



U
N
D
P

Envisioning EMPOWERMENT



A Portfolio of Initiatives for Achieving
Inclusion and Development

Envisioning EMPOWERMENT

A Portfolio of Initiatives for Achieving Inclusion and Development

Copyright © UNDP 2009

Disclaimer:

“Envisioning Empowerment: A Portfolio of Initiatives for Achieving Inclusion and Development” is a portfolio of legal empowerment projects (this “Portfolio”) is for informational purposes only. United Nations Development Programme (“UNDP”) does not claim to own or commit to implement any projects described herein. This Portfolio addresses legal empowerment broadly and is based on selected projects submitted by external partners and UNDP regional centres and country offices. UNDP takes no responsibility for whether such project descriptions are complete, accurate or up to date. Because the Portfolio is a compilation of information edited solely by UNDP, all project descriptions, summaries, views and opinions herein are solely those of UNDP and do not necessarily reflect those of the external partners.

Cover photograph generously contributed by Jean-Luc Fiévet.

ISBN: 978-92-1-126270-4

The paper used in this publication is chlorine free and acid free with 50% recycled fiber content. All inks used are vegetable based.



FOREWORD

I am pleased to share with you, *“Envisioning Empowerment: A Portfolio of Initiatives for Achieving Inclusion and Development”* – a publication that draws attention to the many legal empowerment projects around the globe that are promoting inclusion, expanding opportunities and contributing to development.

Legal empowerment recognizes the centrality of the rule of law for poverty reduction and development. It also brings to the fore that rights are essential for enabling the poor to build and maintain livelihoods – including the right to own and use property, to employment and entrepreneurship. In essence but also in practice, legal empowerment combines bottom-up and top-down approaches to development, empowering people to demand and exercise their rights while at the same time strengthening institutions so they can better respond to the needs of citizens. Marking a shift in how we approach development, legal empowerment insists that the real life experiences of poor people must be the starting point for development efforts. It suggests that strengthening legal identity, voice and standing are as essential for poverty reduction as social services. While legal empowerment focuses on the livelihood rights of the poor, it suggests that stronger and enforceable property, labour and entrepreneurial rights can also help communities and societies reap benefits – including more equitable and robust economic growth, improved food security, more sustainable land management, better adaptation to climate change and the prevention of conflict.

UNDP’s Initiative for Legal Empowerment of the Poor (ILEP) – taking into account the key recommendations of the Commission on Legal Empowerment of the Poor – is supporting a range of national, regional and global efforts to expand poor people’s access to the legal and institutional mechanisms that can help them break the vicious cycle of exclusion and poverty. In this endeavour, with a view to building synergy and avoiding duplication, UNDP has forged partnerships with various actors around the world to deliver empowerment of the poor. This portfolio of legal empowerment initiatives is the manifestation of our collective efforts.

The portfolio features 23 UNDP projects as well as 27 project profiles shared by ten partners, including academic institutions, NGOs, international organizations and grassroots civil society organizations. I am grateful to the many offices within UNDP as well as to our external partners for their valuable contributions. This we could not achieve without their active involvement and leadership.

This exercise marks a work in progress and the beginning of a long journey towards legal empowerment of the poor. The submissions not only confirm the diversity of interest in legal empowerment but also the intensity of commitment. We look forward to working with all of you in realizing the potential of this rich vision and promising initiatives.



Olav Kjørven,
Assistant Administrator and Director, Bureau for Development Policy, UNDP

ACRONYMS

ADR	Alternative Dispute Resolution
AECID	Spanish Cooperation Agency
BCPR	UNDP Bureau for Conflict Prevention and Recovery
BCPs	Bio-Cultural Community Protocols
BDP	UNDP Bureau for Development Policy
BRAC	Bangladesh Rural Advancement Committee
CBOs	Community-Based Organisations
CC	Customary Communities
CEF	Community Empowerment Facility
CEPEJ	European Commission for Efficiency of Justice
CGAP	Consultative Group to Assist the Poor
CLEP	Commission on Legal Empowerment of the Poor
CLRN	Community Legal Resource Network
CSOs	Civil Society Organisations
CUNY	City University of New York
ESR	Economic and Social Rights
HEI	Human Empowerment Index
HIIL	Hague Institute for the Internationalization of Law
IDLO	International Development Law Organization
IDPs	Internally Displaced Persons
ILC	International Land Coalition
ILD	Institute for Liberty and Democracy
ILO	International Labour Organization
LCCs	Local Council Courts
LEAD	Legal Empowerment and Assistance for the Disadvantaged
LEAP	Legal Empowerment for Asia Partnership
LEP	Legal Empowerment of the Poor
MJI	Microjustice Initiative
NGOs	Non-Governmental Organisations
NORAD	Norwegian Agency for Development Cooperation
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
OSJI	Open Society Justice Initiative
THP	The Hague Process
TISCO	Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
WIEGO	Women in Informal Employment: Globalizing and Organizing
WUF	Western Union Foundation

LEGEND FOR COLOUR CODING

 **FULLY FUNDED
PROJECT**

 **PARTIALLY FUNDED
PROJECT**

 **UNFUNDED PROJECT**

TABLE OF CONTENTS

Foreword:	i
Introduction: Envisioning Empowerment	v
AFRICA	1
Egypt: Legal Aid and Dispute Settlement Offices in Family Courts.....	1
Ethiopia: Programme for the Creation of an Inclusive Rule of Law	2
Kenya: Protection of Traditional Knowledge and Cultural Heritage of Indigenous Communities with a Special Focus on the Agricultural Sector.....	3
Nigeria: Pre - Diagnosis of the Scale and Cost of Informality.....	4
Namibia: Enhancing Legal Empowerment through Engagement with Customary Justice Systems	6
Sierra Leone: Towards a National Approach to Justice Services	7
Uganda: Land, Livelihood and Peace-building.....	9
ASIA AND PACIFIC	12
Bangladesh: Assessment of BRAC's Human Rights and Legal Education Programme	12
Bangladesh: Activating Village Courts.....	13
China: Synergizing Efforts for Legal Aid.....	14
India: Democracy through Increased Access to Justice.....	16
Indonesia: Legal Empowerment and Assistance for the Disadvantaged (LEAD)	17
Indonesia: Legal Empowerment of the Customary (Adat) Communities	19
Lao PDR: Customary Justice Practices	20
Lao PDR: Enhancing Access to Justice through Lao Bar Association Project - PHASE II.....	21
Maldives: Protecting Human Rights and Accessing Justice`	23
Mongolia: Access to Justice and Human Rights.....	24
Nepal: A Rule of Law Based Approach to Land Rights and Reforms for Legal Empowerment of the Poor and Conflict Prevention	25
Pakistan: Supporting Pro-Poor Governance for Legal Empowerment of the Poor	27
Sri Lanka: Equal Access to Justice.....	28
Thailand: Partnership for Legal Empowerment of the Poor	30
Timor Leste: Strengthening the Justice System	31
EUROPE AND CIS	34
Georgia: Developing Capacities of the Justice Sector to Promote Legal empowerment and Access to Justice	34
Kyrgyz Republic: Promoting Accountability and Access of the Poor to Better Public Service Delivery and through a Legal Empowerment Approach.....	35

Montenegro: Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System for provision of Legal Aid	37
Serbia: Alternative Dispute Resolution (ADR) for Economic Justice for the Poor/Legal Empowerment of the Poor	39
Turkey: Development of Legal Empowerment Programmes for Better Access to Justice	40
Ukraine: Legal Empowerment of the Poor	42
Ukraine: Social Inclusion of People with Disabilities through Access to Employment	43
Ukraine: Legal Empowerment of the Poor: Fostering Full Enjoyment of Land and Property Rights	45
MULTI-COUNTRY AND GLOBAL	48
Econ Pöyry Norway: Human Empowerment Index (HEI) – first phase	48
Harvard University Law School and UNDP: Legal Empowerment of the Poor and Economic and Social Rights (ESR)	49
Institute for Liberty and Democracy: Panorama de la Extralegalidad en Africa Occidental (Overview of West Africa´s Extralegal Sector)	50
International Development Law Organization: Strengthening the Legal Protection Framework for Girls	52
International Development Law Organization: Consumer Protection in the Microfinance Industry: Loan Agreements, Dispute Resolutions and Debt Collection Practices	53
International Development Law Organization: Community Land Titling Initiative	54
International Land Coalition: Promoting Legal Empowerment for Secure Access to Land	55
International Land Coalition: Legal Empowerment, Gender and Secure Access to Land: Community-based activities promoting the legal empowerment of rural women	56
International Land Coalition: Community Empowerment Facility – CEF (Phase II)	58
Microjustice Initiative: Microjustice Facilitator Toolbox	59
Microjustice Initiative: Knowledge Sharing on Best practices of Legal Empowerment and Micro-justice	60
Microjustice Initiative: Comparative Legal Empowerment Measurement	61
Open Society Justice Initiative: Legal Measures and Tools for Combating Corruption	62
Open Society Justice Initiative: Freedom of Information Legal Clinics	64
Open Society Justice Initiative: Student Law Clinics and Human Rights Fellowships: Serving People, Improving Justice	65
Open Society Justice Initiative: Combating Discrimination in Access to Citizenship	66
The Hague Process on Refugees and Migration: The Global Dialogues on the Future of Refugees and Migration	68
Western Union Foundation and UNDP: Diaspora, Remittances and Strategies for Doing Business with the Poor	69
WIEGO, John F. Kennedy School, Harvard University: Global Legal Observatory	71
WIEGO, John F. Kennedy School, Harvard University: Legal Empowerment of the Working Poor – Country Projects	72

ENVISIONING EMPOWERMENT

Legal empowerment of the poor envisions a holistic approach to development that combines the underpinnings of law and human rights and the economic theories of incentives and markets. This is not the first time development thinkers have identified a unified and cohesive framework for development and this will certainly not be the last. But the legal empowerment approach, bridging law and economics, surely marks a step forward as it demands a strong focus on livelihood rights to property, labour and entrepreneurship to promote inclusion, poverty reduction and development. The recent report of the UN Secretary General on Legal empowerment of the poor and eradication of poverty (A/64/133) recognizes these linkages:

“Legal empowerment of the poor can be understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. It is a means to an end but also an end in itself. Strengthening the rule of law is an important contributor to the legal empowerment of the poor. While it is not a substitute for other important development interventions, legal empowerment of the poor can be a necessary condition to create an enabling environment for providing sustainable livelihoods and eradicating poverty.”

Legal empowerment is both a process and an outcome. The emphasis on process is paramount to make sure that empowerment is not only of the poor and for the poor but also by the poor themselves. The poor must have identity and voice and the process must ensure policy-makers, govern-

ment officials and development practitioners hear, and heed to, the concerns of the poor. This process of inclusion however encounters a ‘Catch 22’ problem since poverty and exclusion reinforce each other. Ensuring legal identity and recognition for all must be the critical first step in that process, opening doors for the poor to participate as legitimate stakeholders.

The poor, even with identity and voice, continue to face exclusion and formidable hurdles to the full enjoyment of their economic and social rights. Equality before the law does not automatically translate into equality in access and obtainment of justice. Justice systems are biased against the poor not only because of the complexity and ambiguity of the jurisprudence but also because of high transaction and opportunity costs that the poor must bear to receive justice. Court fees and legal costs often impose a regressive tax on the poor, making justice nothing but an illusion for them.

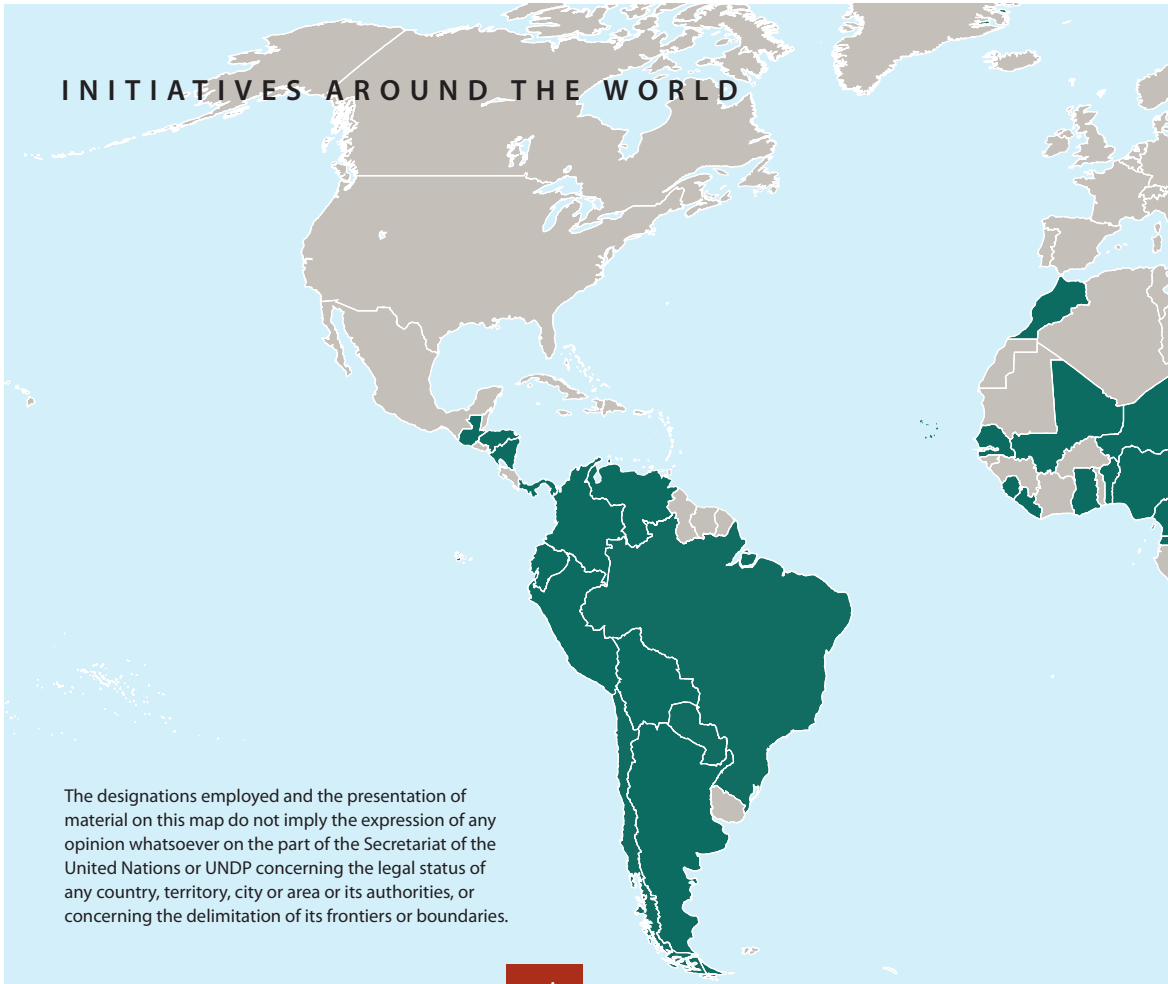
The realization of social, political and cultural rights also require the poor to have a minimum level of livelihood security, which often falls short in many societies. Security of tenure of a home-stead, the right to own and use tangible and intangible properties to pursue economic and social well-being, decent wage and job security and the freedom and opportunity to choose vocation, including self-employment and entrepreneurship, form the bedrock of livelihood security that is *sine qua non* for the realization of all fundamental human rights. The legal empowerment approach simultaneously addresses the mutually reinforcing challenges of securing livelihood and expanding

access and inclusion to ensure that poverty is on the retreat.

Innovation: Connecting the Dots

Legal empowerment of the poor employs a multi-disciplinary approach that catalyzes creative thinking and innovation to optimize delivery. In easing supply-side constraints and removing biases against the poor, capacity development efforts for empowerment of the poor would need to pay greater attention to softer issues of behaviour and ethics - changing attitudes and mindsets of public officials, sensitizing them about the imperatives of respecting human rights, instilling accountability

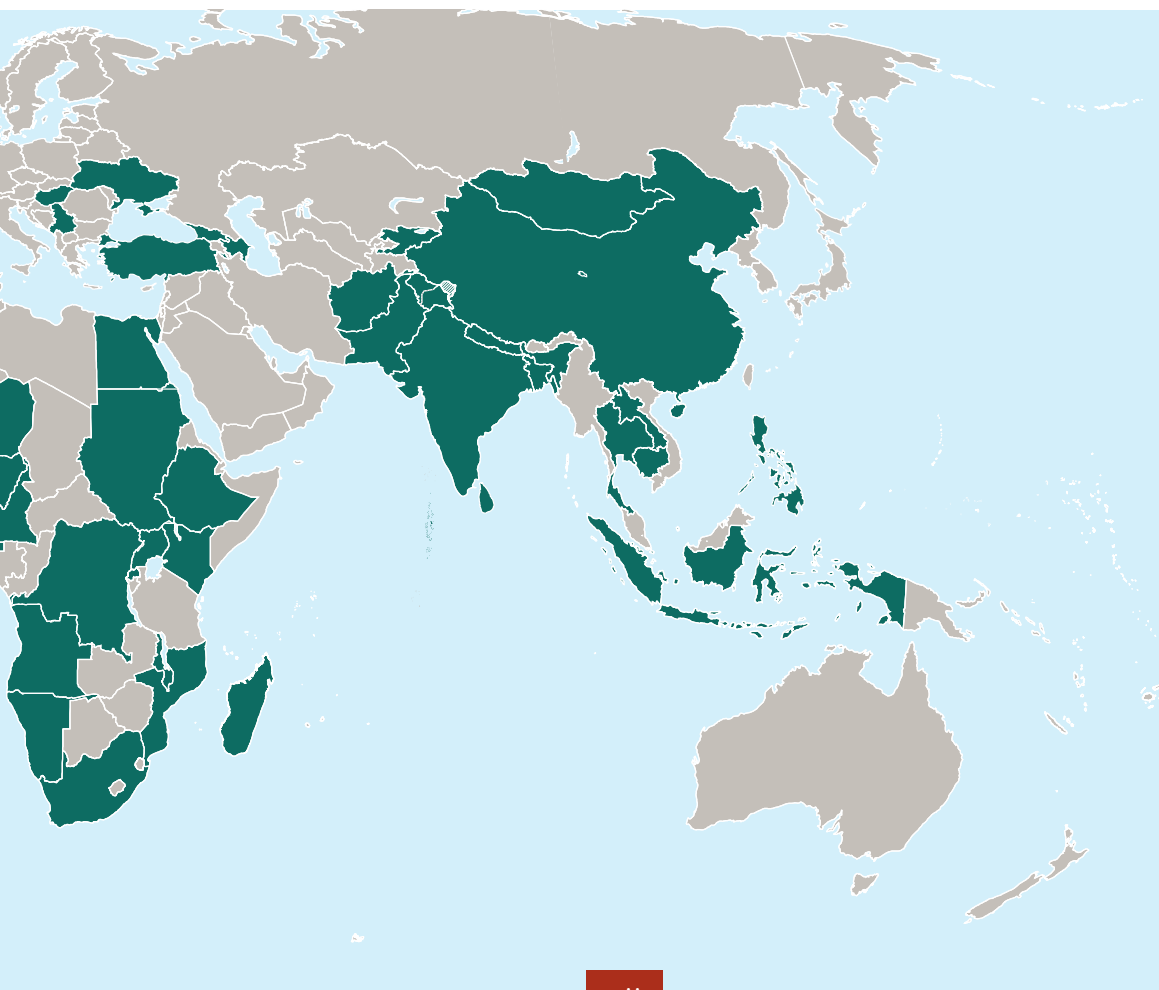
and so on. In expanding access to justice, the legal empowerment approach seeks to promote not only equity and fairness but also efficiency and cost-effectiveness. While *pro bono* legal aid can help the poor defend their rights, such services would need to be self-sustaining. The state responsibility for provision of free legal aid to the poor should be accessible while at the same time efforts should target improving poor people's capacity and willingness to afford such services. The poor, after all, should not remain poor forever and it will be an antithesis to empowerment to promote perpetual dependency.



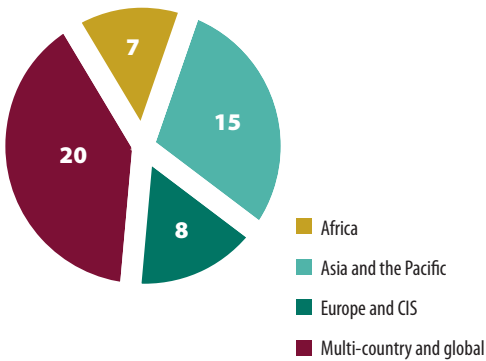
The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations or UNDP concerning the legal status of any country, territory, city or area or its authorities, or concerning the delimitation of its frontiers or boundaries.

Legal empowerment of the poor seeks to promote democratic governance of land, natural resources and policy decisions that affect the livelihood options of the poor. Democratic governance will ensure that the decision-making processes are transparent and inclusive and take into account the legitimate concerns of the poor. In making the law and institutions work more equitably for the poor, legal empowerment initiatives will also need to look at incentives and disincentives for effective enforcement of key livelihood rights. Identifying and changing incentives to ensure that public officials are more responsive to the needs of the poor would be

a key. Capacity development support could be designed to incentivize public officials to support and promote legal empowerment of the poor. Innovative incentive mechanisms, such as conditional cash and non-cash transfers could also play a role in the resolution of disputes in property and business rights of the poor and prevent escalation of conflicts. Full enjoyment of property and business rights and tenure, and contract security would also encourage the poor to practice sustainable management of natural resources and adapt to climate change.



Empowerment Projects by Region



Demands from the Ground

This portfolio of 50 projects and initiatives for legal empowerment of the poor is an indicative and representative sample of demands for action on the ground. This is, by no means, an exhaustive list. The compilation is a testimony to the heterogeneity in concepts, approach and methodology that are envisioned for legal empowerment of the poor. Each implementing organization, while recognizing the critical importance of empowerment, operationalizes the concept with varied scope and focus. The portfolio includes *pro bono* legal aid and para-legal training programmes in Egypt, China and Montenegro; innovative service delivery for the disabled populations in Ukraine and for the poor in the Kyrgyz Republic and Pakistan; improved interface between customary and formal justice systems in Lao PDR and Namibia; support for alternative dispute resolution mechanisms (ADR) in Serbia and Indonesia ; support for community land titling programmes in Liberia and Mozambique; incentive-based mechanisms for demarcation of land boundaries and dispute resolution in Nepal and Uganda; women’s access to land in Madagascar and Peru; formalization of informal sectors and business rights of the poor in Ethiopia and Nigeria; working poor’s rights in India, Colom-

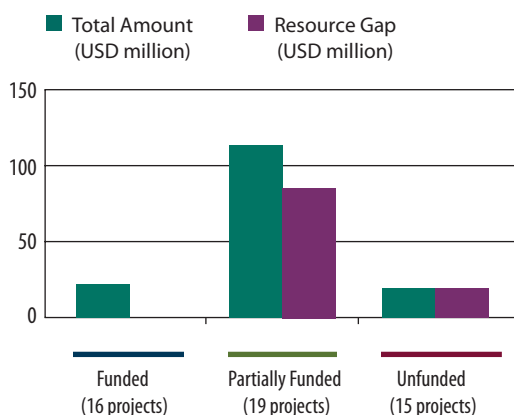
bia and Ghana; and financial literacy and doing business with the poor in Morocco and the Philippines. The compendium also includes a number of global and multi-country initiatives – a global empowerment facility, a Human Empowerment Index (HEI) to measure and compare progress on empowerment of the poor and a micro-justice facilitator’s toolbox for delivery of justice.

