

Lawyering for Change 2022 Conference

SUMMARY

Empowering for Change: How to use *legal empowerment* as a driver for public engagement?

Plenary session – Wednesday October 12, 9-11am

Speakers:

- **Sana Ben Achour** - Professor of public law and activist, president of Beity (Tunisia)
 - **Julien Moriceau** - Researcher and consultant, INANGA (Mauritius)
 - **Irene Anying** - Country director in Uganda, ASF (Uganda)
 - **Katia Melis** - Lawyer and co-founder of Casa Legal ASBL (Belgium)
- Moderated by **Chantal van Cutsem** - Executive Director of ASF (Belgium).

1. How to define legal empowerment?

The classical approach to legal aid is essentially based on the support of the litigant by legal professionals. However, this approach is not enough, especially in countries where there are a lot of challenges to access to justice and where legal institutions can not meet people's need for justice.

The concept of legal empowerment can not be restricted to a narrow definition. It is a process that aims to empower people whose rights are violated to take legal action or through principles, mechanisms or tools of justice. These types of action must target different actors, not only those whose rights are being challenged.

In addition to ensuring better access to justice to individuals and communities, legal empowerment processes aim to contribute to a systemic change in societies and are a lever to prevent and manage conflicts and to promote the accountability of decision-makers.

2. Initiatives of legal empowerment

The initiatives of legal empowerment face many challenges and their impact can be questioned.

In Tunisia, the young organization, Beity, born from the 2011 revolution, develops really interesting activities of legal aid and empowerment. It has a shelter for survivors of violence, a training center and a research department for advocacy. Beity also has a facility for welcoming and supporting newcomers, using a feminist and intersectional approach.

In Uganda, through many initiatives, ASF insists on the importance of **adapting legal empowerment approaches to contextual factors and target populations**. One example is the networks of human rights monitors who are able to identify abuses and use the information received to drive change. Another example is that of the mediators who are able to identify and act in the community and with the institutions.

In Belgium, Casa Legal ASBL, created in 2019, is a legal organization which takes a **multidisciplinary approach**. The association gathers lawyers, social workers and psychologists in one place. This association was created on the basis of the following statement: justice in Belgium remains difficult to access and offers to litigants a partial answer to their needs. The latter are also facing many other problems, whether socio-economic or psychological, and traditional justice system does not offer a solution to these issues. This is why Casa Legal has created a multidimensional and multidisciplinary approach.

3. The challenges to legal empowerment

During the plenary session, several challenges were identified and need to be addressed in order to implement a legal empowerment strategy: the supply of **justice**, the **issue of language**, the **low interest and distrust in local forms of justice**, and also **the feeling of fear** of litigants towards legal institutions.

One of the challenges faced when working on empowering individuals is the supply of justice. Indeed, when analyzing the context and developing a strategy for action, it is fundamental to assess the actual supply of justice in the context of intervention. In both formal and informal justice systems, some institutions lack the capacity to respond to the demands of those seeking for justice. If we empower people and increase the demand for justice, we must also work on the supply of justice.

The **language** can be an obstacle to access justice. The languages of judicial institutions are, in some contexts, the result of the former colonial regime and are often only known by a limited part of the population. Yet, language is a key element in the empowerment of justice seekers. It is particularly difficult to access justice if you cannot use your own language to assert your rights before a judicial institution. It is therefore necessary to ensure that litigants can speak in their own language in the justice process and, more broadly, that the content of the law is accessible and understandable by most people.

Another finding is that, even though there seems to be a general consensus on the importance of integrating non judicial forms of justice into the legal arsenal, in practice this coordination is challenged by a **disregard for local forms of justice**. Legal empowerment initiatives must take into account the complementarities between the local and judicial mechanisms.

The **fear** of justice seekers towards legal institutions remains a major obstacle. This illustrates the paradox of legal empowerment: the goal of legal empowerment is to push for the empowerment of the justice seeker but accompaniment is necessary in a context of predatory institutions.

4.The impact of legal empowerment

The impact of legal empowerment initiatives can be questioned.

In Tunisia, the concept of legal empowerment has yet to be developed and support for litigants in situation of vulnerability remains essential in the face of a justice system perceived as repressive and patriarchal. **Accessible and inexpensive legal aid remains a priority.** For the time being, it is often nonexistent and the resistance from professional bodies is strong.

Local justice still suffers from class dominance and patriarchal reflexes.

Another priority is the legal literacy, made up of two dimensions: the language of the law and the language in the law.

Initiatives in Uganda recall the importance of empowering but also of looking **beyond the power of individuals.** We need political changes to enable this empowerment.

In Belgium, the **balance between empowerment and support remains fragile.** The complexity and inaccessibility of the institutional system still often require support to activate rights and empower individuals. Legal empowerment is a **time-consuming approach** because it involves taking time to explain to people their options, to understand their real needs and to inform them. This time-consuming dimension questions the viability of this approach whose financial stakes remain an obstacle.

In conclusion, in order to assess the impact of legal empowerment, « **numbers and letters** » are needed. A purely quantitative approach presents the litigant as a disembodied laboratory object and requires significant human and financial resources. Impact studies are no substitute for action itself. However, the question of empowerment remains very much linked to the human aspect. At the root of the demand for rights, there is a feeling of injustice and revolt, these are stories that need to be told, and not just in figures. If it is impossible to do without numbers, at the risk of marginalizing ourselves before the public institutions, we need stories to study and understand the impact of legal empowerment. **Legal empowerment is a process, not an event. Soft skills are at least as important as hard or technical ones.**