistance

The primary function of community paralegals is to help members of the community or group they serve to resolve disputes and address legal issues. They do this through a range of activities according to the specific needs and context. They provide legal advice; share information about the available legal options and competent institutions; offer technical legal assistance such as drafting complaint letters; and accompany community members to administrative and judicial offices. They support parties during negotiations and mediation processes, and they may play an investigative role by gathering evidence of violations.

(ii) Legal Education and Empowerment

The provision of legal education and awareness is a crucial aspect of the work of community paralegals. Community paralegals often go beyond merely educating people about their rights and also build their agency to take action on the problem at hand. Often the barrier to access justice for individuals or communities does not merely concern lack of legal awareness. The injustices faced are due to structural problems and embedded in unequal power relations, making the empowering role of paralegals all the more relevant.

(iii) Community Mobilizing and Organizing

Often paralegals deal with issues that are complex and have become normalized, and where there are significant power imbalances between parties. In such cases, especially when dealing with community-wide issues, mobilizing and organizing communities to face injustices and find common solutions are key elements of community paralegal programmes.

(iv) Accountability and Policy Changes

Paralegals also bring about broader changes in terms of accountability and shifts in policy. They empower communities and their members and provide them with the tools to demand enforcement of their rights and to challenge violations. This has long-term effects on individuals' ability to hold the powerful accountable and bring about broader policy changes.

(v) Access to a Network

Being close to the community or individual's problem, community paralegals are usually "first responders". Because of their links to lawyers, human rights advocates and civil society organizations, they can tap into their networks to bring in the necessary expertise to address the issue at hand.

In Mozambique, lack of adequate health care and violations of rights within the health system are so widespread that they are normalized. Namati's health advocates speak of a "culture of silence" through fear of retribution caused by the power imbalances between communities and authorities. Community paralegals help to break this culture of silence by building citizens' awareness of their rights and legal entitlements and providing assistance to address their problems.

Kav LaOved in Israel works with disadvantaged workers, including cleaners and migrant care workers. Community paralegals are paid a fee to provide direct assistance to workers on issues such as wrongful termination of employment and failure to provide benefits.

III. Setting Up a Community Paralegal Programme

Structure	<p>Community paralegal programmes have different organizational structures. The two main elements are management and supervision of paralegals, and support by legal professionals.</p> <p>In larger organizations, a Programme Director or Programme Manager may supervise paralegals. Programmes sometimes rely on co-ordinators to manage and work closely with volunteer paralegals, and to function as a liaison between paralegals and the organization.</p> <p>It is important for community paralegal programmes to create strong linkages with lawyers or legal organizations. Indeed, paralegals must be able to rely on professional advice and assistance from legal professionals in more complex cases or when representation in court is needed. Research assistants may be useful to help paralegals to build a case, or to consolidate the data collected and lessons learned.</p>
Ensuring quality of community paralegal services	<p>Ensuring the quality of community paralegal services is essential – and challenging.</p> <p>To do that, community paralegal programmes should focus on:</p> <ol style="list-style-type: none">1. Selection: To qualify as a community paralegal, required skills should include legal skills, knowledge and understanding of the local context and needs of the community or group the paralegal is supposed to serve, as well as motivation and commitment.2. Training: Training paralegals is another crucial element of an effective community paralegal programme. Training can be offered once, usually at the beginning of the programme; through multiple sessions as the need for new skills arises; or it can be offered regularly as an ongoing capacity-building process.3. Monitoring and evaluation: Rigorous monitoring and evaluation of a paralegal’s work is necessary to ensure good quality. This can be done by the organization as well as by having members of the community oversee and evaluate the services provided by paralegals.
Sustainability	<p>Community paralegal programmes have a long-term goal – empowering the communities they serve – and rely on a skill set that takes time to develop: legal knowledge and a deep understanding of the social and legal context they work in. Firstly, it takes time for paralegals to establish trust with the community. Secondly, community paralegals often deal with systemic issues, such as deep-rooted inequities and biases, where the solution entails a change of mindset on the part of all those involved. Thirdly, empowering communities entails building the capacity of community members to understand and use the law – in itself a long-term process. All this requires time, making programme sustainability essential. Sustainability has two aspects: financial sustainability, and training and retention of human resources. Regarding financial sustainability, paralegal organizations are typically not able to sustain themselves because paralegal services are usually free for their beneficiaries. Financial support through grants – whether by donors or the government – is usually the best option for funding. Community paralegal programmes don’t need to be expensive. If paralegals are volunteers, financial needs are significantly reduced. In these cases, however, retaining paralegals for longer periods is challenging and finding incentives to motivate them is essential for the sustainability of the programme.</p>

IV. The Case for Community Paralegals Working with Domestic Worker Organizations

As highlighted during interviews with International Domestic Workers Federation (IDWF) affiliates, domestic workers face challenges that limit their ability to protect their rights from violations by employers. These challenges, which include limited legal awareness and access to legal services, uneven legal protection, non-compliance by employers, difficulty in organizing and unionizing, and poor enforcement, result in limited access to justice. These challenges are underpinned by skewed power dynamics between domestic workers and their employers, often resulting in the acceptance and normalization by domestic workers of situations of abuse and violations of their rights.

In this context, creating a community paralegal programme supporting domestic workers to address legal issues has the potential to increase their access to justice and legal empowerment significantly. The programme can adopt different models. For example, paralegals can be recruited among domestic workers themselves, or among individuals who are familiar with the specific challenges and power dynamics domestic workers face.

Community paralegals are equipped with legal knowledge, negotiation and mediation skills. If working with IDWF affiliates, community paralegals could use such skills, coupled with direct or indirect experience of domestic work, to assist workers in securing their rights. In doing so, they would work with domestic workers raising their legal awareness and fostering their capacity to use the law.

Further, training of community paralegals addresses the specific challenges of resource constraints raised by IDWF affiliates, who pointed to the limited number of organizers able to respond to members' legal needs, especially in areas outside main cities.

IDWF affiliates in South Africa, Togo, Guinea Conakry, Namibia and Zimbabwe reported that while the legal frameworks provide some rights to domestic workers, enforcement is challenging due to: (i) domestic workers' disempowerment, (ii) low levels of legal awareness, (iii) limited internal capacity of organizations to help domestic workers to resolve their legal issues, (iv) high costs of court procedures and lawyers, (v) resource constraints, and (vi) challenges in enforcing remedies.

Where do paralegal programmes work best?

Some circumstances and elements are helpful in ensuring the success of a paralegal programme. Here are issues to consider when thinking about setting up or piloting a paralegal programme:

- 1 **Legal framework:** Do the laws in the country provide rights for domestic workers?
- 2 **Responsive state institutions:** What is the experience of working with state authorities, such as the labour offices? Are they sympathetic to the cause of domestic workers and responsive to their needs?
- 3 **Support from the legal community:** Are lawyers/legal organizations supportive of domestic workers? Are they accessible and willing to work with paralegals?
- 4 **Organizational capacity:** What is the strength and capacity of domestic worker organizations?
- 5 **Broader socio-political context:** What is the broader social and political situation in the country, such as the level of corruption and risk for advocates?

ABOUT WIEGO

Women in Informal Employment: Globalizing and Organizing (WIEGO) is a global network focused on empowering the working poor, especially women, in the informal economy to secure their livelihoods. We believe all workers should have equal economic opportunities, rights, protection and voice. WIEGO promotes change by improving statistics and expanding knowledge on the informal economy, building networks and capacity among informal worker organizations and, jointly with the networks and organizations, influencing local, national and international policies. Visit www.wiego.org.