In terms of resource commitments, the portfolio classifies projects in three broad categories – fully funded, partially funded and unfunded projects. The fully funded projects - 16 with a combined outlay of USD 22.8 million - are already off the ground. They are included in the portfolio to promote knowledge-sharing and learning on legal empowerment of the poor. This will also help stakeholders learn how different development partners are responding to demands on the ground. In addition to knowledge sharing, information on partially funded projects – 19 of them, requiring an additional USD 87.7 million - affords an opportunity for potential donors and partners to join hands and support a particular project. The unfunded projects – 10 with an estimated total expenditure a of USD 20.8 million and 5 projects without a budget yet – show the direction of future legal empowerment initiatives and will serve as the basis for forging partnerships for implementation.

This repository of 50 legal empowerment projects – with USD 50.6 million already committed for their implementation - further validates the international community’s strong and unwavering commitment to legal empowerment of the poor. Given the level of interest among development partners, it is likely that the additional demand for USD 109.00 million to fill the resource-gaps

of partially-funded and unfunded projects will be met with relative ease. This publication, we believe, will play a critical role in matching the demand and supply for legal empowerment activities on the ground. Based on this and taking into account the range of initiatives supported by a number of bilateral and multilateral development partners, we envisage that the demand for legal empowerment support will reach USD 100 million a year over the next three years.

Financial Commitment for Legal Empowerment of the poor



Empowerment Gateway: A Vision for the Future

There is no one-size-fits-all in legal empowerment. Processes and outcomes will vary by contexts, stakeholder involvement and resource-availability. What is important to recognize is that no organization alone can deliver legal empowerment of the poor. Realization of the empowerment goals will require effective partnerships and strategic

engagement among key-players to maximize learning and knowledge-sharing, reduce redundancy and improve coordination and efficiency in programme delivery. Legal empowerment of the poor is too important to fail and there is little room for mistakes. Taking these considerations into account, UNDP has made it a priority to forge a strong coalition for legal empowerment of the poor at national, regional and global levels.

UNDP's Initiative for Legal Empowerment of the Poor (ILEP) in the Bureau for Development Policy became operational in July 2008 and now has core strength of six full-time professionals. The core team draws on the expertise of concentric circles of professionals in various UNDP Bureaus, regional centres and country offices. Since its inception, the Initiative has forged partnerships with a broad range of stakeholders to facilitate knowledge-sharing and generate strong political and financial commitment to legal empowerment of the poor. This publication is yet another example of such collaborative efforts. Secondly, the Initiative is working closely with UNDP country offices and regional centres, as well as with other partners, to support implementation of country-level projects for legal empowerment of the poor. Last but not the least, the Initiative is developing strong grassroots level engagement, through its NGO, CSO and CBO partners, to support small-scale initiatives for legal empowerment of the poor.

There is a growing recognition among a wide-range of stakeholders that legal empowerment of the poor must be demand-driven and bottom-up from the grassroots level. The establishment of a Legal Empowerment Fund, with a grant-making facility for CSOs, NGOs and CBOs, will help ensure that bottom-up direction. ILEP has developed the

capacity to serve as the ‘Gateway’ or ‘Exchange’ to identify and legal empowerment projects, matching the demand from the grassroots level with global level supply and support for empowerment initiatives. In addition, the Empowerment Gateway will facilitate provision of technical support to implementing partners in the design, execution and evaluation of empowerment projects. The Gateway will also provide quality assurance for UNDP executed projects as well as for projects implemented by other partners. It will also help ensure that empowerment initiatives – implemented by grassroots level NGOs, CSOs and CBOs – are fully aligned and synchronized with other interventions and with broader development goals to avoid duplication in efforts and misuse and misallocation of valuable resources.

This repository of projects will be tracked and regularly updated, and new projects will be added to the Empowerment Gateway, not only to facilitate matching of interests but also to promote understanding and sharing of good practices on legal empowerment of the poor. The Empowerment Gateway will organize consultations, dialogues and critical reviews – both in cyberspace and in the physical world – to ensure that legal empowerment initiatives learn from each other and avoid costly mistakes. This would eventually represent the universe of legal empowerment activities around the world.

We would like to take this opportunity to thank our partners – IDLO, ILC, ILD, OSJI, BRAC, CUNY-CLRN, HLS, MJI, REMI-THP, WIEGO and WUF - for their valuable support and inputs for making this publication possible. We are also indebted to our UNDP Country Office colleagues for their collaboration. Finally, I would also like to thank the legal

empowerment core team - Asmara Achcar, Berdi Berdiyev, Timothy Dolan, Mascha Mathews and Aisha Weaver - in the Bureau of Development Policy for their tireless efforts and seamless teamwork to put this compilation together in record time.



Hamid Rashid, Ph.D.
Senior Adviser and Coordinator
Initiative for Legal Empowerment of the Poor
Bureau for Development Policy
United Nations Development Programme,
New York

Egypt

Legal Aid and Dispute Settlement Offices in Family Courts

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Litigants in disputes involving family law, in particular divorced women and their children who cannot afford professional legal services.

Estimated Start Date: January 2009

Estimated Duration: 15 months

Total Budget: USD 212,000

Funded amount and source: USD 212,000 (UNDP)

Enhancing public service delivery in the justice sector is critical to the establishment of an enabling environment for the attainment of the MDGs. The process of legal dispute resolution in Egypt¹ is overloaded due to delay, congestion and inefficiency. This is especially significant in Family Courts with a case-load of approximately 900,000 cases in one judicial year and where almost 85% of these cases are filed by women. Many of these cases are related to economic and social problems. There are 237 Family Courts with 237 affiliated Dispute Settlement Offices (DSOs) in all 27 Governorates in Egypt. The project will seek to improve efficiency and transparency in family courts to strengthen the access of women to their rights in the justice sector.

Project Description

The project aims to:

- Strengthen the role of Dispute Settlement Offices (DSOs) in the consolidation of settlements with a view to decreasing the case-load in family courts;
- Pilot the establishment of Legal Aid Offices in Family Courts;
- Facilitate the execution/implementation of Family court decisions especially with regards

to economic and social issues, including alimony and child custody;

- Conduct research and analysis on issues and challenges in DSOs and family courts to inform the formulation and facilitate the drafting of the new Personal Status Law; and
- Improve knowledge management to facilitate access to information by the Ministry of Justice and Family courts at the local level.

The main outputs of this pilot project are:

- Legal aid offices are fully equipped, staffed and operational in the governorates of Beni Souef (Upper Egypt) and Suez (Delta);
- Staff members in the above governorates are equipped with dispute settlement, mediation, negotiation and communication skills, and have in depth awareness of the procedures of the Family Courts and the Personal Status law; and
- Strengthened knowledge management and access to information through the preparation of a guide book on family courts; establishment of a network to connect the legal aid offices in Suez and Beni Souef to the Ministry of Justice.

Since their launch in January 2009, the newly established legal aid offices in family courts assisted in more than 200 cases. Based on these encouraging results, the Ministry of Justice is planning to scale up this model to all family courts. The new phase of collaboration between UNDP, the Ministry of Justice and the Ministry of State for Administrative Development, will aim to increase the number of resolved disputes, to enhance the quality, efficiency and transparency of court decisions as well as the increase in the rate of implementation of court decisions particularly with regards to economic rights.

Partners and Stakeholders

Ministry of Justice and Ministry of State for Administrative Development

Contact(s): Naglaa Arafa, Resident Representative and Governance Team Leader, UNDP Egypt, naglaa.arafa@undp.org

¹ Egypt is covered by UNDP Regional Bureau for Arab States

Ethiopia

Programme for the Creation of an Inclusive Rule of Law

Lead Implementing Organization(s): Institute for Liberty and Democracy (ILD)

Target Beneficiary(ies): Informal and micro-entrepreneurs and small business owners and producers in the informal economy.

Start Date: March 2008

Estimated Duration: 3 years

Total Budget: USD 4,500,000

Funded amount and source: USD 1,500,000

The majority of Ethiopians remains outside the formal legal and economic system, generating little value-added in the formal economy. Throughout the economy, exclusion, informality, corruption, and other private and public malpractices prevail, making markets unfair, unpredictable and infeasible for the poor.

Despite bold reforms and anti-poverty efforts by the Federal Government of Ethiopia, poverty still continues to impede development. There are many institutional obstacles, which continue to hinder economic growth: people lack formal, legal identity, who often cannot be identified and held accountable for their financial commitments; assets are illiquid and cannot be used to access credit; transactions cannot be tracked; businesses lack efficient means to allocate resources and manage risks through limited liability or to function in standard forms, such as corporations, cooperatives, and other collectives; and contracts remain un-enforceable outside the limited confines of family and acquaintances.

As a consequence, the majority of Ethiopia's economic activity takes place outside the realm of law in what the ILD calls the "extralegal economy".

Project Description

The project will produce a map of Ethiopia's extensive "extralegal economy", which will enable the Government to generate a database about its root causes, extent, types, location, and an estimated value of assets languishing as "dead capital". This map or diagnostic work will play a crucial role in the design and execution of policy reforms to incorporate the nation's extralegal assets into the formal market economy.

A group of local professionals from different fields was recruited according to profiles and terms of reference prepared by ILD, to be part of the Technical Team. This Team went through a customized training process on the methodologies and best practice in conducting diagnosis of the legal and extralegal sectors of an economy.

The ILD-Ethiopian research team launched the Diagnosis Stage in the first quarter of 2008, completing its work by December 2008. The Diagnosis Stage generated two reports: a "Progress Report" presented in September 2008, and this "Final Report" presented in Addis Ababa in December 2008.

The Institutional Reform Stage has not yet started. The Ethiopian Government has decided to send a selected group of public officials on a mission to Lima in the second half of 2009 to prepare with ILD a joint proposal for the Reform Stage.

A Comprehensive set of institutional reforms will include:

- Legal reforms and policy recommendation, and
- Administrative reforms, outlining ToRs for new/enhanced organizations to implement.

Partners and Stakeholders

The Programme is being carried out by ILD under an agreement signed with the Government of Ethiopia (GoE) and funded by the United States Agency for International Development (USAID).

Kenya

As it was mentioned, the Institutional Reform Stage is yet to start. USAID has expressed its intention to continue supporting the Programme with the possible involvement of other donors. However, no agreement has been reached regarding the funding of this Stage.

UNDP's Initiative for Legal Empowerment of the Poor and UNDP, Country Office in Ethiopia are expected to support this project.

Contact(s):

Gabriel Daly, International Affairs Manager, ILD, gdaly@ild.org.pe

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org ,
www.undp.org/legalempowerment

Protection of Traditional Knowledge and Cultural Heritage of Indigenous Communities with a Special Focus on the Agricultural Sector

Lead Implementing Organization(s):

International Development Law Organization (IDLO)

Target Beneficiary(ies): Indigenous communities wishing to protect or regulate the use of their traditional knowledge.

Estimated Start Date: January 2009

Estimated Duration: 1 year

Total Budget: USD 280,000

Funded amount and source: USD 280,000 (Gates Foundation)

Protection of traditional knowledge has the potential to support social and economic development of indigenous and local communities by providing for the fair and equitable sharing of benefits arising from the use of that knowledge. Although national and international law does attempt to protect traditional knowledge through access and benefit-sharing agreements, many communities remain sceptical of such an approach, which they view as promoting the commoditization of their knowledge without reference to their traditional lifestyle, culture and spirituality. The current challenge, therefore, is not only to continue the development of systems that effectively protect traditional knowledge but also to ensure that such knowledge is used consistently with the values of indigenous and local communities. Recently, some communities have begun developing bio-cultural community protocols (BCPs) that articulate the bio-cultural values regulating any non-traditional access to a community's traditional knowledge. These BCPs can then form the basis of 'licenses' that establish the conditions under which the traditional knowledge can be used, and may also enable the creation of a traditional knowledge

Nigeria

commons where certain non-traditional uses of the knowledge are freely allowed, provided they comply with the requirements outlined in the BCPs. However, these initiatives are still in their infancy and further research into their potential efficacy is required.

Project Description

Selected communities in Kenya will be encouraged to learn about their rights under national and international law to protect their knowledge and to set the conditions under which they are willing to share it with non-traditional users. Where appropriate, they will be assisted to develop BCPs and participate in a traditional knowledge commons. Key outputs from the project include: (i) a workable model of a traditional knowledge commons suitable for use by indigenous and local communities in the agricultural sector, tested on examples of traditional knowledge identified by the project as being successfully used in small-scale Kenyan agriculture; (ii) a research report on traditional knowledge commons that explores the different aspects of the concept and workable models of traditional knowledge licenses; and (iii) a workshop with African pastoralist organizations to begin development of a viable traditional knowledge commons for pastoralists.

Partners and Stakeholders

IDLO's partners in this project are PELUM Kenya, an NGO working with small scale farmers in the areas of agriculture and ecological land use and management, and Natural Justice, an NGO that works with communities to achieve the conservation of biological diversity and the fair, equitable and sustainable use of natural resources.

Contact(s):

Gino Cocchiaro, IDLO, gcocchiaro@idlo.int

Pre- Diagnosis of the Scale and Cost of Informality

Lead Implementing Organization(s): Institute for Liberty and Democracy (ILD)

Target Beneficiary(ies): Identifying and assisting informal entrepreneurs to access property and business rights.

Estimated Start Date: August 2009

Estimated Duration: 8 weeks

Total Budget: TBD

Funded amount and source:

As Nigeria's manufacturing, commercial and financial centre, Lagos state has many investment opportunities, a wide base of available natural resources, along with outstanding cultural and historical assets. The Government of Lagos (GoL) has also made a deliberate decision to maximize the area's development potential by adopting a series of economic reform measures to boost productivity and growth.

The State, however, faces serious challenges with a poorly performing public sector, persistent corruption, insufficient levels of national and foreign investments, as well as a large informal economy. A huge increase in slum-dwelling also poses a difficult development challenges: two out of three Lagos residents currently live in a slum - and overall lack of infrastructure due to Lagos's ongoing population explosion is yet another challenge. GoL is well aware of the challenges ahead, and is currently focused on providing new infrastructure and housing to the poor. Its strategy is based on encouraging Public Private Partnerships (PPPs) to attract local and foreign investors to finance Lagos' infrastructure projects.

In ILD's assessment, the challenge to Lagos State is clear: persistent informality and mas-

sive exclusion have generated two parallel economies, legal and what ILD calls “extralegal,” where most of the area’s poor entrepreneurs are operating. So long as this economic and social exclusion persists, ongoing reforms, no matter how well-intentioned, are unlikely to improve the lives of the majority of the Lagosians.

Project Description

Pre-Diagnoses work of the project will help raise awareness about the ILD Programme with a potential client and/or donor, and provide inputs to develop/test the theses that exclusion hurts economic potentials of the poor and impedes development.

The envisaged outputs of the Pre-Diagnosis work are:

A preliminary report on Lagos’ extralegal economy including:

- Extralegal systems: Representative sample of common practices;
- Estimated value of real estate and enterprises held extra-legally (dead capital); and
- Identified legal and administrative obstacles to transforming extralegally held assets into more productive assets.

An illustrated summary of the results, offering a snapshot of the following:

- Percentage of the population in the extralegal sector;
- Value of real estate and business assets;
- Current costs to become legal; and
- Some of the extralegal institutions created to manage exclusion.

Partners and Stakeholders

Lagos State Ministry of Commerce and Industry

Contact(s):

Berdi Berdiyev, Policy Specialist, LEP UNDP
 Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Namibia

Enhancing Legal Empowerment through Engagement with Customary Justice Systems

Lead Implementing Organization(s):

International Development Law Organization (IDLO)

Target Beneficiary(ies): Development practitioners and project designers/managers working on customary justice systems.

Estimated Start Date: January 2009

Estimated Duration: 2 years

Total Budget: USD 800,000

Funded amount and source: USD 800,000 (Gates Foundation)

There is an increasing recognition amongst donors about the importance of customary or non-state justice systems for many of the world's rural poor. Given the high levels of reliance on customary justice systems, there is a growing belief that the goal of empowerment through legal reform can only be reached when reforms take into account the existence and operation of such customary systems. At the same time, however, programme designers and implementing agencies struggle with the negative aspects of customary justice systems, and seek ways to improve their functioning in terms of equality, accountability, predictability, and individual rights protection. Their search for solutions is often impeded by the lack of knowledge of local perceptions of the functioning of customary law, and local needs regarding legal empowerment. This study aims to fill this knowledge gap, by providing essential insights on how to improve the functioning of customary justice systems and identify entry points for how they can be used as vehicles for legal empowerment of the poor.

Project Description

The project consists of the following components:

- An empirically-driven research study in Namibia to evaluate interventions of external actors that have sought to enhance legal empowerment through improved operation of customary justice systems;
- Up to five action-based and empirically-driven field research studies to examine potential, testing how and to what levels of success customary justice systems can be improved to enhance legal empowerment;
- Compilation of an edited volume focusing on (i) analyses of customary justice systems that identify entry-points for legal empowerment initiatives and (ii) analyses of interventions where initiatives to enhance the legal empowerment of community members through customary justice systems have been undertaken; and
- Preparation of a 'practitioner's guide' to working with customary justice systems with a view to empowering the poor.

Partners and Stakeholders

The project will be implemented in cooperation with the Van Vollenhoven Institute for Law, Governance and Development at Leiden University. It is likely to be replicated in up to five other countries.

Contact(s):

Erica Harper, Sr. Rule of Law Officer, IDLO, eharper@idlo.int

Chris Morris, Research Officer, IDLO, cmorris@idlo.int

Sierra Leone

Towards a National Approach to Justice Services

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): The mainly poor, marginalized and rural population who are unable to fulfil their legal needs due to high cost and inaccessibility in obtaining legal services and legal information.

Estimated Start Date: June 2009

Estimated Duration: 5 years

Total Budget: USD 10,000,000

Funded amount and source: USD 5,000,000 (OSI)

In today's profoundly adverse economic context, development assistance is increasingly limited, heightening the imperative of strategic engagement for optimizing outcomes. International assistance for rule of law often does not adequately respond to donor concerns about how rule of law can reduce poverty and foster economic development. Even within legal sector reform, the challenge of choosing an optimal set of action is compounded by the interdependence of the different components of a legal system. For most donors, the laudable goal of sustained, sector-wide approaches remains an aspiration.

The government of Sierra Leone is pursuing sustained, inclusive development through ambitious capacity development efforts from health and education to roads and infrastructure and fiscal policy. In the justice sector, the government has adopted a national reform strategy that is supported in part by the UK Department for International Development (DFID). A significant component of the strategy seeks to foster expanded access to justice for the poor and the disadvantaged communities.

The most successful legal reforms are rooted in the particular social and legal context in which they are introduced. For Sierra Leone, with its profoundly impoverished rural population, paucity of lawyers, and a mixed formal-customary legal system, a conventional lawyer-centred model designed primarily for court practice would do little to expand access to justice. For the foreseeable future, demand side strategies would need to incorporate elements that allow for lower cost, higher volume and greater accessibility and flexibility in the justice delivery system.

Experience (including OSI's extensive experience in Eastern Europe, the former Soviet Union, and worldwide) shows that alongside state reforms, demand side reform strategies can help eliminate the bottlenecks that often plague more top-down initiatives, foster accountability of public institutions, and over time, engender broadened compliance with established norms of procedural and substantive fairness. The main goal is to foster systemic change in justice sectors through which the poor and excluded become better able to use the law, the legal system and legal services to protect and advance their rights and interests.

Project Description

Founded by the Open Society Justice Initiative and local partners in 2003, the NGO Timap for Justice in Sierra Leone has pioneered a method for delivering justice services that responds to the particularities of Sierra Leone's socio-legal context. A frontline of community-based paralegals addresses a wide range of problems through mediation, advocacy, education, and organization. Timap's 25 paralegals, who work in 13 offices in the Northern and Southern provinces, straddle the dualist legal system, engaging with both customary and formal institutions. Timap presently serves roughly 20% of Sierra Leone's population of 5 million. The aim of the project is to increase the coverage of the country to 100% in 5 years. Although the lines between civil dis-

putes and criminal actions (and those between the jurisdiction of the formal and informal systems) are somewhat blurred in practice, Timap's focus to date has been on civil matters.

The Open Society Justice Initiative proposes to work with the Government of Sierra Leone, Timap for Justice, DFID, UNDP and the World Bank to develop a national approach to justice services, deploying a frontline of community-based paralegals and a small corps of public interest lawyers. Recognizing and empowering community-based paralegals as providers of justice services would afford them greater legitimacy with their communities as well as with public authorities. A well coordinated approach would facilitate a rational distribution of justice services that would avoid redundancy and cover as much of the population as possible.

The project envisages the following key activities:

- Develop legislation to define the role of community-based paralegals, recognize them as providers of justice services, and set standards for paralegals and for justice service organizations.
- Establish a training institute to teach paralegals about the basics of Sierra Leonean law, the workings of Sierra Leonean government, and the skills which paralegals employ. The institute would also train paralegal organizations on how to manage a network of paralegals, and lawyers on how to support and supervise paralegals.
- Coordinate provision of paralegal services by civil society organizations in various regions of the country.
- Develop a mechanism for rigorously monitoring and evaluating the work of justice service providers, which would in turn inform government policy going forward.
- Establish a robust criminal defence arm in justice service delivery.

Anticipated outputs

Expansion of implementation: Coverage increased by 20% of the population each year.

By 2010, paralegal services would include both criminal and community-based approaches.

Monitoring and evaluation process, with studies published on impact of the new justice service model.

Case-tracking database made available to government, and channels set up such that case data can be used in national policy-making.

A Government partner (perhaps Ombudsman, ACC, or the Human Rights Commission) either takes over responsibility for coordination, or an independent legal aid or justice services board is established for that purpose.

Partners and Stakeholders

Open Society Justice Initiative, Government of Sierra Leone, World Bank Justice for the Poor Programme in Sierra Leone, Timap for Justice, and UNDP – Initiative for Legal Empowerment of the Poor.

Contact(s):

Zaza Namoradze, Director, Budapest office, OSJI, namoradz@osi.hu

Mascha Matthews, Policy Specialist, LEP UNDP
mascha.mathews@undp.org,
www.undp.org/legalempowerment

Uganda

Land, Livelihood and Peace-building

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Communities and individuals with an interest in titling their land and resolving on-going disputes over inheritance, demarcation and investment plans.

Estimated Start Date: TBD

Estimated Duration: TBD

Total Budget: USD 3,500,000

Funded amount and source:

Land is the lifeline and identity of the people of Northern Uganda. In the absence of alternative non-land dependent livelihood options, land remains the main source for subsistence and survival. In Acholi, the conflict and the consequent displacement, return and reclamation of land that people left behind before the insurgency add a new dimension to the land equation. By some estimates, at least two thirds of the households are embroiled in some kind of land disputes. Proliferation of dispute resolution forums, Local Council Courts (LCCs) and their overlapping jurisdictions and lack of capacity make resolutions further complicate the resolution process. In Karamoja, agro-pastoral lifestyles of the inhabitants pose a different kind of challenge to land ownership, livelihood and peace-building.

Security of land tenure – achieved under customary land tenure or through the formal titling system – is a condition for productivity growth and economic development but also for sustainable and durable peace. The preoccupation with land disputes and the often misguided pursuit of tenure security continue to undercut the opportunities for productive activities and limit the development potentials of the region.

Sources of tension and disputes over land can be traced in three broad categories: inheritance, demarcation of land boundaries, disputes over investment in land. Disputants, traditional clan leaders, chiefs, elected and appointed local government operatives, NGOs, CSOs and CBOs and central level politicians (Parliamentarians) all play a role in resolution or irresolution of land disputes. The formal structures (LCCs) – as they strive to deliver justice – often pose an existential threat to the traditional leaders. The informal (not necessarily traditional) arbitrator often gathers strength and legitimacy at the expense of the formal forums.

Project Description

The project will define and implement activities that would address several types of land disputes and provide input to the new 'Land Policy' and the amended 'Land Act' that are being developed by the authorities.

On addressing disputes related to inheritance and property rights, which will require predominantly legal solutions, the project will i), facilitate, in partnership with local government authorities, NGOs and traditional leadership, community level dialogues, on relevant customary laws; (ii) strengthen legal aid, streamline legal aid services, engage non-traditional leaders – including village elders, teachers and traditional healers – in mediation processes to ensure more equitable outcomes at the village level; (iii) develop a pilot system for peer and partner review of judgments coming out of the customary forums. The project will also train customary leaders to incentivize their compliance with the application of the customary principles of inheritance.

On disputes over land demarcation, the project will design and implement pilots (i) to facilitate and incentivize systematic demarcation of land and community-level formalization of land titles; (ii) build on the community land titling initiative implemented by IDLO and partner with Uganda Land Alliance and the

Land and Equity Movement in Uganda (LEMU) to design and roll out pilots in selected districts and iii) enhance the capacity of the LC courts and local government officials to ensure speedy and equitable resolution of land disputes. There can be a joint UNDP-Government of Uganda capacity needs assessment exercise to implement a targeted plan of action for developing the capacity of the local government authorities.

Addressing the disputes over investment in land will require a political economy approach, with emphasis on right communication strategies both from the central government and the local government authorities. The project will strengthen the capacity of both the local government authorities and the community members to estimate the true cost and benefits of an investment proposal and develop the capacity of the communities to negotiate an optimal investment agreement. It will develop a guideline on investment in land, identifying the minimum criteria for consideration of an investment proposal and the tools for maximizing the interests of the community and engage with the Government of Uganda to incorporate a clear and equitable provision on land related investments.

Partners and Stakeholders

This is a project concept for consideration of various partners. UNDP will partner with local government authorities, NGOs and traditional leadership, community members and the Ministry of Land, Ministry of Local Government and the Ministry of Justice. UNDP will also forge partnerships with UNIFEM, UNCDF, FAO, IFAD, WFP and other development partners to expand the livelihood options of the people, through provision of agricultural extension services, inputs for agriculture and through generation of new employment in agro processing sectors.

Contact(s):

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment



Bangladesh

Assessment of BRAC's Human Rights and Legal Education Programme

Lead Implementing Organization(s): Bangladesh Rural Advancement Committee (BRAC)

Target Beneficiary(ies): Rural women who, and are likely to, benefit from human rights education.

Estimated Start Date: TBD

Estimated Duration: 6 months

Total Budget: TBD

Funded amount and source:

BRAC has been working at the grassroots level since 1972 and its work soon recognized that the poor of the rural areas of Bangladesh were especially exploited in matters relating to women's rights and land rights. In 1986, a BRAC survey among rural women of Bangladesh further revealed that these women were exploited because they lacked basic knowledge regarding the laws of the land. Following the survey, BRAC introduced Human Rights and Legal Education (HRLE) programme to make members of the village organizations aware of their fundamental rights and teach them basic laws that were of relevance to their lives.

The programme began scaling up across all of Bangladesh and by 1998, it was clear that education alone would not be sufficient and there was a need to improve poor people's access to the formal legal system. In response, BRAC began its Legal Aid programme to provide legal counsel and support and thus make the formal courts more accessible to the poor.

Over the past ten years, the Legal Aid programme has grown to include the Alternative Dispute Resolution programme, expanded legal offices and counsel, gender awareness training, and village based committees. The focus has

shifted from education to empowered action to improve legal legislation and improve the judicial system. Using the vast network of people, programmes and other NGOs, BRAC's Human Rights and Legal Services (HRLS) programme continues to provide holistic legal support to women around the Country:.

BRAC's HRLE programme is dedicated to protecting and promoting human rights through legal empowerment especially for the poor and marginalized. HRLS provides legal education, legal aid and supportive services to protect marginalized communities from discrimination and exploitation and ensure access to justice to both the informal and formal systems. The programme's work goes beyond the scope of legal representation and reflects BRAC's overall awareness of the socio-economic context and the underlying causes of vulnerability. HRLS Objectives are:

- Create awareness on human rights and laws to empower the poor and marginalized through community mobilization and capacity building;
- Resolve conflict through legal aid services;
- Utilize the legal system to reduce violence against women and children;
- Sensitize actors in the legal system in the principles of human rights and gender justice; and
- Build a critical link between rights and development by engaging the government and rights based organizations.

Project Description

The proposed study will assess the real and potential social, cultural and economic impact of the HRLE class of the BRAC HRLS programme in Bangladesh. 'Specifically, the impact assessment study will:

- Assess the potential social, cultural and economic and human development impacts of the HRLE training of BRAC HRLS programme in Bangladesh;

Bangladesh

- Identify the specific component and focus, if any, of HRLE that the recipients found most beneficial and effective in their empowerment as individuals and as well as members of the community;
- Inquire whether legal education and empowerment, as embodied in HRLE, influenced the economic and social decisions and choices of the recipients, including effects on their wealth, income, and social mobility as well as consumption, educational and health choices;
- Assess the retention rate and whether the impact and usefulness of HRLE programme diminish over time and whether the recipients would benefit from refresher/retraining HRLE programmes;
- Determine the cost-effectiveness of the HRLE training from an end-user perspective; and
- Ascertain whether the main findings and conclusions of the study could facilitate scaling up and replication of HRLE in other contexts.

The main findings and conclusions of the impact assessment will be used to determine the feasibility and adaptability of the HRLE model for other countries facing similar challenges.

Partners and Stakeholders

BRAC, IDLO and UNDP.

Contact(s):

Faustina Perreira, Director, Human Rights and Legal Services, BRAC, faustina.p@brac.net

Hamid Rashid, Sr. Adviser and Coordinator, LEP UNDP

hamid.rashid@undp.org,

www.undp.org/legalempowerment

Aisha Weaver, Counsel, LEP UNDP,

aisha.weaver@undp.org,

www.undp.org/legalempowerment

Activating Village Courts

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Rural population in Bangladesh who are in need of fair and cost-effective legal remedies.

Estimated Start Date: 2009

Estimated Duration: 4 Years

Total Budget: USD 14,986,367

Funded amount and source: USD 14,986,376 (UNDP, EC)

The formal justice system in Bangladesh is under tremendous pressure due to an extremely high workload and an inadequate number of judicial staff to dispose of the cases. Corruption is also a cause for concern in equitable disposal of cases and often creates further delay. The backlog of cases currently stands at approximately 500,000. High costs, lengthy procedures and endemic corruption act as barriers to poor and vulnerable groups accessing justice through formal courts. The village courts are considered to be a viable alternative for more accessible, affordable and acceptable form of justice delivery.

Project Description

This project is aimed at providing support to the justice system through activating village courts in 500 Union Parishads (UP) of the country. It intends to develop the capacity of village court members, elected representatives and support staff. Motivation programmes will be carried out to sensitize all involved on the role and functions of the village courts and how they relate and contribute to the overall justice system. At the same time, it will also enhance the justice service delivery to marginalized and disadvantaged groups.

Key Objectives:

- Empower women, the poor and disadvantaged

China

to seek remedies for injustices and to enable justice institutions to be responsive to their claims and rights;

- Promote and protect human rights and security through a human rights based approach to development in programming and delivery;
- Empower citizens to resolve their disputes at the village level in an expeditious, transparent and affordable manner; and
- Strengthen local government institutions to be responsive to local needs and offer appropriate legal services through well functioning village courts.

Partners and Stakeholders

Local Government Division, Ministry of Local Government, Rural Development and Cooperatives (MLGRD&C).

Contact(s):

Nandita Dutta, Cluster Coordinator, Governance, nandita.dutta@undp.org

Synergizing Efforts for Legal Aid

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): NGOs and CBOs engaged in provision of legal aid to poor and disadvantaged population.

Estimated Start Date: May 2010

Estimated Duration: 4 Years

Total Budget: USD 2,000,000

Funded amount and source: USD 500,000 (Government of China)

The Chinese government established the legal aid system in 1994 to provide free legal aid services for people who cannot afford legal costs. With years of efforts, a national framework from the central to the local level of legal aid centres has been established and a number of laws and regulations on legal aid enacted to ensure that the poor have equal access to justice. In recent years, the importance of and the demand for legal aid has been increasing. The government has established a new department of legal aid in the Ministry of Justice to regulate and supervise the national legal aid work and stressed its commitment to increasing input to legal aid development, extending legal aid services widely to the poor and improving the quality and efficiency of legal aid. This will require seeking additional legal aid service resources to complement official legal aid.

In parallel to governmental legal aid services, non-governmental legal aid bodies operate independently with public interest lawyers and volunteers to provide the poor with easily accessible services and flexible criteria for granting legal aid. However, the challenges they face, such as lack of funding and human resources calls for close cooperation with the government.

Project Description

The project aims to establish a governmental and non-governmental legal aid partnership model by synergizing the efforts of government legal aid centres and legal aid NGOs in ensuring the access to justice for the poor. From the government perspective, the project aims to create a favourable and enabling environment for the development of legal aid NGOs and recognize the partnership with NGOs in providing legal aid to people in need. From the legal aid NGOs perspective, the project aims to support their development by building capacities and strengthening their role as providers of legal aid which is complementary to the governmental legal aid services.

This project aims to achieve results through the following: (i) Promoting the enactment of 'Regulations on Legal Aid Provision by Private Non-Government Enterprises' through studying non-governmental legal aid provision in foreign countries; (ii) Strengthening NGOs role in legal aid provision through study and research; (iii) Capacity building for legal aid regulators, practitioners and public interest lawyers; (iv) Piloting the coordination mechanism between government and NGOs in providing legal aid in selected project sites, especially on joint service provision and model of cooperation; and (v) Strengthening the national framework of legal aid NGOs through establishing more legal aid NGOs nationwide.

Partners and Stakeholders

China International Centre for Economic and Technical Exchange (CICETE), Ministry of Justice of China, All China Lawyers Association, and Beijing Legal Aid Office for Migrant Workers.

Ministry of Justice of China, All China Lawyers Association, Beijing Legal Aid Office for Migrant Workers and UNDP China

Contact(s):

Qing GU, Programme Manager, Democratic Governance and HIV/AIDS Team, UNDP China, qing.gu@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

India

Democracy through Increased Access to Justice

Lead Implementing Organization(s): City University of New York School of Law (CUNY)

Target Beneficiary(ies): Marginalized and poor rural communities with unmet legal needs through the creation of a corps of grassroots level legal service providers to help start up businesses in under-served communities.

Estimated Start Date: January 2009

Estimated Duration: 3 Years

Total Budget: TBD

Funded amount and source:

In India, the formal legal system has largely failed to deliver justice to the masses. High Court of Delhi's Justice S. Muralidhar explains, "Lack of judicial infrastructure is but one of the factors impinging on access to justice. The problems of the legal system become acute when examined in the context of the needs of those socially and economically disadvantaged. For them, in particular, the expense of pursuing cases in courts, the intimidating structure of the legal profession and the courts, and the inability of the legal aid system to reach all sections of the population constitute the major institutional barriers to justice. Illiteracy, cultural inhibitions, bureaucratic and political corruption serve to aggravate the denial of access."

Project Description

Using the CLRN/City University of New York (CUNY) model, CLRN/Symbiosis Law School (SLS) will achieve the following:

- Develop a network of 20 community-based advocates to work with a team of 30 law students to assist in the delivery of legal services in under-served communities in and around Pune;
- Coordinate the delivery of counselling, refer-

ral and related services to 500 individuals in conjunction with a minimum of 7 local NGOs, and provide direct representation of 120 clients with unmet legal needs;

- Deliver educational programming to a minimum of 2,000 individuals;
- Utilize community economic development as a tool for increasing access to justice through the formation of Practice Groups of 8-10 advocates interested in developing expertise in small business practice, design curriculum development for advocates in practice groups, develop links with governmental and non-governmental programs that provide support for small businesses and micro-enterprises, develop supervision protocols and provide supervision for practice group members, and develop a curriculum to prepare law students for small business and micro-enterprise practice; and
- Develop an international exchange programme that will enhance learning opportunities abroad for five law students from scheduled castes.

Partners and Stakeholders

CUNY is the largest urban public university system in the US and will coordinate support of its faculties of law, social work, public health, journalism and political science to further the goals of the CUNY/SLS collaboration. In India, SLS will partner with the following NGOs:

- Immigrants and migrants to Pune experiencing harassment and exploitation in housing and the workplace (to be developed through the CUNY/SLS collaboration);
- Young victims of human trafficking forced to perform as sex workers to be addressed in collaboration with Saheli Sangh (Pune's only collective of sex workers);
- Survivors of domestic violence (also with Saheli Sangh);
- Prisoners lacking access to medical care and proper representation (in conjunction with District Court Legal Aid Committee);

Indonesia

- People living with HIV/AIDS (with Wake Up Pune);
- Consumer rights (with the Public Concern for Governance Trust);
- Indigent victims injured by motor vehicles (with Legal Aid Services Authority);
- Sexual minorities victimized by violence and unjust harassment by law enforcement (in conjunction with Samabhavana Society); and
- Neighbourhoods experiencing environmental degradation (in partnership with Alert, an NGO dealing with environmental issues in Pune).

Contact(s):

Fred P. Rooney, Director, Community Legal Resource Network (CLRN), CUNY School of Law, rooney@mail.law.cuny.edu

Hamid Rashid, Sr. Adviser and Coordinator, LEP UNDP, hamid.rashid@undp.org, www.undp.org/legalempowerment

Legal Empowerment and Assistance for the Disadvantaged (LEAD)

Lead Implementing Organization(s): National Development Planning Agency (BAPPENAS) United Nations Development Programme (UNDP)

Target Beneficiary(ies): Poor and vulnerable communities and civil society/community based organizations addressing justice needs in West Kalimantan, Maluku, North Maluku, Central Sulawesi and Southeast Sulawesi.

Estimated Start Date: 2007

Estimated Duration: 3 Years

Total Budget: USD 9,699,800

Funded amount and source: USD 7,734,104 (Norway, SIDA, Netherlands)

People lacking access to justice are often vulnerable to human rights abuses as they are effectively denied legal and human rights protection. In Indonesia, numerous barriers to access to justice include long delays within the formal justice system; the lack of free legal representation for vulnerable and marginalized groups; abuse of authority and corruption; weak law enforcement; deficits in legal and human rights knowledge and awareness across formal and informal justice delivery systems, legal community and the general public; biases and discrimination against women and other vulnerable and marginalized groups; and the lack of available legal and human rights information.

These barriers are especially pronounced for the poor and disadvantaged who, in turn, are effectively discouraged from utilizing informal and formal justice delivery systems.

The LEAD Project builds on a 2005-2006 joint assessment by the BAPPENAS and UNDP on access to justice in the five Indonesian provinces of

West Kalimantan, Maluku, North Maluku, Central Sulawesi and Southeast Sulawesi. Throughout these provinces, the assessment found that economic concerns presented the strongest access to justice challenges - a reflection of priorities in many Indonesian communities where daily life often revolves around the challenges in maintaining an adequate livelihood.

Project Description

The LEAD Project aims to increase access to justice across Indonesia with support for legal services, legal capacity development, legal and human rights awareness and related development activities for the poor and other disadvantaged groups.

Key steps in accomplishing these objectives include: (i) establishing a grant-making facility focused on civil society organizations representing the rights and interests of the poor and their capacity development; (ii) ensuring legal and human rights empowerment at the grassroots level; (iii) fostering a human rights-based approach with regard to grantee activity development and implementation; and (iv) engaging state authorities at local and regional levels.

At the national level, LEAD supported the Government of Indonesia in working towards the development of a comprehensive National Access to Justice Strategy for inclusion in the National Medium Term Development Plan.

At the provincial level, LEAD works with Indonesian civil society to support the legal and human rights empowerment of vulnerable and marginalized individuals and communities by improving access to information and free legal assistance.

The programme currently functions in North Maluku, Central Sulawesi and Southeast Sulawesi, where it provides small grants to non-governmental organizations (NGOs) and other civil society organizations (including universities)

to carry out activities aimed at increasing access to justice for the poor and disadvantaged.

Grant activities seek to strengthen public awareness and legal empowerment (with an emphasis on women's rights, land and natural resources, and local governance issues) and assist the legal service community to provide free legal assistance to the most vulnerable and marginalized. Further, the project facilitates community participation in the development, implementation, and oversight of local government policies and service provision.

Partners and Stakeholders

The project is implemented by BAPPENAS in partnership with UNDP. A unique new partnership between the GoI, UNDP, World Bank and the Netherlands Ministry for International Development is emerging to advance access to justice in Indonesia.

Contact(s):

Thomas Crick, UNDP Indonesia,
Thomas.crick@undp.org,

Alison Moore, UNDP Indonesia,
Alison.Moore@undp.org

Indonesia

Legal Empowerment of the Customary (Adat) Communities

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Customary communities in West Kalimantan and Maluku provinces and civil society/community based organizations addressing their legal needs.

Estimated Start Date: 2009

Estimated Duration: 1.5 years

Total Budget: USD 2,000,000

Funded amount and source:

Despite Indonesia's steady progress towards greater protection for human rights in the last ten years, the reality for many Indonesians (particularly women and the rural poor) is that justice remains largely out of reach. To date, most initiatives supporting justice sector reform have taken place at the national level. In poor and marginalized communities informal justice mechanisms that combine elements of negotiation, mediation and arbitration are still the primary means for resolving disputes. Therefore, attempts at reform must adopt a twin track approach of creating public demand for justice along with building more responsive and transparent public institutions.

In particular, customary communities (Adat) face a situation of marginalization and vulnerability both from the State and within the society. Their rights are often unprotected and they face considerable obstacles when attempting to seek justice through formal channels. Most common situations of legal disempowerment are (i) legal and institutional discrimination within the justice system; (ii) widespread conflicts between these communities and local government and/or private companies; (iii) conflicts between these people's and trans-migrants or IDPs; (iv) the lack of affordable informal mechanisms or ADR;

(v) fear and exclusion from the formal justice system; (vi) lack of access to justice for resolution of land disputes and compensation/enforcement of legal protections related to displaced communities; (vii) limited access to understandable information; (viii) political disempowerment and limited negotiation capacity with decision makers; and (ix) intra-community disadvantages in decision-making, traditional inheritance and other rights based on gender but also on age, disability or other status.

Through its grant making facility, UNDP-LEAD is currently working with CSOs to raise awareness and empower people to demand realization of human/legal rights from responsible authorities. The project also strengthens CSO and community paralegal skills in order to reach marginalized people with legal assistance. At the macro level, LEAD is supporting national and sub-national justice sector reform efforts, including the development of a National Strategy and its implementation through the 2010-2014 Mid-Term Development Plan. The proposed project builds on approaches developed by LEAD in other provinces to extend them to new provinces and adapt to IDP populations.

Project Description

The two target provinces of this proposal -West Kalimantan and Maluku- are ones that have large populations of customary or indigenous people and a history of violent conflict with an ethnic and economic dimension involving CCs. The project aims to:

- Build capacity to seek justice remedies through (i) legal awareness campaigns; (ii) building local legal capacities through training of specialists, developing stronger customary community CSOs and establishing legal information posts; (iii) strengthening legal aid centres at decentralized level staffed by CC-knowledgeable service providers; and (iv) establishing community-based complaints posts to provide voice to claims.

- Build capacity to deliver justice will be reinforced by
 - (i) strengthening existing informal justice systems or ADR mechanisms through training of leaders and building linkages to the formal justice system; (ii) establishing public complaints mechanisms, particularly for natural resources disputes and disputes with government over basic services provision; and (iii) sensitizing justice and government service providers about the economic, social and cultural rights of the customary communities.
- Improve the Normative Framework will consist of
 - (i) documenting successful cases; (ii) increasing community-based and provincial customary peoples' organizations' advocacy; and (iii) ensuring that project experience feeds into national legislation, policies and strategies.

Partners and Stakeholders

Open Society Justice Initiative and UNDP.

Contact(s):

Thomas Crick, UNDP Indonesia ,
Thomas.crick@undp.org,

Alison Moore, UNDP Indonesia,
Alison.Moore@undp.org

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP, hamid.rashid@undp.org,
www.undp.org/legalempowerment

Customary Justice Practices

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Indigenous communities of Lao PDR who depend on customary justice. system to meet their legal needs

Estimated Start Date: April 2009

Estimated Duration: 1 year and 9 months

Total Budget: USD 236,000

Funded amount and source: USD 236,000 (UNDP)

Customary practices remain a crucial source of law for many people in Lao PDR, especially among its 49 ethnic groups and in the most remote areas of the country. As yet, no policy addresses the issue of the role and place of customary law in the legal system of Lao PDR, and no comprehensive study has covered this topic. This problem has been acknowledged by the authorities and recognized as a critical issue to tackle in order to improve governance and the Rule of Law in Lao PDR. Thus, this need is reflected in the Legal Sector Master Plan drafted in November 2006 which, under its first pillar, calls for the implementation of a research project on the application of customary rules as a source of law by collecting local and customary rules, especially among minority ethnic people, in order to ensure the application of a more efficient legal framework.

Project Description

The ultimate goal of the project is to support the formulation of a national strategy on customary law and develop guidelines on the reconciliation of customary laws with formal state laws, ensuring that customary rules and practices are harmoniously integrated into the Lao PDR legal system.

Lao PDR

As part of a general objective of developing legal empowerment for the poorest and most vulnerable groups, it seems of great importance to develop knowledge of customary laws and practices throughout the country in order to efficiently combine this source of law with the broader normative framework. This should ultimately lead to a better understanding and harmonization of customary legal practices as well as an improved access to justice and information for villagers living in out-of-reach places. It should also promote gender equality as well as an enhanced and equitable application of international human rights standards based on the international treaties Lao PDR has ratified.

Partners and Stakeholders

The main implementing partner is the Ministry of Justice. Other main national counterparts are the People's Supreme Court, the Office of the Supreme People's Prosecutor, the Lao Front for national Construction, the Faculty of Law, and the Lao Women's Union.

Contact(s):

Laurent Pouget, Legal Programme Specialist, Governance, UNDP, laurent.pouget@undp.org

Enhancing Access to Justice through Lao Bar Association Project - PHASE II

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Legal professionals, willing to promote access to justice for poor and vulnerable communities and engage in public interest litigations.

Estimated Start Date: March 2008

Estimated Duration: 3 Years

Total Budget: USD 600,000

Funded amount and source: USD 600,000 (UNDP)

The formal legal system and legal profession in Lao PDR are still somewhat rudimentary. Civil society is also at a very early stage of development. People, especially those from poor and vulnerable communities, have limited awareness of their legal rights and available justice mechanisms.

The Lao Bar Association (LBA) is a fledgling organization established in 1996 with a membership of 100 lawyers. The UNDP has supported the LBA since 2003 to build its capacity and strengthen its independence as an organization, with access to justice as its key mandate.

One of the main barriers to the LBA's development as a legal service and information provider is the low public awareness of legal services, and subsequent low earning potential and status of lawyers in Lao PDR. This dissuades young, competent and energetic law graduates from entering the profession which in turn impacts the strength of the LBA as an institution, its levels of professionalism, and ability to achieve its mandate.

In addition, no comprehensive study on poor

and vulnerable people's perception of access to justice has been carried out in Lao PDR. Such a study is crucial to guide the strategic direction of LBA's access to justice activities.

Contact(s):

Gemma Archer , Programme Analyst, Governance, UNDP Lao PDR , gemma.archer@undp.org

Project Description

The project aims to take a holistic approach to enhance the capacity of LBA, while focusing on enhancing access to justice for the vulnerable and disadvantaged people and communities in Lao PDR.

The project employs a four-pronged approach to achieve its aims: (i) institutional strengthening of the LBA; (ii) capacity-building for lawyers & paralegals; (iii) public legal education; and (iv) access to justice through free legal services.

By early 2010, an Access to Justice Survey is expected to be completed by the project. The results of the survey will be used to identify areas for improvement in current access to justice initiatives of the LBA, and more widely in Lao PDR. The results will also be used to inform the recommendations arising from a customary law survey which will be carried out in parallel.

The project will also support the LBA and Government of Lao PDR in drafting a Law on Lawyers and a Code of Conduct for the legal profession. This is necessary for the continued development and regulation of the legal profession and to provide quality legal services to all Laotians, especially the poor, vulnerable, and disadvantaged.

Partners and Stakeholders

Local and Government: Ministry of Justice, Supreme Court, Prosecutor's Office, Faculties of Law, Lao Women's Union; INGOS: Bridges Across Borders, VFI, CARE, GDG, CONCERN, GAPE, Save the Children; UN Agencies: UNICEF, UNIAP, UNODC, UNFPA, UNICRE; Other: Local and International law firms and law societies; and Donors to LBA: EC, Asia Foundation, AusAID, UNICEF.

Maldives

Protecting Human Rights and Accessing Justice

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Government and non-governmental justice service providers and advocates.

Estimated Start Date: January 2008

Estimated Duration: 2 Years

Total Budget: USD 578,000

Funded amount and source: USD 250,000 (UNDP)

International and national human rights institutions have pointed to a number of legal challenges in Maldives, including the lack of judicial independence, barriers to accessing justice especially on the outer islands, the lack of legal representation, violence against women, freedom of association and freedom of religion. According to a survey conducted by the Human Rights Commission of Maldives, people are generally unaware of their legal rights. Having ratified or acceded to a number of international human rights treaties, Maldives has yet to completely incorporate provisions of international law into its domestic legislation.

Project Description

'Protecting Human Rights and Accessing Justice in the Maldives' aims to increase the ability of people, particularly the marginalized, to know and claim their rights and access remedies to address their grievances. It also seeks to strengthen institutional capacities to better address the needs of the people and contribute to the alignment of the national legal framework with the international obligations entered by the Government of Maldives (GOM), the reforms currently being carried out under the Government's "Agenda for Human Rights, Democracy and

Reform" and the reforms that will be carried out under the new Constitution. The project will (i) strengthen the capacity of justice sector service providers at all levels; (ii) support the availability of legal counselling and legal aid through the creation of a professional bar association; and (iii) provide avenues to facilitate dialogue and consultations among stakeholders and the public to increase citizens' and government's cooperation in policy making.

Partners and Stakeholders

The Department of Judicial Administration, Supreme Court, High Court and Lower courts, Judicial Services Commission, Prosecutor General's Office, Attorney General's Office (lead agency), and Ministry of Home Affairs.

Contact(s):

Naima Mohamed, Programme Associate, Governance, UNDP Maldives, naima.mohamed@undp.org

Mascha Matthews, Policy Specialist, LEP UNDP, mascha.matthews@undp.org, www.undp.org/legalempowerment

Mongolia

Access to Justice and Human Rights

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Poor and marginalized segment of the population and internal migrants lacking legal protection, livelihood options and access to services.

Estimated Start Date: July 2009

Estimated Duration: 2 Years

Total Budget: TBD

Funded amount and source:

As Mongolia experiences rapid changes in its economic and social structures, many groups are further marginalized and left behind, in terms of access to justice. The growing disparity in the distribution of wealth and income between different social groups has brought new social challenges, in particular encouraging large migration of people from rural to urban settlements. Poverty induced by these social challenges - disproportionately affecting women and children - not only reflect a lack of income, but also manifest exclusion from medical care, housing, education, and social and political participation.

These challenges exist in part because the majority of poor women and men lack practical awareness on legal safeguards and procedures for obtaining legal aid, and possess only limited knowledge of their basic human rights. Furthermore, most legal services are concentrated in major cities and lawyers rarely practice in rural areas and in new urban settlements. Privatization of professional legal services has also resulted in increased legal costs and regional disparities on availability of those services. Without normative protection, legal empowerment, professional assistance and remedies, the poor and disadvantaged are not able to effectively claim and exercise their rights.

Project Description

To continue the contribution for the implementation of the National Human Rights Action Plan (NHRAP) and the National Programme on Legal Aid to the Indigent, UNDP Mongolia is preparing a comprehensive project which foresees activities to support the establishment and operationalization of the Legal Aid Centres, development of a national policy on legal aid, including options for institutionalizing the system of public defenders and legal aid. These efforts would contribute to a longer-term solution to improve access to justice for the poor, vulnerable and marginalized.

Importantly, the project will have a strong gender focus and will draw on other relevant UN initiatives (e.g. focusing on Prevention from Violence against Women and Children, implementations of the CEDAW Committee Recommendations) as well as the approval and the implementation of the Gender Equality Law in Mongolia.

Moreover, responding to the challenges of the economic crisis, there will be a strong focus on the Legal Empowerment of the Poor (LEP). An initial assessment of how laws affect the poor and vulnerable at present, followed by the formulation of a strategic plan for LEP focusing on issues of migration and informality will be undertaken. Overall, the project will contribute to (i) enhancement of the normative framework for the protection of disadvantaged groups; and (ii) capacity development of the justice system and service providers for improved protection and access to justice by various disadvantaged groups.

Partners and Stakeholders

The Ministry of Justice and Home Affairs in partnership with Supreme Court, the National Human Rights Commission of Mongolia, National Committee on Gender Equality, Ministry of Health, Ministry of Social Welfare and Labour, Ministry of Foreign Affairs and Trade, General

Nepal

Police Department, Prosecutors' General Office, Special Investigative Unit under the General Prosecutor, Court Decision Enforcement Agency, NGOs - National Centre Against Violence, Open Society Forum, MonFemNet, Union of the Disabled People, Mongolian Families' Association, and Mongolian Men's Association.

Contact(s):

Davaadulam Tsegmed, Governance Practice Manager, UNDP Mongolia, davaadulam.tsegmed@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

A Rule of Law Based Approach to Land Rights and Reforms for Legal Empowerment of the Poor and Conflict Prevention

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Poor landless farmers and former Kamaiyas and the officials of the Ministry of Land Management and Reform.

Estimated Start Date: TBD

Estimated Duration: 3 years

Total Budget: USD 3,500,000

Funded amount and source:

In landlocked Nepal, land distribution is highly eschewed. More than two-thirds of the total farm-holdings own less than 1 hectare of land, and they account for only 30 percent of the total agricultural land. On the other hand, 1.5 percent of the farms – those that are larger than 5 hectares – own 14 percent of the total farm area. Land distribution is also eschewed regionally. The proportion of landless holdings is higher in the plains as compared to the hills and mountains. Three-fifths of the holdings in the hills and mountains own less than half of the total land whereas 41 percent of the holdings in the plains own little more than half of the total land. While widespread violence and conflict has subsided, inter-communal tensions are on the rise and may threaten peace in Nepal. Economic discrimination, often manifested in ownership and access to land, is one of the grievances among many people in post-conflict Nepal.

The Government's objective to redistribute land among the landless and smallholder peasants is yet to be achieved and a situation of "dual ownership" of land was created, as both the land owner and the tenant could lay claim on the same piece of land. Lowering the ceiling of land-

holdings, allowing tenants to claim ownership or distributing land among few former Kamaiyas has had little effect on reducing inequities in Nepal. A comprehensive land reform programme, premised on the dual objectives of conflict prevention and poverty reduction, must incorporate a rights based approach to land, through:

- (i) Providing and empowering the poor with access to legal information and legal aid for land registration and land related dispute resolution;
- (ii) Mobilizing community and grassroots level efforts for effective and equitable land redistribution and ensuring sustainable land management;
- (iii) Addressing the labour market anomalies, especially the problem of bonded labour, that are closely linked to, and dependent on, land ownership structures; and
- (iv) Developing the capacities of the governmental institutions – the Ministry of Land Management Reform, district level authorities and the court system – for implementing a pro-poor land reform agenda.

Project Description

As a crisis prevention and recovery effort, the project will address the dual challenge of land redistribution and effective elimination of bonded labour. The project will have two phases.

In phase I, the project will:

- Identify the loopholes in the Land Act and its Amendments that continue to prevent equitable redistribution of land among the poor Nepalese.
- Assist the Ministry of Land Reform and Management to enhance its capacity for land redistribution, with focus on legal education and information on registration procedures and land rights. The project will also aim to strengthen local level capacity for administration of land redistribution.
- Recommend solutions, both in terms of policies and institutional arrangements, for cost-effective measures to facilitate land redistributions and protect the land rights of the poor.
- Analyze the trends and alternative settlement

options for enhancing the capacity of the legal system for adjudication of land related disputes.

- Estimate the costs of land registration, land taxes and land management costs and how they affect the poor's decision-making process regarding land ownership.

In phase II the project will test run initiatives in the most vulnerable districts in Western Nepal and will seek to:

- Establish community-based mechanisms to prove tenancy where tenants lack proof of formal registration. It will also support the establishment of alternative dispute resolution mechanisms, including community-level land courts, to settle disagreements between landlords and tenants.
- Generate greater legal awareness around the Land Act, its amendments and their implications, among the tenants, smallholders and landless people. This will help spur greater demand for land rights and equity among the marginalized groups.
- Train paralegals and public interest lawyers on land rights, tenancy and inheritance issues to ensure that poor tenants and smallholders have access to cost-effective legal remedies to enforce their rights and get justice.
- Design and establish community-based land ownership programmes to promote sustainable land management and adaptation to climate change.

Partners and Stakeholders

This is a project concept for consideration of various partners. UNDP will forge partnership with the Ministry of Land Management and Reform and other development partners to design and implement the project.

Contact(s):

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP, hamid.rashid@undp.org,
www.undp.org/legalempowerment

Pakistan

Supporting Pro-Poor Governance for Legal Empowerment of the Poor

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Small businesses and traders' unions, small growers associations, informal labourers in different sectors, landless people such as urban slum dwellers or peasants, home based skilled workers and domestic workers facing challenges in defending their business and livelihood rights.

Estimated Start Date: December 2009

Estimated Duration: 3 Years

Total Budget: USD 4,134,400

Funded amount and source: USD 500,000 (UNDP)

In the past decade, Pakistan has witnessed a steady rise in economic growth, reaching the highest 8.4% in 2005 before falling back to a still robust 6.6% in 2006 and further declining to 5.8% in 2007. However, ordinary people have received very little benefit from the country's overall strong economic performance. Rising income inequality and steadily rising inflation which rose as high as 10.3% in 2008 continue to hurt the poor. The poor in Pakistan only have limited opportunities to lift them out of the vicious cycle of poverty such as living in a clean, safe environment, having access to adequate nutrition and healthcare, being able to get good education and jobs with decent salary, and being able to start businesses and earn a decent income.

A national study finds that poverty results largely from the considerable inequities in people's access to services and entitlements such as economic assets, political and social rights, and social and municipal services. The National Social Protection Strategy (2007) defines social exclusion along lines such as religion, language,

gender, access to land, occupation, physical disability, and/or social status. This exclusion from assets, participation and services, and denial of rights continue to exacerbate poverty.

Project Description

The Project will have the following outputs:

- Increase legal awareness of the poor and enhance ability to claim / access their rights. Awareness activities will include the importance of a legal identity, accessing justice and redress mechanisms. Additionally, capacity development activities will target local leaders, elders and elected representatives who are most often referred to or consulted by citizens for guidance and support in such matters. A Small Grants Facility is proposed for advancing legal empowerment of the poor and socially disadvantaged groups, and enhancing their ability to demand recognition and protection of their rights and interests.
- Develop Mechanisms to Support Disadvantaged Groups: The awareness of legal rights and entitlements has to be augmented with the capacity to assert and/ or demand these rights from the duty bearers. Such mechanisms of support for disadvantaged groups must be strengthened. Targeted disadvantaged groups will be selected for Empowerment Checks. Subsequently, capacity development activities will strengthen relevant disadvantaged groups such as small businesses/ traders' unions, small growers associations, informal labourers in different sectors, landless people such as urban slum dwellers or peasants, home based skilled workers, domestic workers and the like.
- Research and Policy Engagement to Inform Processes and Structures. A research and policy engagement component is envisaged to bridge the gap between policy and implementation challenges on the ground. Baseline studies for targeted disadvantaged groups and action research will be commissioned through the programme to document legal empowerment

Sri Lanka

issues and interventions, influence existing legislation and legal provisions, draw lessons from pilot legal empowerment initiatives and inform and engage state and policy level stakeholders in the legal empowerment dialogue.

Partners and Stakeholders

Using a multi-pronged approach and working with a diverse set of partners in government, the donor community and civil society, the programme will be dealing with a wide variety of Ministries and Commissions such as the Law and Justice Commission of Pakistan (LJCP), Small and Medium Enterprise Development Authority (SMEDA), Ministry of Labour, and Ministry of Law and Justice.

Contact(s):

Shirin Gul, Programme Officer, UNDP Pakistan, shirin.gul@undp.org

Asmara Achcar, Policy Specialist, LEP UNDP
asmara.achcar@undp.org,
www.undp.org/legalempowerment

Equal Access to Justice

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Vulnerable groups, including those affected by conflict, estate sector workers, pre-trial detainees and victims of gender based violence, seeking legal remedies.

Estimated Start Date: March 2009

Estimated Duration: December 2012

Total Budget: USD 7,740,000

Funded amount and source: USD 3,562,750 (UNDP)

Sri Lanka recently emerged as a Middle Income Country (MIC) with a growth rate averaging 5-6% over the past few years, and with impressive gains made towards achieving several of the Millennium Development Goals (MDGs). At the same time however, benefits from growth and development have not been spread evenly, and the lives of many have been severely impacted by the three-decade-long ethno-political conflict.

On 18 May 2009, the Sri Lankan government formally announced its military victory over the Liberation Tigers of Tamil Eelam (LTTE) and the complete control over the Sri Lankan territory. During the final stages of the conflict more than 270,000 people fled the areas of fighting and added to the existing caseload of 63,141 IDPs in other parts of the North and the East.

For many years IDPs and other groups affected by the conflict have experienced repeated displacement, loss of productive income and assets, interruptions to public service delivery, and the challenge of living in an environment of insecurity, militarization and mistrust. Having lived for so long in an environment ruled by force rather than law, even after the cessation of

widespread hostilities, communities take time before they feel protected and secure, and have full trust and confidence in the law enforcement agencies. Even when the sense of security begins to return, people continue to face challenges in ordinary life and very often it is a simple lack of basic documentation that is the barrier. For example, without a birth certificate or a National Identity Card (NIC) people are in many ways excluded from society - unable to move freely, to vote, or to access basic services such as enrolling in schools or opening a bank account.

Legal empowerment challenges are not limited to the conflict affected areas. In the estate sector, there is a large population of Indian origin Tamils for whom legal documentation is a key challenge which leaves many people confined to the estates. At the same time alcohol prevalence is high and it is increasingly common for women from the area to migrate as domestic workers to the Middle East. Both these factors contribute to a breakdown of the family, domestic violence and community level disputes.

Project Description

The Equal Access to Justice (A2J) project aims to help vulnerable groups, including those affected by conflict, estate sector workers and victims of gender based violence, to seek remedies for injustice. The project is undertaken at two levels to:

- (i) Ensure that vulnerable groups are aware of their legal rights and are able to access justice redress mechanisms; and
- (ii) Assist service providers such as lawyers, judges, police and community leaders with the skills and resources needed to resolve the grievances of vulnerable groups.

Key results to be achieved through the project include:

- Judges and lawyers better able to deal with grievances, specifically with regard to IDPs, estate workers and other vulnerable groups;
- Quazi courts, which administer Muslim law, are more accessible and better able to deal with grievances of women and other priority groups;
- Legal aid services provided to priority groups covering civil and criminal cases;
- Rights holders in remote areas are sensitized on legal issues and have access to paralegal services;
- Increased representation of disadvantaged groups in community based justice redress mechanisms (ADRs);
- Mobile clinics provide civic documentation and legal services to IDPs, estate workers, and other priority right-holders (i.e., birth certificates, national identity cards, citizenship certificates etc.); and
- Sustainable national mechanism in place for provision of legal documents (Sustainable documentation).

Partners and Stakeholders

Nationally Implemented by the Ministry of Constitutional Affairs and National Integration. Responsible Parties include: Ministry of Justice, Legal Aid Commission, Bar Association of Sri Lanka, Prisons, Police, Registrar of Persons, and Registrar General. Selected NGO partners include Centre for the Study of Human Rights, Institute for Human Rights, YMCA, Women in Need, Sarvodaya, Norwegian Refugee Council, and the Open University.

Contact(s):

Zoe Keeler, ARR Programme, UNDP Sri Lanka,
zoe.keeler@undp.org

Asmara Achcar, Policy Specialist, LEP UNDP
asmara.achcar@undp.org,
www.undp.org/legalempowerment

Thailand

Partnership for Legal Empowerment of the Poor

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Poor and disadvantaged population in South East Asia.

Estimated Start Date: September 2009

Estimated Duration: 2 Years

Total Budget: USD 200,000

Funded amount and source: USD 200,000 (UNDP)

During the last few decades, Thailand has made remarkable progress in economic and human development and is on its way towards achieving the MDGs. Yet, even as a middle-income country, Thailand still faces many development challenges and needs to address internal disparities, both regionally and among social groups. There are population groups in Thailand such as ethnic minorities living in the highlands, migrants, displaced persons, ethnic Malay communities in the South, whose livelihoods, safety and health are not secure and who are continuously left out of the benefits of the economic growth.

Challenges facing these groups among others include lack of access to livelihoods and services, gender equity, and lack of access to land and other natural resources. Moreover, people are facing challenges to access justice and to protect their essential livelihood rights such as property, labour and business.

Project Description

The objective of the Legal Empowerment Partnership Project is to promote the legal empowerment agenda at the regional, national and local levels. At the regional level, the Legal Empowerment for Asia Partnership (LEAP) will be established, which will be largely virtual in nature. It

will help increase the sharing of knowledge and experience within the region, facilitate policy development, and pilot innovative legal empowerment ideas. It is foreseen that participating countries will take a lead role on a particular theme, or sub-theme of the legal empowerment agenda within the partnership. At the national level, the project will increase knowledge on issues relating to legal empowerment and contribute to national level policy development.

The activities at national level will be informed by lessons learned and experiences of LEAP and local level initiatives. At the local level, the project will focus on the ten provinces in Thailand, which are at the bottom of the Human Achievement Index, and activities will be developed to strengthen legal empowerment in these locations. The experiences of initiatives at this level will feed into national level policies as well as into LEAP. The regional, national and sub-national activities will address, and be organized around the four pillars of Legal Empowerment: access to justice and the rule of law, property rights, labour rights and business rights.

Partners and Stakeholders

The Ministry of Justice as implementing partner. Ministries of Labour, Commerce, Agriculture, Social Development and Human Security, Interior and Foreign Affairs as line ministries directly involved in the legal empowerment agenda.

Contact(s):

Somchai Yensabai, Programme Manager, UNDP Thailand, somchai.yensabai@undp.org

Timor Leste

Strengthening the Justice System

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): State institutions in promoting, respecting and fulfilling their rights; and creating an enabling environment that seeks to expand legal opportunities to all.

Rights holders in claiming their rights

Estimated Start Date: December 2008

Estimated Duration: 5 Years

Total Budget: USD 34,225,000

Funded amount and source: USD 5,389,631 (UNDP, UN OHCHR, Spain, Sweden)

The 'Strengthening the Justice System in Timor Leste' (JSP) programme was first launched in 2003 and then revised in 2005 to focus on the institutional capacity development of the justice sector, including Courts, Prosecution Service, Public Defenders Office, and the Ministry of Justice. The crisis of April-May 2006 and its aftermath drastically altered the domestic environment, thereby diverting attention from long-term capacity development to immediate needs for crisis response and recovery.

As the existing JSP was not designed to function in such a post-crisis context, an Independent Mid-term Evaluation of the programme was conducted in 2008 to assess effectiveness of its interventions. The Evaluation Report recommended a revision of the JSP which took place in June 2008. To this effect, the project was revised to include significant changes in scope, structure and size. It was given a new focus on the 'demand' side of justice to ensure that the capacity development in the formal and customary justice sectors translates into improved access to justice for citizens and increased opportunities to seek remedies for violations of their rights.

The new structure provided for a strengthened

Chief Executive Office (CEO) with direct responsibilities to assist the Ministry of Justice in the formulation of a capacity development strategy for the justice sector, a gender justice strategy, monitoring and evaluation framework, providing guidelines for programme units, coordination of operational policies, including budget issues. Moreover, the CEO is expected to coordinate with external partners so as to avoid duplication and optimize synergies, and coordinate five new programme support units respectively focusing on Capacity Development, Justice Decentralization, Prosecution Support, Corrections Support, and Access to Justice and Confidence Building issues.


Project Description

Due to the recognition of importance placing more focus on the demand side of justice, the Access to Justice Unit has been established with a priority to strengthen synergies between formal and customary justice institutions and to address the social conflicts through the enhancement of an enabling environment that ensures effective access to legal services.

The Access to Justice Support Unit has been assisting the Ministry of Justice in the development of a customary law draft to improve access to justice and legal aid services at community level. A participatory consultation process has been conducted since January 2009 and JSP support has been streamlined through the organization of district consultations and sectoral level workshops to gather and systematize proposals stemming from civil society, justice actors, women-based organizations, and local authorities.

Following the development of this legal framework, JSP also envisages to train formal justice actors (judges, public defenders, prosecutors) on customary law, and to sensitize community leaders on international and national human rights standards.

To enable citizens to recognize a situation requir-



ing legal recourse and assistance, JSP has been conducting a series of legal awareness campaigns at community levels as well as seminars on the interface between the formal and the traditional justice sector. Moreover, the Programme will engage community radio stations to develop human rights focussed programmes. Furthermore, in partnership with civil society organizations, training programmes for paralegals to expand legal aid services in rural areas are being developed.

Partners and Stakeholders

UNDP BCPR, UN OHCHR, and the Governments of Australia, Brazil, Ireland, Norway, Portugal, Spain, and Sweden.

Contact(s):

Maria Bermudez, Sr. Justice Advisor, UNDP Timor Leste, maria.bermudez@undp.org

Luca Bruccheri, Justice and Human Rights Programme Officer, UNDP Timor Leste, luca.bruccheri@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment



Timor-Leste © UN Photo/Martine Perret

Georgia

Developing Capacities of the Justice Sector to Promote Legal Empowerment and Access to Justice

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Legal aid service providers.

Estimated Start Date: May 2009

Estimated Duration: 3 Years

Total Budget: USD 950,000

Funded amount and source: USD 200,000 (UNDP)

During the last two decades, Georgians – affected by conflict, war and displacement and most recently hard hit by the economic crisis – faced significant deterioration in their standards of living. Due to growing inequality and capacity constraints, the poor often have restricted access to justice and economic opportunities. Internally displaced persons (IDPs) from two breakaway regions of the Autonomous Republic of Abkhazia and Samachablo - the so-called South Ossetia are especially vulnerable, so are the women in the post conflict Georgia.

UNDP responded to these challenges with its project for Fostering Sustainable Transition and Early Recovery (FOSTER), supporting the Legal Aid Bureau of Gori (operating in the former conflict zone) with awareness raising and capacity building activities. As a result, there has been a significant increase in the number of applications lodged by indigent people seeking legal consultation/assistance and representation before judicial and administrative bodies. The Bureau is capacitated to provide mobile consultations on property and land rights, social protection, simplified procedures for re-issuance of lost identification cards and other pressing issues.

Project Description

The Government of Georgia has requested UNDP to facilitate expansion and strengthening of its Legal Aid Service (LAS). This project, therefore, has the following key outputs:

(i) Assist LAS in expanding its services to reach all minority groups;

The large number of national minorities encounters serious problems in accessing justice. One of the most acute issues is the language barrier. Inability to speak the language fluently is one of the greatest obstacles to the integration of the minorities and their access to economic opportunities, which contribute to exacerbate their social exclusion. This problem is particularly acute in the region of Samtskhe-Javakheti which is densely populated by Armenian, Greek and Russian minorities.

The Legal Aid service is preparing to establish an office in Samtskhe-Javakheti with the support of UNDP. For the purpose of raising awareness of minority groups brochures about their legal and socio-economic rights will be published and distributed in Armenian, Azeri and Russian languages along with number of legal empowerment activities.

(ii) Support LAS capacity development to address: a) significant changes in the criminal justice system and b) effectively manage legal aid bureaus

The new Criminal Procedure Code introduces significant novelties and institutions that never operated in Georgia. The defence lawyers face great challenges in representation of criminal cases before juries both in substantive and trial advocacy skills. Therefore UNDP will support capacity development activities;

(iii) Assist in the organization of legal empowerment/awareness raising activities in selected regions;

Since the institution of public interest lawyers

Kyrgyz Republic

is a new initiative and the public generally lacks confidence in State appointed legal counsels, an efficient and acceptable LAS would need to dispel such biases and restore confidence in its ability to serve the interest of the people.

(iv) Support the development of a strategic plan to promote access to justice and legal empowerment for vulnerable groups through the provision of full legal aid services on civil and administrative cases.

By 2011 LAS will expand its legal representation in civil and administrative cases. Research in pressing issues in civil and administrative law which will serve as a basis for the development of a strategic plan to help LAS discharge its extended activities.

Partners and Stakeholders

UNDP is engaged with the Ministry of Penitentiary, Probation and Legal Aid Issues, which is currently covering all ten Legal Aid Bureaus and two Consultation Centres operating in Georgia. The project will also develop partnership with the Bar Association and civil society organizations.

Contact(s):

Natia Cherkezishvili, Programme Analyst,
Democratic Governance, UNDP Georgia
natia.cherkezishvili@undp.org

Irina Tsagareli, Project Coordinator, UNDP
Georgia, irina.tsagareli@undp.org.ge

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Promoting Accountability and Access of the Poor to Better Public Service Delivery and through a Legal Empowerment Approach

Lead Implementing Organization(s):

United Nations Development Programme (UNDP)

Target Beneficiary(ies): Kyrgyz state institutions, citizens and civil society groups engaged in improving accountability and oversight.

Estimated Start Date: January 2010

Estimated Duration: 3 Years

Total Budget: USD 1,000,000

Funded amount and source: USD 200,000 (UNDP)

According to the National Statistical Committee of Kyrgyzstan, the poverty rate in Kyrgyzstan is 35% and the percentage of people living in extreme poverty is 6.6%. Poverty in Kyrgyzstan is not limited to a specific region, to rural or urban population, to men or women, or to a particular minority group, but exists within all segments of the society. Faced with harsh socio-economic realities, most people rely on the state for basic livelihood support and services.

Public service delivery in Kyrgyzstan has remained inadequate in terms of quality of services and its focus on the most vulnerable groups. Moreover, public services have rarely been subjected to systematic reviews by citizens and civil society groups. Thus, voices and concerns of many disadvantaged groups remain largely unheard. This situation can be partly explained by the lack of capacity among citizens to engage with the state on issues which concern their needs. Similarly, public institutions are often

not prepared to cooperate with the citizens in designing public policies.

The Constitution of Kyrgyzstan guarantees every citizen's right to participate in decision-making processes. The executive and the judiciary have a role to play in promoting public participation, accountability and voice at all branches and levels of government. However, the judiciary has yet to become an effective and trusted "third branch" of government capable of protecting the interests of ordinary people. Moreover, there is an Ombudsman Institute in Kyrgyzstan, which has a mandate to protect rights and interests of Kyrgyz citizens. Yet, the recent capacity assessment of the Ombudsman Institute identified significant functional and structural gaps.

The Legal Empowerment agenda promotes inclusive development and better economic opportunities through strengthening voice and capacity of individuals and communities to demand justice, accountability and inclusion. Currently, several UN agencies in Kyrgyzstan in collaboration with EC are developing a joint "Voice and Accountability" program with an objective to institutionalize good governance reforms and practices at all levels of Government and civil society organizations, thus contributing the protection of rights, poverty reduction and sustainable human development.

Project Description

UNDP Kyrgyzstan is developing a new project "Promoting Access of the Poor to Better Public Service Delivery and Accountability through Legal Empowerment Approach" which will complement and contribute to the objectives of the joint UN-EC program. The project will actively engage with communities, civil society organizations and government institutions at the central and regional levels to promote administrative justice, accountability, voice and participation for improving the quality of public service delivery.

It will also place a strong emphasis on empowering the disadvantaged groups such as women and youth.

It is envisaged that the activities of the project, varying in scope and complexity, will include:

- Awareness-raising campaigns about laws and rights related to public services;
- Assistance to state institutions in responding to the needs and concerns of the citizens and formulation of policies reflecting people's voices;
- Support to civil society organizations in engaging confidently and gainfully on public policy matters;
- Facilitation of public monitoring and citizen participation in decision-making processes through information campaigns, outreach and advocacy; and
- Assistance to the office of the Ombudsperson in defending and advocating on behalf of disadvantaged people in cases related to service delivery through targeted capacity building and training programmes.

Partners and Stakeholders

The project will work closely with the Office of the President; Government institutions, particularly Ministry of Justice, Ministry of Economic Development and Trade, Ministry of Labour and Social Development; The Ombudsman Institute; Local state administrations at regional and district levels and rural self-governing bodies; Civil society organizations, paralegals and local volunteers; and UNDP, UNICEF and the UN Volunteers.

Montenegro

Contact(s):

Alexander Kashkarev, Programme Officer, UNDP
Kyrgyzstan, ka@undp.kg

Erkinbek Kasybekov, Programme Manager, UNDP
Kyrgyzstan, ek@dgov.undp.kg

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System for provision of Legal Aid

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Poor and vulnerable groups that are currently unable to afford legal services in defending their socio-economic rights.

Estimated Start Date: October 2008

Estimated Duration: 2 Years

Total Budget: USD 384,500

Funded amount and source: USD 384,500
(Netherlands, Sweden)

The Government of Montenegro is currently facing a serious challenge – it needs to ensure equal access to justice and protection of the rule of law for all its citizens, regardless of their socio-economic circumstances. Responding to a request from the Ministry of Justice, UNDP in Montenegro, in close collaboration with other international and regional actors, is leading a major effort to establish an effective and sustainable Legal Aid System. There are an increasing number of citizens who require legal assistance, but who are not in the position to afford it. According to the official data obtained from the Statistical Office of Montenegro (Monstat) in 2008, the costs of legal services remain mostly unaffordable for the majority of people, especially those who are unemployed. Currently the fee for a professional lawyer in Montenegro in a simple legal motion varies between 25-75 percent of the average person's monthly salary. Hence, effective access to justice remains a luxury for the privileged few rather than the right of all citizens.

Currently, Montenegro is one of the few countries in the region without a law guaranteeing legal

aid to its citizens. The positive implication of this is that Montenegro is now in the position to learn from the experiences of other former Yugoslav countries, whose legal system is more or less the same, as well as from other countries in the region, which have already implemented this reform. The best practices from European Union (EU) countries can also be taken into account. Reforming of the legal aid system is a necessity condition to achieve legislative harmonization with EU standards, which is one of the conditions for accession to the European Union.

Project Description

As a step towards the creation of a state-funded legal aid system, which will provide access to justice for those currently unable to afford legal services, UNDP, with the support from the Governments of Norway and the Netherlands, has launched the project “Reform of the Legal Aid System in Montenegro: Creating an Effective and Sustainable System of Providing Legal Aid”. The project will be carried out in two phases: (i) Drafting and adoption of a Law on Legal Aid, and (ii) Implementation of the Law.

Phase 1 has already started with a study to assess the current needs and future possibilities for a state funded legal aid system. After the completion of the law drafting process, a round of public consultations will be held about the draft legislation before it is submitted to the Parliament for adoption. Stakeholders whose opinion is expected to be sought are the following:

- Representatives of the current providers of legal aid (including the municipal legal aid offices, the Bar Association and non-governmental organizations such as the Legal Aid Centre);
- Trade unions and Centres for Social Welfare;
- Faculty of Law, Universities of Podgorica and Bijelo Polje
- Organizations actively involved in attempting to reform the legal aid system such as Public

Interest Law Initiative (PILI), the Swedish Helsinki Committee, the Centre for the Advancement of Legal Studies;

- Representatives of the judiciary (through the Association of Judges); and
- Relevant international agencies such as the OHCHR, UNHCR, UNICEF, OSI, OSCE and others.

In Phase 2, the newly-established legal aid system will be tested in two pilot areas of the country before the state takes over responsibility for funding.

Partners and Stakeholders

The project will involve all relevant national and international stakeholders in the country in the process of drafting of law, such as the Ministry of Justice of Montenegro, Supreme Court of Montenegro, State Prosecutor’s Office, Basic Courts of Montenegro, Human Resources Authority, Local Government Institutions (Municipalities, etc.), Mediation Centre, OSI, OSCE, European Commission, Council of Europe, Ombudsman office, UNHCR, Bar Association, Judicial Training Centre, University of Montenegro Law Faculty, and NGOs.

Contact(s):

Jelena Djonović, Programme Manager, Judicial Reform Programme

Democratic Governance Cluster, UNDP Montenegro, jelena.djonovic@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Serbia

Alternative Dispute Resolution (ADR) for Economic Justice for the Poor/Legal Empowerment of the Poor

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Vulnerable segment of populations, micro-entrepreneurs and small-holders who rely, and are likely to rely, on ADR as a cost-effective means of legal remedy.

Estimated Start Date: September 2009

Estimated Duration: 3 Years

Total Budget: USD 1,600,000

Funded amount and source: USD 100,000 (UNDP)

UNDP has embarked on assisting Serbia in implementing a comprehensive development framework. The framework focuses on judicial reform and the rule of law, enabling institutional development and public administration reform, facilitating poverty reduction and economic development, and assisting vulnerable groups. The most recent statistics on poverty in Serbia show that 8.8 percent of the population live below the poverty line, with a further 14.4 percent being classified as poor. Additionally, the post-conflict environment in Serbia experienced an influx of over 300,000 refugees and IDPs, of which over 200,000 still remain without proper legal status.

UNDP Serbia has undertaken a number of initiatives in the areas of judicial reform, human rights, anti-discrimination, legal aid and transitional justice. The new legal empowerment project, "ADR for Economic Justice for the Poor", will link these initiatives together through strengthening the provision of ADR mechanisms as a means for facilitating access to justice. This is an innovative approach which will bring UNDPs programming to an enhanced level through creating a cohe-

sive and comprehensive access to justice portfolio. In addition, Free Legal Aid will be provided to the most vulnerable and marginalised groups in Serbia - namely the poor, women, minorities, refugees and IDPs - to resolve labour, property and business rights issues. Through increased access to justice for these groups, the project will provide them the voice for asserting their rights and help address basic issues for the alleviation of poverty.

Project Description

The inception phase of the project will commence in September 2009 and will include the creation of a database of all on-going ADR programmes in Serbia and their review. A comparative analysis of economic cases resolved through the courts versus those resolved through ADR will be conducted. The findings of this analysis will help establish a stronger base for using ADR as a means for promoting access to justice and legal empowerment. After the inception phase, the research will translate into a full-scale project that aims to:

- Develop a database of ADR programmes, knowledge and best practice in Serbia at local, regional and national levels, including information on available training, and other capacity building opportunities to raise awareness and expand ADR mechanisms;
- Develop and conduct awareness raising and sensitization programmes at the local level in selected local communities about the advantages of ADR, in particular in economic and property related cases, as a means to facilitate access to justice (similar initiatives will be targeted for the judiciary and lawyers associations);
- Create a system of state-wide monitoring of cases, utilizing ADR mechanisms to resolve socio-economic disputes among the state and its citizens;
- Support local level NGOs, local authorities and

Turkey

bar associations and other interested parties in resolving cases utilizing ADR techniques for beneficiaries from vulnerable and marginalized groups in key legal empowerment areas, namely labour, property and business rights; and

- Provide strategic policy advice to assist governments and CSOs in validating the wider use of ADR in particular in economic and property related cases.

Partners and Stakeholders

Ministry of Justice, Centre for Mediation, Judicial Training Centre, Ministry of Human and Minority Rights, Ministry of Public Administration and Local Self-Governance, ADR practitioners and groups, Bar associations, local authorities, NGOs and CSOs and UNDP.

Contact(s):

Ms. Olivera Puric, CDAG Team Leader, UNDP Serbia, Olivera.puric@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Development of Legal Empowerment Programmes for Better Access to Justice

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Citizens of Turkey, especially various marginalized and excluded groups, the Ministry of Justice Officials and civil society organizations.

Estimated Start Date: September 2009

Estimated Duration: 2 years

Total Budget: USD 600,000

Funded amount and source: USD 100,000 (UNDP)

Judicial reform is one of the priority issues for Turkey². As a candidate country for EU accession, the Government of Turkey (GoT) has undertaken comprehensive constitutional and legal changes in recent years. Turkey's strong commitment to judicial reforms is expressed in various national policy framework documents such as the 9th Development Plan, the 2008 National Programme of Turkey and the recently adopted Judicial Reform Strategy. There are important steps to be taken to enhance the efficiency and effectiveness of the judiciary and facilitate access to justice for all. The reform efforts have, in general, been carried out to address urgent needs but lacked a solid working plan. Although the Ministry of Justice and the judicial actors have strong commitment in the full-fledged implementation of the justice reform in the country, they do not have sufficient capacity and knowledge to successfully implement these reform initiatives. Moreover, the lack of public awareness regarding legal rights and reform initiatives also represent an obstacle in the reform process.

² Turkey is covered by UNDP Regional Bureau for Europe and CIS.

Against this backdrop, the project will provide technical assistance to develop institutional capacity- of the judicial systems to strengthen the rule of law, as well as the capacity to incorporate human rights-based approaches to all fields of service delivery. The project will address gaps and needs in legal empowerment to improve access to justice in Turkey.

Project Description

The project aims to enhance the institutional capacity of the Ministry of Justice to lead and implement an initiative for legal empowerment. The project will contribute to increasing the efficiency of the justice system through technical know-how and capacity-building activities.

Instead of focusing on one aspect of legal empowerment such as housing or property rights, the project will provide the baseline on legal empowerment in Turkey.

Taking into account the demand side of justice, the project will put in place mechanisms and capacity to: (i) disseminate information on rights and procedures; (ii) assist individuals to deal with government authorities; (iii) mediate disputes; iv) provide legal advice and representation; and (v) strengthen community organization. As a result, findings of the situation analysis and the survey are expected to set forth the policy framework required for the Judicial Reform Strategy in Turkey.

The project activities are to: (i) Perform a situation analysis on the need and capacity for legal empowerment; (ii) Implement pilot legal empowerment initiatives based on the results of the situation analysis; (iii) Develop the law curricula that includes basic knowledge on legal rights as part of primary education, with a view to developing a responsible citizenry aware of their own rights; (iv) Design a coherent communication strategy to ensure better ties between the justice institutions and citizenry, thereby creating an environment free from bias and of increased public

trust towards the judiciary in Turkey; and (v) Launch a nationwide legal awareness campaign.

Partners and Stakeholders

UNDP will forge partnership with the Ministry of Justice (Strategy Development Board, General Directorate of Laws, General Directorate of Criminal Affairs and Justice Academy), Union of Bar Associations, the Ministry of National Education, and academia. National and local CSOs are also expected to contribute to the process. The Ministry of Justice will be the lead executing agency.

Contact(s):

Seher ALACACI, Justice and Human Rights Project Associate, UNDP Turkey, seher.alacaci@undp.org

Dr. Leyla ŞEN, Democratic Governance Programme Manager, UNDP Turkey, leyla.sen@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP Berdi.berdiyev@undp.org, www.undp.org/legalempowerment

Ukraine

Legal Empowerment of the Poor

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): Poor and marginalized population who are unable to fulfil their legal needs and demand services due to inaccessibility to information and high cost of legal services.

Estimated Start Date: June 2009

Estimated Duration: 3 years

Total Budget: USD 3,000,000

Funded amount and source: USD 1,000,000 (OSI)

In Ukraine, low-income individuals face serious hurdles in defending their rights due to complex legal mechanisms. With a large rural population and deteriorating economic situation, the State lacks the capacity to provide its people - who lack means to hire lawyers - with legal information and consultations free of charge. Public authorities are supposed to inform and consult the population, but it normally proves difficult for someone who needs information or consultation to identify, let alone access, the relevant competent authority. There is no formal mechanism to increase public awareness about the appropriate rules, procedures and systems available to people to defend their rights, particularly the right to get free legal consultation.

Even though there are many organizations in Ukraine that provide assistance, disseminate information materials, and maintain relevant web-sites, their activities are not well-coordinated, and they are known only to a limited number of people.

Project Description

The overall objective of the project is to develop a national system for providing basic legal services to poor and vulnerable people. A 2006

presidential decree approved legal aid reforms, which emphasizes the importance of ensuring access to information and basic legal aid for all people in the country. A new legal aid law is currently being drafted by the government.

In the initial phase, the project will pilot Community Legal Resources Centres in two or three regional districts in Ukraine to serve as a model for national replication. Community Legal Resources Centres will undertake the following functions:

- Prepare and distribute legal information to the clients and provide explanations on various legal provisions;
- Offer consultations on potential solutions to clients' problems;
- Assist in the drafting of documents (applications, requests, inquiries);
- Provide information on the functions and activities of public authorities which deal with the client's concern;
- Make extracts from legislation available to clients and facilitate their access to the legislation (electronically);
- Provide information on the activities of other NGOs, international organizations;
- Share information with NGOs and advocates of local rights and interests within the framework of the local initiative aiming to solve local problems; and
- Collect and collate information on the solution of the clients' problems, on the client categories, and assistance provided by the Centre (development and installation of the relevant database at the Centre).

Anticipated outputs:

- Establishment of Legal Resource Centres which will serve as "one stop" resources for individuals to exercise their legal, economic and social rights; and
- Identification of the most important demands

Ukraine

in each geographical region, which will allow, each Centre to tailor its services;

The project will be innovative from a legal empowerment point of view because the Community Legal Resources Centres are modelled on existing organisations. Those Centres would cover territories of 2-3 regional districts (approximately 300,000-500,000 inhabitants in each). They would be co-funded from local budgets. The percentage of local funding is expected to increase every year. After 3 years the level of local funds for the initiative should be sufficient to support their existence onward.

Partners and Stakeholders

The project work will be coordinated and carried out by the International Renaissance Foundation (IRF), a member of the Soros Foundation Network. Research will be conducted in cooperation with the Kharkov Institute of Social Researches (Ukraine) and Tilburg University (Netherlands).

Activities will be performed in cooperation with the Open Society Justice Initiative, Victor Pinchuk Foundation, the Union of Advocates of Ukraine, the Ministry of Justice of Ukraine, local authorities, NGOs and UNDP.

IRF and the Open Society Justice Initiative have established a network of legal clinics at Ukrainian universities (Ukrainian Legal Clinics Foundation – ULCF). Approximately thirty legal clinics are functioning in the majority of regions of Ukraine and make a good platform for arranging provision of consultations and information to low-income individuals.

Contact(s):

Zaza Namoradze, Director, Budapest office, OSJI, namoradz@osi.hu

Berdi Berdiyev, Policy Specialist, LEP UNDP
berdi.berdiyev@undp.org,
www.undp.org/legalempowerment

Social Inclusion of People with Disabilities through Access to Employment

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): People with disabilities.

Estimated Start Date: 2009

Estimated Duration: 3 Years

Total Budget: USD 1,900,000

Funded amount and source: USD 400,000
(UNDP, Government of Ukraine, ILO)

People with disabilities - 2.5 million people (5.2% of population) - represent one of the most vulnerable groups in Ukraine. People with disabilities are usually employed in specialized, closed and subsidized enterprises, which often isolate them from the society. Currently, only 38% of working age people with disabilities are gainfully employed. Disabled people are also disproportionately poor and vulnerable.

People with disabilities cannot obtain jobs due to their limited access to the labour market and the mis-match between their skills and labour demand. Moreover, few vacancies are open to disabled jobseekers, and there is a lack of specialized placement services and accessible workplaces for them. Other causes include absence of institutional mechanisms for their employment, inefficient coordination between the Public Employment Service, Fund for Social Protection of People with Disabilities, vocational and training rehabilitation centres, employers and people with disabilities, and other stakeholders. The lack of incentives for employers to hire people with disabilities also restricts employment opportunities for disabled people.

Integration and re-integration of people with disabilities into the society is high on the development agenda of Ukraine, especially their

inclusion in the labour market. Although Ukraine adopted several laws and regulations for social protection of people with disabilities, few are enforced to ensure access to employment.

In 2006, the Government of Ukraine mandated the Public Employment Service (PES) to provide employment promotion services to people with disabilities. However, PES lacks the capacity to implement an active labour market policy for this group of jobseekers. The project will seek to facilitate inclusion of people with disabilities in the open labour market to safeguard their equal rights and opportunities. This will contribute to poverty reduction among this vulnerable group. The specific project objective is to strengthen the institutional capacity of the PES and its partners in providing employment services to people with disabilities.

Project Description

The following activities will be undertaken under this project:

- Development of an effective model on provision of employment promotion services to people with disabilities. The developed model will be discussed with stakeholders to ensure broad national ownership;
- Pilots of the developed model will be put into practice in two regional employment service centres;
- Replication/dissemination of the developed model in different regions of the country. Improvement of the Public Employment Service and its partners' methodology for provision of employment promotion services to people with disabilities. Provision of recommendations for harmonization of national legislation regarding employment of people with disabilities in accordance with international standards and best practices;
- Enhance capacities of the Public Employment Service and its partners' staff for provision of services to disabled jobseekers; and

- Improvement of the monitoring system over employment promotion services to people with disabilities. Enhancing the public awareness and changing public perception of people with disabilities with regard to their participation in the labour market. Improvement of cooperation between key stakeholders involved in the process of provision of employment promotion services to people with disabilities.

Partners and Stakeholders

- Ministry of Labour and Social Policy, Public Employment Service, Fund for Social Protection of People with Disabilities, Medical and Social Expertise Commission, local labour and social protection departments, Institute for Training of Employment Service Staff, State Statistic Committee, State Labour Inspectorate;
- Private sector employers and their associations, trade unions, NGOs, centres for vocational and training rehabilitation; and
- UNDP, Ukraine and ILO.

Contact(s):

Katerina Rybalchenko, Sr. Programme Manager, UNDP Ukraine, katerina.rybalchenko@undp.org

Ukraine

Legal Empowerment of the Poor: Fostering Full Enjoyment of Land and Property Rights

Lead Implementing Organization(s): United Nations Development Programme (UNDP)

Target Beneficiary(ies): Small land owners/farmers and their associations in selected regions, especially individuals and households living below the national poverty line; women, families with children, single-headed households, other disadvantaged groups receiving assistance tailored to their specific needs. Indirectly, law professionals impacted by the economic recession to be recruited and trained as legal counsellors for land and property rights issues. Finally, the population at large due to improved productivity in the agricultural sector.

Estimated Start Date: 2009

Estimated Duration: 3 Years

Total Budget: USD 3,000,000

Funded amount and source:

In Ukraine, full enjoyment of property rights by the poorest section of the population (38% of people below the national poverty line) is impeded by a number of factors. They can be largely linked to the absence of a clear national strategy on land issues, and the moratorium on sale of agricultural land. Another important challenge is poor access to rights and justice by small landowners and farmers adversely affected by the moratorium, and the insufficient access to information and legal counsel to enable them enjoy their rights, even within the context of the current regulatory framework.

The purpose of the land reform in Ukraine was to transform state and collective land-holdings into private ownership, and to allow workers of collective farms participate in the nation-wide land privatization scheme. This was mainly

achieved through the allocation of “personal peasant farms” of a maximum size of 2 hectares. To this date, 90% of former members of collective farms have obtained legal title to their land. One of the greatest achievements of the land reform was the adoption of the new Land Code in 2001 which stipulated inviolability of private ownership of land and introduced a moratorium on land sale, which, however, negatively impacts the establishment of an efficient and profitable agricultural sector in Ukraine. Moreover, it limits land owners in exercising their lawful right to dispose freely of their property and to use land as collateral, which leads to insufficient capitalization of small agricultural businesses and lack of credits for small landowners/farmers. This system is particularly damaging for the owners of “personal peasant farms” (4.7 million), who although unable to dispose of their land or invest in it properly, are considered “employed” by all national statistics, and do not have rights to any social benefits.

Project Description

With a view to empowering small poor farmers to enjoy their property rights within the existing regulatory framework, the project will:

- Promote legal and market information about landowners’ rights at community and village level, inform rights-owners of options either to obtain a land title and/or to dispose of the title with profit (such as different types of contractual clauses on lease market, types of lease agreements, different set of conditions);
- Provide legal counselling and legal representation to small plot owners and their organizations to claim and exercise their land property rights, to fight disadvantageous conditions of lease agreements.

The project will mobilize rural communities to advocate for comprehensive, pro-poor land market reform, feeding the “voice of rural communities” into existing policy advisory and

high-level advocacy efforts undertaken by UNDP Blue Ribbon Commission Analytical and Advisory Centre (BRAAC) in the area of agricultural policy reform. In case of the continuous land sale moratorium, information and legal counselling will be mostly channelled to protect landowner's rights in the context of lease agreements. And in case of the moratorium lifting, the project will provide comprehensive advice on new regulations and realization of landowners' rights with tangible anti-poverty results. The proposed project structure is as follows:

- Creation of an up-to-date knowledge base on legal empowerment needs of poor farmers/landowners in Ukraine;
- Information campaign on farmers/landowners property rights conducted preferably through existing NGO networks and community-based organizations;
- Establishment and management of legal aid network for farmers/landowners; and
- Social mobilization for pro-poor land market reform.

Partners and Stakeholders

Ministry of Agriculture (Department of Rural Development), NGOs and associations working in the field of land reform and farmers' rights (e.g. MYLAND Centre for Land Reform in Ukraine, Institute for Rural Development), UNDP and BRAAC.

Contact(s):

Ilaria Carnevali, Head of Democratic Governance cluster, UNDP Ukraine ilaria.carnevali@undp.org

Berdi Berdiyev, Policy Specialist, LEP UNDP
Berdi.berdiyev@undp.org,
www.undp.org/legalempowerment



Global

Human Empowerment Index (HEI) – first phase

Lead Implementing Organization(s): Econ Pöyry Norway

Target Beneficiary(ies): Academic and development community designing, implementing and evaluating legal empowerment and access to justice projects.

Estimated Start Date: November 2009

Estimated Duration: 6 months

Total Budget: USD 300,000

Funded amount and source:

In 2008, the Commission on Legal Empowerment of the Poor (CLEP) launched its final report which argues formal linkages between legal inclusion, empowerment, poverty eradication and development. Ever since, the LEP agenda has gathered significant momentum and other aspects have been considered of significance in assessing causes of poverty and disempowerment i.e. social and political instability, inequality, disease, and education.

There currently is no unified or uniform understanding of the concept of legal empowerment, which in turn creates a situation where it is difficult to measure the positive impact of LEP on poverty reduction. The Human Empowerment Index (HEI) project aims at delivering a tool kit and a practical system for monitoring and evaluating projects aimed at improving social and living conditions.

The most relevant and cited governance indexes today tend to focus on supply side issues, and take institutions and arrangements as given. By focusing and measuring the existence of a set of a priori defined institutions, indexes may paint an inaccurate picture of a society. HEI turns the table around and focuses on the demand side. This is, however, not the best solution as the

delivered results do not provide a sound basis to undertake time-series comparisons across countries.

Project Description

An important step of the project is to de-academize and operationalize the concept of legal empowerment. HEI will build a system for measuring the access to universal human rights and for monitoring situations where social living conditions are the main focus. This will be done in two phases.

In the first phase: The project will develop tentative measurable indicators including variables with non-discrete values, which leave no room for subjectivity and chance. At this step it will be important to seek consensus and common ground with relevant stakeholders.

The next step in the project is to develop a measurement model where indicators are clustered in three groups and given individual and relative weights. The project will deliver a three dimensional model locating all included countries in the pilot study. By weighting the indicators and dimensions, HEI will provide comparable and measurable results across countries. Cause and effect will be more clearly separated which will allow tracking the impact of reforms on the human empowerment status. The first phase of the project will end with a workshop where the model and results will be presented and scrutinized by all relevant stakeholders. This will lead to a journal article and/or a book with a reputed international publisher.

In the second phase, the project will present its results to the multilateral actors and donor community. Further, the second phase will consist of implementing HEI at the global level.

Partners and Stakeholders

This project is a strategic cooperation between UNDP BDP LEP, Econ Pöyry and the Academic Network for Legal Empowerment of the Poor

Multi-country

(ANLEP) hosted by the Centre for Development and Environment, University of Oslo. In addition, the project will include all relevant stakeholders in the early phase of design and testing such as multilateral institutions, the donor community, NGOs and CSOs, UNDP Country Offices. UNDP HDR office, the World Bank, Slum Dwellers International, UN-HABITAT, IDLO and ILO, in order to present the preliminary findings and results.

Contact(s):

Jon-Andreas Solberg, Econ Pöyry,
jon-andreas.solberg@poyry.com

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Colombia, Ghana, India and South Africa

Legal Empowerment of the Poor and Economic and Social Rights (ESR)

Lead Implementing Organization(s): Harvard University Law School and Initiative for Legal Empowerment of the Poor, UNDP.

Target Beneficiary(ies): Legal professionals and grassroots level activists promoting poor’s access to justice and rule of law

Estimated Start Date: September 2009

Estimated Duration: TBD

Total Budget: TBD

Funded amount and source:

Impoverished people are unable to exercise legal rights unless they have bodily integrity and material security that economic and social rights can ensure. Food, shelter, healthcare, basic education, a reliable source of income – without this bedrock of fundamental security, poor people cannot survive, much less go to court to claim their rights. Realization of such rights comes not in formal court orders, but in actual implementation of those orders, and their translation into goods that make rights real to people living in poverty.

Ensuring economic and social rights after their proclamation in formal and informal ways remain a challenge. Innovative solutions to solving such implementation challenge are being developed on a country by country basis in ways that are becoming more widely recognized. Because of various scopes in effectiveness and creativity of the innovations, and their dispersion across the world, it is critically important to take lead in identifying, documenting, analyzing, synthesizing, and disseminating these innovations in a systematic, pragmatic, and “user-friendly” way.

Project Description

A team of Harvard Law School professors, fellows

Multi-country

and students in cooperation with the UNDP Legal Empowerment initiative will undertake research and produce case studies documenting and analyzing linkages between ESR litigation and grassroots advocacy as a means for promoting legal empowerment of the poor in developing countries. As a result of the project, case studies will be synthesized into a form that could offer guidance to lawyers, jurists, and activists worldwide. Successful economic and social rights implementation requires integration of social movement in the legal sphere through civil society activists in the public sphere. Thus stakeholder dialogues and seminars are to be conducted to result in real policy recommendations.

The project is to consist of two phases:

Phase 1 (September 2009-January 2010): preparation of four case studies on LEP and ESR advocacy and implementation and dissemination of key findings to development practitioners and, civil society, lawyers, academics and other stakeholders ;

Phase 2 will be determined upon completion of Phase 1: it foresees at least two additional case studies, their discussion in colloquiums and in-country seminars with participation of UN agencies, in-country stakeholders, lawyers, academia, civil society, and expansion of the project to other prominent universities and law schools.

Partners and Stakeholders

UNDP offices in four identified countries, University of Witwatersrand's Law Clinic and the Centre for Applied Legal Studies (South Africa), and CEPIL – a public interest litigation firm (Ghana) and other partners in India and Colombia.

Contact(s):

Lucie White, Louis A. Horwitz Professor, Harvard University Law School, lwhite@law.harvard.edu

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Cape Verde, Mali, Niger, and Senegal

Panorama de la Extralegalidad en Africa Occidental (Overview of West Africa's Extralegal Sector)

Lead Implementing Organization(s): Institute for Liberty and Democracy (ILD)

Target Beneficiary(ies): Supporting micro-entrepreneurs and small businesses to develop local economies.

Estimated Start Date: June 2009

Estimated Duration: 7 weeks each

Total Budget: EUR 695,000

Funded amount and source: EUR 695,000

This project builds on ILD's work that addresses the issues of economic and legal inclusion, as well as poverty reduction in neighbouring number of West African countries, which are a major source of Spain's migrant inflow.

Fundación Canaria ILD Europa, a subsidiary of ILD based in Tenerife-Spain, has received funding from the Spanish Cooperation Agency (AECID) and the Government of the Canary Islands to carry out preliminary diagnoses in four countries in West Africa. The project will provide initial overview of the main causes and magnitude of exclusion in these economies, which often compel many of their citizens to migrate and identify the most common informal practices observed by ordinary people to make transactions, protect own assets and expand their livelihood options in these countries.

Project Description

Pre-Diagnoses work of the project will help raise awareness about the cost of informality and ex-

clusion and how they inhibit entrepreneurship.
Deliverables of the Pre-Diagnosis are:

A preliminary report on a country's extralegal economy, which will specifically include:

- Extralegal systems: representative sample of common practices;
- Estimated value of real estate and enterprises held extra-legally (dead capital); and
- Identified Legal and Administrative Obstacles to transforming extra-legally held assets into more productive assets.

An illustrated summary of the results, with a snapshot of the following:

- Percentage of the population in the extralegal sector;
- Value of real estate and business assets;
- Current cost to become legal; and
- Some of the extralegal institutions established to manage exclusion.

Based on the final results, a strategy to disseminate findings to the beneficiary countries and other members of Economic Community of West African States (ECOWAS) will be convened together with donors and development partners. The pre-diagnosis work will facilitate the selection of one or more countries from amongst these countries to implement policy reforms that would support business rights and entrepreneurship.

Partners and Stakeholders

AECID, Government of the Canary Islands, UNDP – Initiative for Legal Empowerment of the Poor stands ready to cooperate with ILD to facilitate dissemination of the findings and recommendations of this project.

Contact(s):

Gabriel Daly, International Affairs Manager, ILD,
gdaly@ild.org.pe

Asmara Achcar, Policy Specialist, LEP UNDP
asmara.achcar@undp.org,
www.undp.org/legalempowerment

Multi-country

Bangladesh, India, Kenya and Liberia

Strengthening the Legal Protection Framework for Girls**Lead Implementing Organization(s):**

International Development Law Organization (IDLO)

Target Beneficiary(ies): Girls and women facing exclusion and lacking legal protection and economic opportunities.

Estimated Start Date: January 2009

Estimated Duration: 2 years

Total Budget: USD 740,000

Funded amount and source: USD 740,000 (Gates Foundation)

It is widely recognized that the local legal framework is one of the starting points for increasing the level of protection afforded to girls. This framework should prohibit gender-based discrimination, protect against abuse of rights and freedoms, and promote economic empowerment. The key areas where such frameworks may fail to offer adequate protection include birth registration, access to education, access to property (particularly the right of women to own property, and the operation of non-discriminatory inheritance and marriage rights), child labour, trafficking, commercial sexual exploitation and early marriage. Despite the number of nationally and internationally-administered protection programs, there is relatively little known about the specific conditions that facilitate the operation of an effective legal protection framework and how strengthening this framework can be used to increase the economic empowerment of girls. A more comprehensive understanding of this relation, coupled with insight into the key impediments preventing and opportunities facilitating enhanced protection, should allow for the development of effective and sustainable context-specific interventions.

Project Description

In Phase 1 of the project, IDLO and local partners will undertake research on the thematic areas identified above, culminating in the production of both country-specific reports and an inter-country comparative analysis regarding:

- The conditions which are conducive to heightened legal protection for girls;
- Identification of potential programming entry points; and
- Country-specific recommendations for heightened legal protection for girls.

Building on the results of Phase 1, in Phase 2 IDLO will work with national stakeholders to design interventions aimed at strengthening national legal protection frameworks for girls. Interventions may include legal responses (legislative guides, legislative reform, training of justice sector actors), educational responses (school/church-based information dissemination, community legal awareness, advocacy), or direct assistance (community-based protection, legal aid, micro-credit, **technical skills training**).

Partners and Stakeholders

India: Centre for Child Rights (HAQ), Bangladesh: BRAC, Kenya: Children's Legal Action Network (CLAN), and Liberia: Women NGOs Secretariat of Liberia (WONGOSOL)

Contact(s):

Erica Harper, Sr. Rule of Law Officer, IDLO, eharper@idlo.int

Chris Morris, Research Officer, IDLO, cmorris@idlo.int

Multi-country

Cameroon, Colombia, Egypt,
India (Tamil Nadu) and Kenya

Consumer Protection in the Microfinance Industry: Loan Agreements, Dispute Resolutions and Debt Collection Practices

Lead Implementing Organization(s):

International Development Law Organization
(IDLO)

Target Beneficiary(ies): Micro-entrepreneurs
and small scale borrowers.

Consumer Protection in the Microfinance
Industry: Loan Agreements, Dispute Resolutions
and Debt Collection Practices

Estimated Start Date: January 2009

Estimated Duration: 2 years

Total Budget: USD 550,000

Funded amount and source: USD 550,000
(Gates Foundation)

Microfinance borrowers are society's poor and ultra poor, many of whom are financially if not functionally illiterate. Yet the law in many countries does not adequately protect the interests of these persons. This project seeks to address three significant legal and regulatory problems affecting microfinance borrowers:

Contracts for microfinance loans: Microfinance lending frequently involves written contracts, yet many borrowers cannot read or understand loan contracts. In the absence of legal aid, poor borrowers must generally rely on lending institutions for advice. Responsible lenders will exercise this responsibility with discretion, but the risk is that unscrupulous lenders will not, thus disadvantaging borrowers. Contracts may also often be poorly drafted, leading to disputes between lenders and borrowers.

Dispute resolution mechanisms: Where disputes arise, dispute resolution mechanisms are often lacking or inaccessible to poor people.

Inequitable debt collection practices: Many countries have laws that permit micro-lenders to engage in inequitable debt collection practices. In the absence of consumer bankruptcy protections, borrowers may face the forced sale of homes pledged against microfinance loans, even when the value of their home is far in excess of the value of the underlying loan. Some countries also permit the incarceration of debtors for non-payment of loans.

Project Description

Phase 1 consists of an analysis of the state of consumer protection laws, regulations and administrative practices in approximately 20 countries (including the five target countries identified above). In Phase 2, IDLO and its research partners will undertake a more in-depth investigation of the three specific research areas outlined above in each of the five target countries. The results of the research will primarily support the microfinance-related activities of the Consultative Group to Assist the Poor (CGAP), including by (i) helping to expand and keep up to date country-specific consumer protection data in the comparative database of CGAP's new Regulation Resource Centre; (ii) helping to develop the consumer protection section of CGAP's 2010 "Getting Finance" survey, and (iii) assisting CGAP's efforts to develop ratings methodologies for regulatory issues.

Partners and Stakeholders

Centre for Financial Inclusion at ACCION, International (CFI), and Consultative Group to Assist the Poor (CGAP)

Contact(s):

Jami Hubbard, IDLO, jhubbard@idlo.int

Multi-country

Liberia, Mozambique and Uganda

Community Land Titling Initiative

Lead Implementing Organization(s):

International Development Law Organization (IDLO)

Target Beneficiary(ies): Land tenure security of the rural poor.

Estimated Start Date: TBD

Estimated Duration: 2 years

Total Budget: USD 1,200,000

Funded amount and source: USD 1,200,000 (Gates Foundation)

Amidst growing concentration of land ownership in Africa, securing and enforcing the land rights of rural communities is becoming increasingly important. In particular, efforts to protect common and reserve areas are critical, as lands not currently under cultivation are often the first to be allocated to investors, elites and state development projects. Various African nations have passed laws that make it possible for rural communities to register their lands as a single legal entity and operate as decentralized land administration and management bodies. This strategy has the potential to protect the full extent of community lands according to customary paradigms and boundaries. However, due to myriad political, financial and capacity constraints, these laws are often not widely or successfully implemented. Moreover, very little is known about how community land titling processes impact upon intra-community dynamics, and how the land claims of vulnerable groups are affected by such processes.

Project Description

The Community Land Titling Initiative will work towards increasing the land tenure security of the rural poor by gathering evidence about how best to support communities to make use of existing community land titling procedures. In each target country, 20 communities with an interest in registering their

lands will be randomly divided into four groups, three of which will receive differing levels of legal support while the fourth group will receive no support and function as a control group. The first group will be provided only with ongoing legal education, the second will receive legal education and the support of trained paralegals, while the third will receive legal education and the support of licensed attorneys. Local land administrators will also be provided with training on proper implementation of the relevant community land titling framework and regulations. The primary outputs of the project include (i) three country-specific research reports and one overall report analyzing the findings of the project and providing recommendations for future activities / policy reform; (ii) dissemination of these reports at three national workshops and one international launch event, and; (iii) country-specific training curricula and low-literacy 'how-to' guides for both communities and administrators on the community land registration process.

Partners and Stakeholders

IDLO's primary implementing partners are The Sustainable Development Institute (Liberia), The Land and Equity Movement in Uganda (Uganda) and Lex Terra (Mozambique). Relationships have also been established with regional and district levels land administrators in each country.

UNDP-Initiative for Legal Empowerment of the Poor will support the IDLO Community Land Titling Initiative with necessary technical assistance and also through convening national and regional dialogues for dissemination of the findings of this initiative to facilitate necessary policy and institutional reforms.

Contact(s):

Erica Harper, Sr. Rule of Law Officer, IDLO, eharper@idlo.int

Chris Morris, Research Officer, IDLO, cmorris@idlo.int

Hamid Rashid, Sr. Adviser and Coordinator, LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Multi-country

Argentina, Bangladesh, Benin, Bolivia, Cambodia, Colombia, Ecuador, Guatemala, Honduras, India, Indonesia, Kenya, Madagascar, Nepal, Nicaragua, Peru, Philippines, South Africa, Uganda and Venezuela

Promoting Legal Empowerment for Secure Access to Land

Lead Implementing Organization(s): International Land Coalition (ILC)

Target Beneficiary(ies): The rural poor whose access to land and natural resources is jeopardized, even when tenure rights exist.

Estimated Start Date: January 2009

Estimated Duration: 3 Years

Total Budget: USD1,000,000

Funded amount and source:

ILC is a global alliance of civil society and intergovernmental organizations working together to promote secure access to land and other natural resources as a key factor for sustainable livelihoods, food security, identity and social inclusion of the most vulnerable groups within society. Despite their importance, natural resource rights are often unprotected by the law and even when poor women and men enjoy formally-recognized tenure rights, they often continue to be excluded by unequal power relations vis-à-vis other actors and institutions.

Tenure rights are increasingly insecure due to several converging factors: growing populations and climate change, commoditization and new commercial pressures on land, conflicting interests, such as between farmers and pastoralists or smallholders and international investors, and weak implementation and enforcement of existing law.

Within the complex web of social, cultural and

economic factors that may hinder secure access to land for rural poor, low legal awareness, literacy and capacity as well as a lack of legal assistance are two key obstacles that need to be addressed. Activities that support and contribute to the empowerment of the rural poor are very relevant to inform citizens of their legal rights, but, at the same time, providing concrete advice and support to access justice are necessary to effectively allow the rural poor to benefit from the rule of law. As affirmed by the Commission on Legal Empowerment of the Poor (CLEP), such empowerment will have an impact on people's opportunity and on stability, peace and governance more generally (2008).

Project Description

ILC has developed a comprehensive and innovative strategy for the Legal Empowerment of the Poor focusing on the need for an enabling legal and policy framework and enhancing the capacity of the poor to access and use that framework. Based on lessons learnt from previous activities, ILC proposes a legal empowerment programme that should have four key focuses:

- **Advocacy for legal reform:** if there is no legal framework in place that protects the tenure rights of the poor, promoting legal reform through multi-stakeholder consultation and participation in law and policy formulation processes is a crucial step in promoting pro-poor land governance (as has been demonstrated by ILC's experience with the LAND partnership programme which promotes national policy dialogue);
- **Legal awareness, literacy and capacity:** to access and effectively claim, use and defend their tenure rights, people need to be informed of their rights and the mechanisms to access justice;
- **Legal assistance:** even where people are aware of their rights, they may lack the resources to claim their rights through the justice system – they need professional legal assistance to benefit from the rule of law; and

Multi-country

- Fund for legal emergencies: there are situations in which legal assistance and protection of human rights are urgently required, especially in the context of land conflicts. Available on request according to pre-established criteria, this fund will be designed to help in a non-bureaucratic manner.

Partners and Stakeholders

This programme will involve ILC members and key partners in specific countries (including community-based organisations, NGOs, farmers’ organisations, local offices of international organisations) as well as partners with regional and/or global reach, such as research institutions and international organisations.

The International Land Coalition is a global alliance of 83 members, ranging from intergovernmental organizations to research institutes, farmers’ organizations and other types of civil society organizations. The majority of ILC members are non-governmental organisations based in developing countries. For more on ILC members, please see: www.landcoalition.org/?page_id=9

Contact(s):

Annalisa Mauro, International Land Coalition, Secretariat: l.mauro@landcoalition.org
www.landcoalition.org

Hamid Rashid, Sr. Adviser and Coordinator, LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Bangladesh, Benin, Bolivia, Cambodia, Colombia, Guatemala, Honduras, India, Indonesia, Kenya, Madagascar, Nepal, Nicaragua, Peru, Philippines, South Africa, Uganda and Venezuela

Legal Empowerment, Gender and Secure Access to Land: Community-based activities promoting the legal empowerment of rural women

Lead Implementing Organization(s): International Land Coalition (ILC)

Target Beneficiary(ies): Rural women who face hurdles in accessing land and natural resources.

Estimated Start Date: October 2009

Estimated Duration: 2 years

Total Budget: USD 400,000

Funded amount and source: USD 80,000 (NORAD)

The ability to access land and claim, use, and defend all types of natural resource tenure rights - individual and group rights - is contingent on processes of empowerment. Many International Land Coalition (ILC) members are engaged in promoting legal empowerment in vulnerable communities. From this work, it has emerged that legal empowerment of the poor requires both an enabling legal and policy framework and an enhanced capacity by poor women and men to access and use that framework. It is also clear that creating legal opportunities to gain land rights needs to be accompanied by a wider empowerment process that enables poor men and women to overcome processes of exclusion.

Women face additional hurdles to empowerment, ranging from their status within the household and community to their status under

customary and/or statutory law. Though reliable statistics are not available, it can be safely said that the percentage of land owned by women is disproportionately small considering their crucial contribution to agriculture and especially food security. Increasing women's secure access to land decreases their vulnerability to poverty and socio-economic marginalization.

Few opportunities exist for women to exert real influence over the development of their communities since they do not participate fully in critical decision-making processes. Considering the particular disenfranchisement of women, promoting equal rights for women needs to be at the centre of legal empowerment activities.

Project Description

This project aims at supporting civil society activities to promote women's legal empowerment and identify lessons learnt to be shared for replication. While many ILC members have worked on legal empowerment, there have been few activities targeted at women as an extremely vulnerable group in most societies. This project is innovative in that it supports a specific focus on how to promote women's legal empowerment, in emphasizing mutual learning between civil society organisations involved in the project, and in widely sharing the lessons learnt from such activities.

ILC has already issued a call for proposals for pilot activities which this project will build on by allowing support to additional activities to generate a solid knowledge-base for promoting women's legal empowerment. Specifically, ILC will identify, support, and promote the replication of innovative local-level initiatives for the legal empowerment of women through the following activities:

- Selection of relevant proposals (either from the current call or an additional call for proposals) to be supported, with a strong focus on building the capacities of civil society organisations

to promote legal empowerment of women (output: consolidated project report);

- Extract lessons learnt, collect, assess, and package information as basis for sharing knowledge;
- Encourage peer-to-peer exchange of best practices and lessons learned (output: reports);
- Strategically relate experiences to the national, regional and global ILC advocacy to influence policy formulation and/or implementation (output: policy brief); and
- Synthesise findings for sharing with a broader audience (output: ILC publication).

Partners and Stakeholders

ILC members and key partners in specific countries (including community-based organisations, NGOs, farmers' organisations, local offices of international organisations) as well as partners with regional and/or global reach, such as research institutions and international organisations.

The International Land Coalition is a global alliance of 83 members, ranging from intergovernmental organizations to research institutes, farmers' organizations and other types of civil society organizations. The majority of ILC members are non-governmental organisations based in developing countries. For more on ILC members, please see: www.landcoalition.org/?page_id=9

Contact(s):

Annalisa Mauro, ILC, l.mauro@landcoalition.org

Sabine Pallas, ILC, s.pallas@landcoalition.org

Hamid Rashid, Sr. Adviser and Coordinator, LEP UNDP

hamid.rashid@undp.org,

www.undp.org/legalempowerment

Global

Community Empowerment Facility – CEF (Phase II)

Lead Implementing Organization(s): International Land Coalition (ILC)

Target Beneficiary(ies): NGOs and CBOs promoting and defending land rights of the poor.

Estimated Start Date: January 2009

Estimated Duration: 6 years

Total Budget: USD 9,600,000

Funded amount and source:

There is a growing consensus on the cross-cutting contribution of resource rights to reducing poverty, achieving food security, resolving resource conflicts, providing incentives for sustainable resource management and promoting democratic development. The very concept of land rights that are real and effective in practice for poor women and men implies a process of empowerment, in terms of claiming and defending land rights—which implies an enhanced degree of self-determination; but also because secure and recognized rights to land and land-related resources can be a source of empowerment for poor and marginalized women and men.

As a corollary, in order for land policy reforms to contribute more fully to poverty reduction and sustainable development, they must be closely related to processes that empower poor men and women in decision-making processes. ILC, a global alliance of civil society and international organizations, created the CEF as one of its primary instruments for strengthening the capacity of the poor to gain and maintain access to productive resources.

Ten years experience with CEF partners has demonstrated the close linkages between access and control over land and empowerment processes for grassroots organizations and rural people

in general. Solving land-related problems and securing land access, use and control through empowerment of vulnerable groups embodies a new strategy of development, in which addressing power imbalances and protecting human rights are at the centre of any action.

Project Description

The goal of CEF is to enhance the ability of the poor and their organizations at local, national and regional levels to gain and maintain access to productive resources (land, water and other natural resources) and to the tools and processes required to manage them, including knowledge, technology, institutional models and finance.

Specific objectives are to:

- Support community empowerment initiatives that enable vulnerable groups, including women, to secure their access, use and control of natural resources and that contribute to their participation in political decision making;
- Contribute to capacity building and political empowerment of implementing CSOs and CBOs and enhancing their opportunities to pilot, upscale and replicate innovative approaches and practices on land issues; and
- Facilitates civil society innovative experiences influence the ILC conceptual framework, advocacy and policy issues.

CEF expected results are:

- CEF beneficiaries attained secure and recognized rights to land and land-related resources and enhanced their empowerment process;
- Replicable tools, methods, or innovative processes to address local land problems are tested;
- An enhanced awareness by poor women in rural areas on how to claim and defend their rights and on how to access mechanisms available for legal recourse;
- Improved skills of CSOs to cope with land tenure problems;

Multi-country

- Increased ability of local communities and CBOs to engage governments on land related issues;
- Increased diversity of CSOs partnership at national and local level;
- Improved opportunities for knowledge exchanges between members and horizontal learning; and
- Knowledge is produced and feed into the land national, regional and global advocacy and policy debate.

The importance given to innovation is reconfirmed in the new phase of the programme. CEF allows ILC to pilot innovative approaches and practices, and CEF experiences constitute the basis for ILC knowledge generation at the local level. The strengthening of ILC’s focus as a knowledge network and further development of its knowledge management system will allow for a better and more systematized documentation and dissemination of CEF experiences.

Partners and Stakeholders

CEF is a demand-driven activity of the International Land Coalition. It is available exclusively to civil-society organizations (CSOs), including CSOs members of ILC.

ILC is a global alliance of 83 members, ranging from intergovernmental organizations to research institutes, farmers’ organizations and other types of civil society organizations. The majority of ILC members are non-governmental organisations based in developing countries.

Contact(s):

Annalisa Mauro, Secretariat, ILC,
l.mauro@landcoalition.org

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Azerbaijan, Bangladesh, Cambodia, Ethiopia, Mali, Palestine, Rwanda, Sudan

Microjustice Facilitator Toolbox

Lead Implementing Organization(s):

MicroJustice Initiative (MJJ)

Target Beneficiary(ies): Justice service providers – CSOs, CBOs and NGOs – at the grassroots level.

Estimated Start Date: September 2009

Estimated Duration: 3 Year

Total Budget: EUR 550,000

Funded amount and source:

Best practices from legal aid, paralegal programmes, adjudication, and conflict resolution now suggest how standard legal problems can be solved at a low cost. The tendency is to go for facilitating negotiations and problem-solving, more neutrality, using mediation skills, informing about possible legal criteria, with a backup of a speedy neutral decision in an informal procedure, all delivered in or close to the community where the dispute arises. This is the so-called Microjustice Facilitator Model.

Project Description

The project will make this emerging model more visible and easier to implement by developing a toolbox.

Main outcome includes a toolbox that:

- Fits the needs of end users;
- Supports paralegals, legal aid providers, judges and others using the Microjustice Facilitator Model; and
- Co-develops, using state of the art innovation methods, core messages such as neutrality,

Global

problem-solving, guidance by rights/norms, and presents a strong case and business model for applying this toolbox globally

Partners and Stakeholders

Technical partners: Tisco (Tilburg University), Innovative Rule of Law Initiative (Hague Institute for the Internationalization of Law - Hiil); Present Donors: City of The Hague, Government of the Netherlands; and Possible Stakeholders: Oxfam Novib and UNDP LEP.

Contact(s):

Maurits Barendrecht, Tilburg University (TISCO),
j.m.barendrecht@uvt.nl

Sam Muller, Director, Hiil, sam.muller@hiil.org,

Microjustice Initiative, franken@microjustice.org

Mascha Matthews, Policy Specialist, LEP UNDP
mascha.matthews@undp.org,
www.undp.org/legalempowerment

Knowledge Sharing on Best practices of Legal Empowerment and Microjustice

Lead Implementing Organization(s):

MicroJustice Initiative (MJI)

Target Beneficiary(ies): Legal professionals and development practitioners promoting poor's access to justice and legal empowerment.

Estimated Start Date: September 2009

Estimated Duration: 1 Year

Total Budget: EUR 300,000

Funded amount and source: EUR 50,000

Many programs and legal service providers have developed smart ways to deliver justice that is affordable and sustainable. Various academic disciplines have gathered valuable insights as well. Networks of practitioners and academics exist, reports, practice notes and academic publications are abundant, but there is no easily accessible state of the art handbook for delivering access to justice.

Systematic answers to the following questions are needed:

- How to establish the most urgent justice needs of clients?
- What can beneficiaries do themselves to meet justice needs (self help)?
- Which services do they need and which emerge spontaneously in the community?
- How can delivery be facilitated?
- How to deliver these justice services in an affordable and sustainable way?

Project Description

The project will make legal empowerment best practices publicly accessible for justice services to meet the most urgent justice needs, addressing major issues and problems which clients and

Multi-country

service providers face. Expected outcomes are:

- (i) Best practices collected from academic literature (Microjustice Facilitator Method Version 1.0), action research on 6 selected Oxfam/Novib projects and 20 UNDP projects deemed to be innovative; and
- (ii) Simple internet interface (wiki) to make best practices available, including:
 - Systematic list of issues and how-to questions based on existing research;
 - References and links to literature and projects where best practices are applied;
 - User friendly navigation menu based on typical dispute resolution processes and types of dispute addressed; and
 - Procedure and business plan for updating wiki/interface.

Partners and Stakeholders

Hague Institute for the Internationalization of Law, Tilburg University (Tisco), IALTA (International Alliance on Land Tenure and Administration); and Possible stakeholders and donors: Oxfam Novib, UNDP, and Open Society Justice Initiative.

Contact(s):

Maurits Barendrecht, Tisco, Tilburg University, j.m.barendrecht@uvt.nl

Sam Muller, Director, HIIL sam.muller@hiil.org

Microjustice Initiative, franken@microjustice.org

Mascha Matthews, Policy Specialist, LEP UNDP mascha.matthews@undp.org, www.undp.org/legalempowerment

Nicaragua, Panama, Paraguay

Comparative Legal Empowerment Measurement

Lead Implementing Organization(s):

MicroJustice Initiative (MJl)

Target Beneficiary(ies): Measuring Access to Justice and Legal Empowerment

Estimated Start Date: September 2009

Estimated Duration: 4 Years

Total Budget: EUR 1,100,000

Funded amount and source: EUR 300,000 (HIIL, City of the Hague, and Government of the Netherlands)

Although Input data (CEPEJ, World Bank) and data regarding perception of legal system exist (Governance Matters: Rule of Law section), no comparative data on performance/impact of legal systems is yet available. There exist various methodologies for:

- Establishing legal needs and available paths to justice;
- Measuring costs quality and outcome of process for accessing justice (MeasuringA2J developed by Hiil and Tisco, pilot results available);
- Perception of capabilities to deal with justice problems, including several methods and questionnaires on legal empowerment;
- Impact measurement (trust, quality of relationships, gender, law awareness, etc), due to lack of standardization, comparative data are still scarce.

Project Description

The proposed project will:

- Develop existing methodologies further into a standard tool (survey and supporting research).
- Use this tool to measure the impact of 10

Multi-country

selected legal empowerment and/or microjustice programs; and

- Use this tool to measure the state of access to justice (performance legal system for individuals) in 10 countries.

The project will achieve the following outcomes:

- Standard measurement methodology on Access to Justice and Legal Empowerment;
- Comparative data on impact of ten selected legal empowerment/microjustice interventions/ programs (treatment group/control group)
- Comparative data on ten access to justice/performance of legal system for individuals;
- Business plan for using proposed methodology, with its application worldwide where possible.

Partners and Stakeholders

Tisco (Tilburg University), Innovative Rule of Law Initiative (Hague Institute for the Internationalization of Law Hiil), Micro Justice Initiative, CEPEJ, Organization of American States (Facilitadores Judiciales Programme in 3 Latin American Countries), and Oxfam Novib. Potential Partners: UNDP LEP, World Bank, IADB, and Ford Foundation.

Contact(s):

Maurits Barendrecht, Tisco, Tilburg University, j.m.barendrecht@uvt.nl

Sam Muller, Director, HILL sam.muller@hiil.org,

Micro-justice Initiative, franken@microjustice.org

Mascha Matthews, Policy Specialist, LEP UNDP mascha.matthews@undp.org, www.undp.org/legalempowerment

Angola, Democratic Republic of the Congo, Equatorial Guinea, Liberia and Nigeria

Legal Measures and Tools for Combating Corruption

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): Government officials and authorities in resource-rich developing countries that engage in corrupt practices as well as multinational extractive industry enterprises and their top executives that collude with such officials and divide the spoils; and professionals (legal, banking and accounting) who enable transactions facilitating expatriation and laundering of misbegotten proceeds.

Estimated Start Date: June 2007

Estimated Duration: 4 years

Total Budget: USD 870,000

Funded amount and source:

Half of the world’s twenty-five most mineral and resource rich countries are classified as “highly indebted poor countries” by the World Bank and these countries also rank poorly on UNDP’s Human Development Indicators (HDI). High prevalence of corruption in many resource-rich states allow government officials and politicians accumulate incredible amount of personal wealth, as billions of dollars from the sale of natural resources disappear from state coffers, while ordinary citizens suffer from severe poverty, often lacking the most basic health, sanitation and educational services. According to the African Union, 25% of the continent’s official GDP is lost to corruption. An unholy nexus of government officials, multinational corporations and legal, banking and accounting professionals makes such plunders possible, as they collude in transactions to siphon off the revenues gener-

ated from extraction of natural resources.

Project Description

The project will seek to enhance accountability and transparency to prevent corruption by promoting legal awareness and remedies to enforce sanctions and make corruption costly. It will seek to deter corruption through strengthened regulatory frameworks, greater access to information and enhanced citizen participation, improved incentives and disincentive structures, improved standards and mechanisms for national or international criminal prosecutions, civil lawsuits, administrative proceedings, international arbitrations, proceedings before human rights commissions and other quasi-judicial processes. The key objective of the project is to empower economically poor and politically vulnerable populations so that the proceeds from the exploitation and sale of natural resources benefit the poor at large, through, for example, enhancing the capacity of the state to spend larger sums on social infrastructure, healthcare and education.

Long-term anticipated outputs of the project will include (i) positive jurisprudence in national courts and tribunals on corruption related causes of action; (ii) increased scrutiny of financial transactions that are likely to be connected to acts of corruption, with a focus on the right to information and citizen participation; (iii) greater motivation by states to monitor and address corruption through, inter alia, investigations, prosecutions and raising awareness; (iv) promoting understanding amongst political leaders and government officials that there are legal sanctions for engaging in corrupt acts and associating with those who do so; and (v) facilitating repatriation of assets, stored abroad through corrupt means, for the benefit of the people of the country.

The project will work with several partners to (i) acquire first-hand information and evidence of potential cases; (ii) support research and analysis in developing and litigating cases; and (iii) raise the profile of the cases and of grand corruption

and its remedies to enhance access to information, awareness and citizen participation.

Partners and Stakeholders

Several NGOs – including Global Witness and Human Rights Watch (HRW) - have provided background information on abuses relating to natural resource extraction and have included description of accounts of official corruption.

Additionally, national counterparts, including lawyers, NGOs and independent journalists - both in countries where prosecution/litigation is likely or available and in the “home” countries of the natural resources and affected populations, - will play a critical role in litigation of corruption cases.

The project will also partner with law firms and lawyers able to provide pro-bono assistance, and academic institutions and clinics, including the University of California in Los Angeles (UCLA) International Criminal Law Clinic and the Columbia Law School Human Rights Clinic, for their assistance in research and case assessment and development. These law clinics are beginning to assist us in the area of pillage claims relating to gold extraction in the DRC. UNDP- Initiative for Legal Empowerment of the Poor is also expected to join the partnership.

Contact(s):

Ken Hurwitz, Sr. Legal Officer, Anticorruption, OSJI, khurwitz@justiceinitiative.org

Mascha Matthews, Policy Specialist, LEP UNDP mascha.matthews@undp.org, www.undp.org/legalempowerment

Multi-country

Argentina, Chile, Hungary and Peru

Freedom of Information Legal Clinics

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): CSOs, law students, law professors and the general community .

Estimated Start Date: September 2008

Estimated Duration: 3 Years

Total Budget: USD 308,000

Funded amount and source: USD 308,000 (Open Society Justice Initiative)

The Open Society Justice Initiative (OSJI) has been working for several years on adoption and implementation of Freedom of Information (FOI) Laws in Central and Eastern Europe, Latin America, Africa and parts of Asia. Experience demonstrates that even when a country has adopted a good FOI law, implementation faces several obstacles. Not only are governments reluctant to publish information proactively and answer information requests in a timely and proper way, but individuals and civil society organizations generally are not fully aware of their rights and how to exercise them. Even if they have this basic knowledge, they may be reluctant to assert their rights for fear that the agency which is the target of their information request(s) might retaliate against them. People are also often daunted by the procedural complexities of submitting and appealing denials of information requests. Moreover, many lawyers – even those interested in public interest litigation – are unfamiliar with the practice of litigation information request denials.

One of the solutions to this problem is to set up FOI legal clinics at universities or to add an FOI component to existing public interest clinics. These clinics will enhance popular access to information by helping to produce new young lawyers familiar with FOI issues as well as initiate strategic litigation of standard-setting value.

Project Description

OSJI is working with civil society organizations and universities in Peru, Chile, Argentina and Hungary to (i) launch clinics that will be self-sustaining after two to three years; (ii) design a model FOI Clinical Curriculum and Management Handbook, to be produced in both Spanish and English; and (iii) learn lessons about how most effectively to structure NGO clinical projects so that we can launch successful clinical projects in other, more challenging environments in future years.

The main anticipated outputs of the project are:

- Better access to information for ordinary citizens through the help of a number of FOI experts;
- Increased interest and capacity of civil society actors (NGOs, universities, lawyers and journalists) that have not previously used right to information laws to do so successfully;
- Increased number of young lawyers specializing in FOI issues;
- Improvement of the capacity of experienced FOI NGOs by providing them with new young lawyers; and
- Strategic litigation of standard-setting value.

Partners and Stakeholders

Hungary – ELTE University and the following CSOs: EMLA (Environmental Management and Law Association), REFLEX (environmental protection NGO), HCLU (Hungarian Civil Liberties Union), Energia Klub (environmental protection NGO), NOSZA (Non Profit Sector Analysis), EKINT (Eötvös Károly Institute)

Argentina – Palermo University and ADC (Civil Rights Association)

Chile – University Alberto Hurtado and ProAcceso

Peru – University Señor del Sipan and IPYS (Institute of Press and Society)

Contact(s):

Sandra Coliver, Sr. Legal Officer, Freedom of Information and Expression,
scoliver@justiceinitiative.org

Merit Ulvik, Associate Legal Officer, Freedom of Information and Expression, mulvik@osi.hu

Global

Student Law Clinics and Human Rights Fellowships: Serving People, Improving Justice

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): Poor and marginalized people in need of legal assistance, legal advice and representation of detainees and imprisoned, civil society organizations, legal aid institutions and universities.

Estimated Start Date: 2009

Estimated Duration: 3 years

Total Budget: USD 1,800,000

Funded amount and source: USD 600,000 (Open Society Institute)

In many countries where OSJI is active, the number of lawyers who combine the desire and skills necessary to defend human rights and pursue cases in the public interest are scarce. Promoting rule of law and ensuring its sustainability in the long-term hinges on developing and reinforcing local capacity to spearhead change in legal practice and advocacy. The Justice Initiative seeks to meet the long term challenge of fostering the critical mass of human rights and law reform advocates through clinical legal education and human rights fellowships. It undertakes projects to promote skills and create opportunities for young lawyers and human rights activists to develop professional commitment to and engage in rule of law and human rights.

Legal Clinics and Clinical Legal Education provide law students with real-life work experience, develop local legal capacity, and help protect human rights around the world. Law clinics train lawyers and law students in the spirit of social justice and public service, and provide desperately needed legal services in poor and under-served communities. Students working in university-based legal clinics—supervised by

a law professor or practicing lawyer—provide legal assistance to poor and marginalized clients, while gaining exposure to the problems faced by these groups. At the same time, law students learn about their personal responsibility for- and develop a personal commitment to- sustaining and support the rule of law, human rights, and social justice.

The Open Society Justice Initiative's predecessor organization, the Constitutional and Legal Policy Institute (COLPI), introduced clinical legal education to Central & Eastern Europe and the former Soviet Union in 1997. The initial effort resulted in the founding of almost 100 university-based clinical programs in the region, most of which have been fully accredited and integrated into their host universities and are now institutionally and financially sustainable.

Project Description

Since its inception in 2002, the Justice Initiative has helped to launch more than 20 clinics in 12 countries, from Sierra Leone to Cambodia to Afghanistan.

The project has three main objectives: (i) promoting social justice, (ii) fostering professionalism and a sense of public services among lawyers, and (iii) strengthening civil society and the rule of law. The project has a positive impact on equitable and sustainable development as well as on human rights, civic participation, and governmental accountability—especially in countries where civil society is relatively weak.

The project will engage in supporting establishment and capacity building of student law clinics in Afghanistan, China, Indonesia, Lebanon, Nigeria and Sierra Leone with an objective to create the foundation for their institutional and financial sustainability. Activities will consist of efforts aimed at improving delivery of justice services that are provided by these clinics and assisting local partners in developing and implementing individual strategies for sustainability

Global

– recognition by the host university, accreditation and institutionalization, relevant agency support for clinical legal education curricula, allocation of necessary teaching resources, and fundraising and outreach work with civil society sectors and donor organizations.

The project proposes three areas of substantive focus for the clinics: i) indigent criminal defence; ii) freedom of information; and iii) community legal empowerment.

The project will also provide human rights fellowships to five legal empowerment activists to participate in the human rights fellowship program, which the Justice Initiative runs at Central European University in Budapest since 2002. The fellows will spend one year in Budapest working towards a LL.M or MA in Human Rights and will return to their nominating NGOs for full-time work for a minimum of one year, paid by the fellowship.

Partners and Stakeholders

Nigerian University Legal Aid Institutions

International Islamic and Pasundan Universities in Indonesia

Indonesian Legal Resources Centre

TIFA Foundation, Indonesia

Chinese Committee of Clinical Legal Educators

Herat University in Afghanistan

Holly Spirit University in Kaslik, Lebanon

Fourah Bay College, Freetown, Sierra Leone

Contact(s):

Zaza Namoradze, Director, Budapest office, OSJI, namoradz@osi.hu

Mascha Matthews, Policy Specialist, LEP UNDP mascha.matthews@undp.org, www.undp.org/legalempowerment

Combating Discrimination in Access to Citizenship

Lead Implementing Organization(s): Open Society Justice Initiative (OSJI)

Target Beneficiary(ies): Stateless population, lacking legal identity and protection.

Estimated Start Date: January 2009

Estimated Duration: 3 Years

Total Budget: USD 795,000

Funded amount and source: USD 795,000 (OSJI)

The right to nationality – the political and legal bond that connects an individual to a specific state – is a critical fundamental right, without which it is impossible to enjoy a decent, dignified human life. Citizenship opens the door to enjoyment of many other critical human rights, including the right to vote, hold public office, freely exit and enter a country, and obtain housing, education, employment, and healthcare. It is the essential foundation of a person’s legal identity.

Unfortunately, the right to nationality is under threat being either not recognized as a right, or simply not respected. In Kenya, Thailand, Slovenia, Burma, Côte d’Ivoire, Nepal, Macedonia, Mauritania, the Dominican Republic and many other countries around the globe, governments are manipulating nationality to exclude and marginalize racial and ethnic minorities, creating in the process a stateless population of more than 15 million people worldwide. Whether denied their right to nationality through mass expulsion, unfair laws, arbitrary policies, or insurmountable bureaucratic requirements, the stateless are the world’s ultimate forgotten peoples. They live at the margins of society, treated as foreigners in their own countries, trapped in an often multi-generational cycle of exclusion and vulnerability.

Project Description

The project works to challenge discrimination in access to citizenship, resulting in de facto or de jure statelessness, via documentation, strategic litigation, public awareness campaigns, and direct advocacy before national, regional and international policymakers. In countries such as Côte d'Ivoire, the Dominican Republic, and Kenya, the OSJI works with local partners to document the scope, both in terms of numbers and in terms of negative effect, the problem of statelessness. The project often works with these same partners to help affected persons present petitions to national authorities for recognition of their citizenship, and where denied, presents legal challenges before national and regional fora such as the Inter-American Commission for Human Rights and the African Commission on Human and Peoples' Rights, with the objective of gaining legal recognition of stateless persons' right to nationality and restoring or obtaining their identity documents.

Additionally, the project raises public awareness of the problem of statelessness – be it at a national, regional or international level – by issuing reports, reaching out to media outlets, and producing multi-media pieces which tell stateless persons' stories in their own words. Finally, the project works to advance the protection of the right to nationality in international law by conducting research and convening legal experts to discuss and develop the right to nationality.

Legal identity is both so fundamental and so linked with state sovereignty that it is often overlooked as a separate right of individuals, yet secure citizenship is essential if the poor are to have access to state services and the economic, legal and political systems that are necessary to earn a living. This project focuses exclusively on establishing and strengthening the legal right to citizenship and has already identified several key factors, such as the role of ethnic discrimination in denial of citizenship and the masking of illegal practices in bureaucracy, leading to a new un-

derstanding of why individuals often lack legal identity and how best to vindicate this right.

Partners and Stakeholders

The project will seek to develop partnerships with anti-discrimination and citizenship-focused NGOs, national jurists, human rights monitoring mechanisms, regional human rights courts and UN Treaty Bodies.

Contact(s):

Julia Harrington, Sr. Legal Officer for Equality & Citizenship, OSJI,
jharrington@justiceinitiative.org

Global

The Global Dialogues on the Future of Refugees and Migration

Lead Implementing Organization(s): The Hague Process on Refugees and Migration (THP)

Target Beneficiary(ies): Refugees and migrants worldwide, and their home and host societies, by targeting policy-makers at local, national, regional and international levels, corporate policy-makers, and non-governmental policy-makers.

Estimated Start Date: January 2010

Estimated Duration: 2 Years

Total Budget: USD 1,500,000

Funded amount and source: USD 250,000 (Ministry of Justice of The Netherlands, Sigrid Rausing Trust, ICCO, City of The Hague)

Refugee and migration policies today are often driven by public sentiment rather than objective analysis, and are ad hoc and short-term rather than well-planned and visionary. Despite coordinated policy measures at various international levels, the approaches to refugee and migration issues largely remain fragmented. Short-sighted policies and fragmented policy processes increase the barriers faced by refugees and migrants to their full participation in society.

Access to information on potential risks and benefits of migration and return, ensuring informed choices, is an imperative in order to turn migration into a win-win situation. Too often, refugees and migrants remain on the margins of a society. Their empowerment, by addressing protection gaps and access to rights, services and employment, is necessary to capitalize on the development potential that the migration process offers both to countries of origin and destination.

By defragmenting the refugee and migration policy field and building a platform for an

empowerment approach, which focuses on provision of information and protection of rights, THP hopes to contribute to a forward-looking, people-centred policies and in the end, ensure better protection of and more opportunities for refugees and migrants.

Project Description

To this end, THP's Global Dialogues intend to inform, stimulate, inspire and activate a wide range of stakeholders involved in the refugee and migration policy debate. The methodology consists of a process of research, regional dialogues and thematic dialogues, leading up to an interactive Global Hearing in 2011. Anticipated outputs include:

- A state-of-the-art review, assessing impacts of previous initiatives in the field such as the Global Commission on International Migration (GCIM) and the ongoing Global Forum on Migration and Development (GFMD).
- Regional dialogues across the world to map critical challenges - including addressing issues of empowerment related to refugees, migration and development, to ensure participation and ownership, and to identify important 'drivers of change' that influence refugee and migration flows and policies.
- An online Refugee and Migration 'Hub', providing a platform for exchange of views, gathering input and disseminating output.

Building on THPs present and past working strands a) the Business Initiative and b) the Big Cities Initiative added by the outcome of the regional dialogues as well as other project related tasks, a large multidisciplinary and interactive 'Global Hearing on the Future of Refugees and Migration' in 2011.

The unique qualities of THP in organizing these global refugee and migration dialogues lie in (i) its multidisciplinary approach; (ii) the wide experience of the high-level members of the Club of The Hague; and (iii) its wide network of

Morocco and the Philippines

3000 organizations and individuals worldwide. Its participative approach and engaging conference methodology ensure ownership and a constructive, commitment-generating dialogue. By involving refugee and migrant organizations in all its activities, THP modestly but directly contributes to their empowerment.

Partners and Stakeholders

Technical partners include academic institutes, UN agencies (e.g. UNDP, UNHCR, UNESCO, UN-RWA), international and regional organizations, NGOs, local, national governments, business and business organizations, and refugee and migrant organizations, all worldwide.

THP strives for a diversified donor base. Three structural partnerships are established so far; one with a private fund, one with development organizations and one with a governmental institution. Academic institutions, business companies and the City of The Hague provide mostly support in-kind.

Contact(s):

Frans Bouwen, Director, THP,
frans.bouwen@thehagueprocess.org

Hamid Rashid, Sr. Adviser and Coordinator,
LEP UNDP
hamid.rashid@undp.org,
www.undp.org/legalempowerment

Diaspora, Remittances and Strategies for Doing Business with the Poor

Lead Implementing Organization(s): Western Union Foundation

United Nations Development Programme (UNDP)

Target Beneficiary(ies): Women headed households and women entrepreneurs, diaspora, local and national governments and civil society organizations.

Estimated Start Date: January 2010

Estimated Duration: 2 Years

Total Budget: USD 500,000

Funded amount and source: USD 500,000 (Western Union Foundation)

Remittances represent significant private financial resources for households in countries of origin and can potentially stimulate equitable development. By reaching poor households, remittances allow them to expand their consumption, investment and livelihood opportunities and options. In fact remittances have the ability to link otherwise unbanked poor people with the financial institutions. However, migrants and their families continue to face a number of systemic and institutional challenges in the use of remittance income. In this context, the outcome document of the Doha Financing for Development Review Conference underscores, “we will strengthen existing measures to lower the transaction costs of remittances through increased cooperation between originating and receiving countries and create opportunities for development-oriented investments.”

While the current literature highlights considerable scope for leveraging remittances and other diaspora resources for the benefit of developing countries, there however, exists a gap in our

understanding of the possibilities and processes. We hypothesize that creating efficiency in money transfers and enhancing options for leveraging the use of the received amount at the household levels (including by developing financial literacy that empower the poor to evaluate different options and take responsibility for their financial decisions), can enhance financial access and equity by meeting the unmet demand for financial goods and services - particularly for the creation of livelihoods and entrepreneurship - for the poorer and vulnerable population.

Project Description

Although diaspora investment and remittances by themselves do not enable a country to escape poverty, they can stimulate equitable development. The magnitude of remittances inflow in a country of origin provides the government opportunities to create public goods and services in the area of inclusive financial services by leveraging private money transfer transactions. In addition to creating efficiency in money transfers and use of the received amount at the household levels, such a strategy can assist the governments to create greater financial access and equity by meeting the unmet needs for financial goods and services particularly for the creation of livelihoods and entrepreneurship for the poorer and vulnerable population.

Also, diasporas bring something distinct and new to the development realm, viz. their role as transnational actors who can significantly contribute to services delivery, infrastructure construction, enhancing investments opportunities, etc. at the local levels. Besides remittances, Diasporas invest in home communities by starting businesses, providing investment capital, or transferring skills and knowledge and play an important role in strengthening the foundations of entrepreneurship in their countries of origin.

In cooperation with the Western Union Foundation, UNDP is developing a project that will address the following issues in Morocco and the

Philippines:

(i) Develop remittances based inclusive financial services by:

- Designing and implementing a financial literacy pilot program, in partnership with the national government and civil society organizations, to empower the poor by enhancing access to demand based financial products and services including through public private partnerships; and
- Identifying capacity gaps and policy and institutional options for leveraging remittances to promote entrepreneurship.

(ii) Develop mechanisms to engage diaspora communities as transnational actors of local development and services delivery by:

- Facilitating transfer of business skills, knowledge and experience of the diaspora community to their country of origin; and
- Designing and developing a pilot project (including in partnership with diaspora associations) to create forward and backward linkages for product development, value chains and improved market access for service delivery

Partners and Stakeholders

This project will be developed as a partnership between Western Union/the Western Union Foundation and the United Nations Development Programme. Based on the framework document developed by UNDP HQ in New York, each country will develop a separate project document highlighting the target numbers of beneficiaries and stakeholders that will be involved in the activities. The projects will be implemented by UNDP Philippines and UNDP Morocco.

Partnerships will be built with the local financial institutions, postal savings institutions, cellular phone companies, diaspora associations, and other stakeholders.

Multi-country

Contact(s):

Tony Tapia, Sr. Programme Director, Western Union Foundation, tony.tapia@westernunion.com

Corazon Urquico, Portfolio Specialist, UNDP Philippines, corazon.urquico@undp.org

Marc Fawe, Coordination Officer, UNDP Morocco, marc.fawe@undp.org

Asmara Achcar, Policy Specialist, LEP UNDP
asmara.achcar@undp.org,
www.undp.org/legalempowerment

Argentina, Bangladesh, Brazil, Cambodia, Colombia, Ghana, India, Indonesia, Kenya, Liberia, Nepal, Pakistan, Peru, Philippines, South Africa and Thailand

Global Legal Observatory

Lead Implementing Organization(s): Women in Informal Employment: Globalizing and Organizing (WIEGO), John F. Kennedy School, Harvard University

Target Beneficiary(ies): Poor street vendors, waste collectors and home-based workers.

Estimated Start Date: January 2009

Estimated Duration: 1.5 years

Total Budget: USD 400,000

Funded amount and source:

The aim of this project is to establish, through a participatory process, an on-line, user-friendly data base (“observatory”) of laws and policies that shape the environment of the working poor, specifically street traders, waste collectors and home-based workers. This is aimed at strengthening the bargaining-negotiating-advocacy capacity of membership-based organizations (MBOs) of informal workers. For working poor activists to use the law for securing their livelihoods, they need to better understand their legal status. This combined with good practice examples from elsewhere – strengthens their bargaining-negotiating-advocacy capacity. There are a number of cases where litigation has been used to secure informal worker livelihoods. Sharing information – within and across countries – about these cases could assist in future litigation.

Project Description

This project will result in an online database which will function as a global legal observatory in which there are downloadable versions of

Multi-country

original laws and policies combined with a plain language explanation of the legal environment for the informal work activities at both country city levels. Particular attention will be paid to policies and laws that have result in more secure livelihoods for informal workers. To make the database manageable, it will predominantly concentrate on three worker groups – street traders, home-based workers and waste collectors, and the places where Inclusive Cities partners will be priorities. Information will be posted mainly in English and Spanish, with selected materials available in Portuguese. The website will include reflections on legal cases that have successfully secured the livelihoods of informal workers. A short user-friendly manual will also be produced and available online to support membership-based organizations of the working poor in using the materials. The project is innovative as no such observatory currently exists, and the process is genuinely participatory, actively involving MBOs of the working poor.

Partners and Stakeholders

StreetNet International, HomeNet South Asia, the Self-Employed Women’s Association (India), Ghana Trade Union Congress, African Cities Centre, Realizing Rights, Avina Foundation, the Latin American Wastepicker Network, the global Wastepicker Steering Committee; human rights lawyers, individual activists and researchers.

Contact(s):

Martha Chen, Women in Informal Employment: Globalizing and Organizing (WIEGO), martha_chen@harvard.edu

Mascha Matthews, Policy Specialist, LEP UNDP mascha.matthews@undp.org, www.undp.org/legalempowerment

Colombia, Ghana, India, Liberia, Peru, South Africa and Thailand

Legal Empowerment of the Working Poor – Country Projects

Lead Implementing Organization(s): Women in Informal Employment: Globalizing and Organizing (WIEGO), John F. Kennedy School, Harvard University

Target Beneficiary(ies): Informal workers - street vendors, home-based workers and waste collectors.

Estimated Start Date: January 2009

Estimated Duration: 18 Months

Total Budget: USD 450,000

Funded amount and source:

One of the defining features of informal employment is that it is unprotected and insecure, being excluded, in law or in practice, from worker rights, benefits and protections provided to workers under labour legislation. In particular, informal personal account (self-employed) workers, especially those in “survivalist” occupations, are often not regarded as workers. Their livelihoods are constantly threatened by lack of protection and/or inappropriate “non-friendly” laws, regulations and policies, such as urban planning regulations affecting street vendors or privatized contract regulations affecting waste collectors. In order to change this situation there is a need to challenge current notions of the “worker” and “workplace”, to identify where the demands of informal workers for rights and protections can be turned into law, to develop technical know-how and strategies to effect legal reform and its implementation and, most importantly, to build the capacity of informal workers to engage effectively in processes leading to their legal empowerment.

Project Description

The project objective is to make a significant contribution to the development of an enabling legal and regulatory environment for informal workers, especially women, that promotes work and economic opportunity, labour rights and provides protection that help build the capacity of informal worker organizations to engage effectively in processes leading to their legal empowerment.

The specific objectives are:

- To document and analyze laws/regulations/policies that impinge on the work, working conditions and livelihoods of four different occupational groups of informal workers;
- To identify useful laws, regulations and court orders (“better practices”), and key legal strategies and struggles of these informal workers that can be widely shared;
- To create a platform of demands and model clauses, laws, agreements that are useful for informal worker organizations in their engagement with authorities or employers;
- To help build the capacity of informal worker organizations, and especially women leaders, to understand and engage with legal issues, through advocacy, negotiation and implementation of favourable legal change; and
- To contribute to conceptual change concerning notions of “work”, “worker” and “work organization”.

Outputs will include: summaries of better legal/policy practices, model laws, legal needs and demands of informal workers, capacity-building workshops with working poor activists.

Partners and Stakeholders

UNDP LEP, government stakeholders at the municipal and national levels, lawyers and researchers will work together on this project.

Primary partners are to include:

- Colombia – Latin American Wastepicker Network, StreetNet International affiliates;
- Peru – FEDEVAL, Latin American Wastepicker Network;
- Ghana – Ghana Trade Union Congress, Makala Market Women’s Union;
- South Africa – African Cities Centre, StreetNet International;
- Liberia – Realizing Rights, Liberian Labour Congress (informal economy committee);
- Thailand – Foundation for Labour and Employment Promotion/HomeNet Thailand; and
- India – Self-Employed Women’s Association.

Contact(s):

Martha Chen Women in Informal Employment: Globalizing and Organizing (WIEGO),
martha_chen@harvard.edu

Mascha Matthews, Policy Specialist, LEP UNDP
mascha.matthews@undp.org,
www.undp.org/legalempowerment



Initiative for Legal Empowerment of the Poor
United Nations Development Programme
304 East 45th Street
New York, New York, 10017
www.undp.org/legalempowerment

